
Report to: Council

Date of Meeting: 28 January 2016

Subject: Constitutional Amendment Relating to “Call-in”

Report of: Head of Regulation and Compliance

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan? No

Exempt/Confidential No

Purpose/Summary

To seek approval of an addition to Chapter 6, Paragraph 40 of the Overview and Scrutiny Committee Procedure Rules of the Constitution that would require Members calling-in items to provide as much information, detail, explanation, evidence and/or facts as possible so as to allow the Overview and Scrutiny Committee to understand the full reasons, evidence, rationale and purpose of the call-in.

Recommendation:

That Chapter 6, Paragraph 40 of the Overview and Scrutiny Committee Procedure Rules of the Constitution be amended by the addition of the following:

“In relying on paragraphs (a) to (e) above Members instigating a call in shall provide as much information, detail, explanation, evidence and/or facts as possible so as to ensure that the full reasons, evidence, rationale and purpose of the call in are understood”.

How does the decision contribute to the Council’s Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendations:

To comply with a request of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) at its meeting held on 22 October 2015 that a review of the reasons for the requisitions for call-in be undertaken.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no revenue costs associated with the report.

(B) Capital Costs

There are no capital costs associated with the report.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal:		
Human Resources Not applicable		
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: N/A

What consultations have taken place on the proposals and when?

The Chief Finance Officer has been consulted and notes the report indicates no direct financial implications for the Council in respect of these proposals. (FD3926/15)

The Head of Regulation and Compliance has been consulted and comments have been incorporated into the report (LD 3926 /15)

Are there any other options available for consideration?

The Council could not agree to the recommendation but this would mean not agreeing with the resolution of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) that requested that a review be undertaken.

Implementation Date for the Decision

Immediately following the meeting of Council.

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Background Papers:

None.

Background

1. At its meeting held on 22 October 2015 the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) considered an item that had been called-in regarding the acceptance of a tender in relation to the disposal of the former Maghull Library and Youth Centre, Liverpool Road North, Maghull.
2. Members of the Overview and Scrutiny Committee expressed concern that the requisition for call-in did not specify what potentially relevant facts were not taken into account by Cabinet; and that it may be helpful if a review could be undertaken of the reasons for the requisitions for call-in.
3. Accordingly, the Committee resolved, amongst other things, that the Head of Regulation and Compliance be requested to undertake a review of the reasons for the requisitions for call-in as set out in Chapter 6 of the Overview and Scrutiny Committee Procedure Rules of the Constitution. Such a review has been undertaken and a report on the matter has been considered by the Audit and Governance Committee on 9 December 2015. The Audit and Governance Committee resolved

“That Council be recommended to amend Chapter 6, Paragraph 40 of the Overview and Scrutiny Committee Procedure Rules of the Constitution by the addition of the following:

In relying on paragraphs (a) to (e) above Members instigating a call in shall provide as much information, detail, explanation, evidence and/or facts as possible so as to ensure that the full reasons, evidence, rationale and purpose of the call in are understood”.

4. If Council are minded to approve the above recommendation then the full text of Chapter 6, Paragraph 40 would read as follows:-

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

(a) to seek more understanding of the decision and its implications;

- (b) to question the soundness of the decision based on facts taken or not taken into account;
- (c) to identify the need for Council policies to guide decisions;
- (d) to make recommendations to the Cabinet and/or Council;
- (e) to question whether the decision conforms with agreed policies.

“In relying on paragraphs (a) to (e) above Members instigating a call in shall provide as much information, detail, explanation, evidence and/or facts as possible so as to ensure that the full reasons, evidence, rationale and purpose of the call in are understood”.