

## **PART 9**

### **SECTION A: Procedures To Be Adopted At "Call-In" Meetings Of An Overview Committee**

## 1. General

- 1.1 Council Procedure Rules apply with some modifications.
- 1.2 The Scrutiny Committee will not Call-In individual decisions relating to development control, licensing or regulatory matters or matters relating to complaints about members within the purview of the Audit and Standards Committee.

## 2. Interests

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest** in accordance with paragraph 8 of the Code of Conduct and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been obtained under section 33 of the Localism Act 2011. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with.

## 3. Procedure For Calling A Meeting To Consider A Call-In

- 3.1 The procedure will be as follows:
  - 1) When the Proper Officer receives a valid Notice of Call-In he will notify the Chairman of the Scrutiny Committee and agree with him a meeting date for consideration of the Call-In. This will be not more than 7 working days from the date of the Call-In. The Chairman will also consider which Cabinet Member(s) and/or Officer(s) should be required to attend the meeting.
  - 2) Once a date has been agreed the Proper Officer will notify the Leader of the Cabinet of the Call-In and any other Cabinet Member or Officer required to attend the meeting. The Notice of Call-In will be supplied to the Cabinet Leader and any prospective witness together with a copy of this Protocol.

## 4. Scope Of Call-In

- 4.1 The Scrutiny Committee is not a decision making body and in relation to a Call-In can only recommend that the Cabinet re-considers a decision it has already made but not implemented. In addition, the Constitution requires Call-In's to be investigated and a conclusion reached at a single meeting. Given these constraints, any Call-In investigation should direct its efforts to the manner in which the decision was made and not to the merits of the decision itself, namely:
  - 1) In making the decision is it apparent that the Cabinet has complied with the principles of decision making set out in Article 12 of the Constitution?
  - 2) Is the decision within the Budgetary and Policy Framework?
  - 3) Before making the decision, were alternative courses of actions considered?

- 4) Would further research be likely to result in a different decision and would the costs of that research and any delays be justified in terms of the benefits conferred by a different decision?
- 5) Has new information come to light (whether before or as a result of a Call-In investigation) which would justify reconsideration of the decision?

## **5. Witnesses**

5.1 The Scrutiny Committee may require any of the following to attend a Call-In Meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet, usually the relevant portfolio holder;
- 2) An officer (other than a political advisor).

Provided that:

- 1) At least 48 hours notice is given to a Cabinet Member required to attend and subject to the right of that Cabinet Member to nominate another Cabinet Member to attend if he is unable to do so himself;
- 2) The consent of the Chief Executive or relevant Director is sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the Scrutiny Committee for advice they have given or decisions they have taken.

## **6. Procedure At The Meeting**

6.1 The Chairman or Vice Chairman responsible for Calling In the decision under consideration will address the Committee giving reasons for the Call-In and why the Committee should proceed to consider it. Members will have the opportunity of asking questions following which the Chairman will move a motion that the decision the subject of the Call-In be investigated. If that motion is lost the Chairman will thank any prospective witnesses for their attendance and declare the meeting closed unless there are any other items of business on the Agenda. The Chairman will also notify the Leader of the Cabinet of the decision in writing. If the motion is carried the Committee should agree the order in which witnesses are interviewed and then proceed with witness examination.

## **7. Witness Examination and Evidence Gathering**

7.1 The procedure will be as follows:-

- 1) A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.

- 2) A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.
- 3) At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter.
- 4) Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 5) A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will:
  - (i) be entitled to seek clarification from the questioner of any question posed;
  - (ii) be given adequate time to answer a question;
  - (iii) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
  - (iv) be entitled to respect for his personal or private life except, where this impinges directly upon the performance of a duty owed to the Council.
- 6) Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.
- 7) Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either:
  - (i) rule that the question be pursued or be not pursued;
  - (ii) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.

## **8. Conclusion of Investigation**

8.1 After all the witnesses have been heard, the Committee will consider the evidence heard and reach a decision. The decision taken will fall within one of the following categories:

- That the Committee is satisfied with the decision of the Cabinet;
- That the decision under consideration be referred back to the Cabinet with a recommendation that The Chairman will also notify the Leader of the Cabinet of the decision in writing.