

9. Scrutiny and the Call-In Procedure

Corporate Scrutiny Committee (9 members, 1 voting co-opted representative from IWALC and 1 non-voting co-opted representative from HALC)

Responsible for Scrutiny functions in respect of decisions and activities within the remit of the council, the Cabinet, Cabinet members, officers, and any functions not otherwise expressly delegated to another Scrutiny committee, including:

- (a) Assist Cabinet in the development of:
 - (i) the Budget and Policy Framework by in depth analysis of policy issues
 - (ii) future policy to enable the Corporate Plan to be delivered
- (b) Review and scrutinise the performance of the council as a whole in relation to the outcomes, policy objectives, performance targets and key activities described in the Corporate Plan
- (c) Recommend to other Scrutiny committees subjects for scrutiny and consider the implications for the council arising from any completed review
- (d) Co-ordinate the work undertaken by the Scrutiny committees and any Task and Finish Groups
- (e) Responsible for, and operate, the system of Call-In to review Cabinet decisions relevant to the functions of the committee (see below)
- (f) Perform Scrutiny functions relating to crime and disorder and flooding
- (g) Question Cabinet members and officers about their decisions and performance in comparison with service plans and targets, or in relation to particular decisions, initiatives or projects
- (h) Require relevant Cabinet members to attend and report on key issues on the Forward Plan
- (i) Review budget and performance management across the council, including progress with relevant action plans
- (j) Review policy development, implementation and consistency across the council
- (k) Make recommendations to the Cabinet and Full Council arising from the outcome of the scrutiny process
- (l) Review and scrutinise the performance of other public bodies, service providers and stakeholders and invite them to report to or address the committee in support of its scrutiny activities
- (m) Deal with petitions as outlined in the council's Petition Scheme (see Part 4C)
- (n) Consider requests from any elected or co-opted member for an item relevant to the functions of the committee to be considered at the next available meeting
- (o) Consider a Councillor Call for Action on matters relevant to the committee

The committee comprises nine members of the council. No Cabinet member may be a member of the committee. In addition, the committee will include one voting co-opted member nominated by the Isle of Wight Association of Local Councils (IWALC), and one non-voting co-opted member nominated by the Hampshire Association of Local Councils (HALC), for a period to coincide with the scheduled council elections.

The Isle of Wight Youth MP may attend, and speak at, any meeting of the Corporate Scrutiny Committee in a non-voting consultative capacity.

The Isle of Wight Youth Council may nominate two of its members (in a non-voting capacity to be a point of consultation between the committee and the Youth Council) to attend and speak at any meeting of the Corporate Scrutiny Committee.

Meetings are scheduled on a minimum of nine occasions per year to take place prior to Cabinet meetings. The quorum for the committee is four elected councillors.

Chairman of the Corporate Scrutiny Committee

The chairman of the Corporate Scrutiny Committee is appointed by Full Council. They are responsible for co-ordinating the activities of the Scrutiny committees to ensure effective scrutiny of budget and policy matters and effective and efficient use of resources and positive outcomes, including:

- (a) Working with the chairmen and vice chairmen of the committees and senior officers to recommend the activities and the work programme of the committees
- (b) Commenting on the abridging or disapplication of the Call-In process where decisions are urgent or not on the Forward Plan and ensuring that these instances are reported to the committee
- (c) Presenting reports to meetings of Full Council and the Cabinet
- (d) Fostering and maintaining a disciplined approach and encouraging effective engagement by all members in the Scrutiny process
- (e) Ensuring the committees contribute to the effective decision-making process of the council
- (f) Encouraging the involvement of interested parties, stakeholders and partners
- (g) Providing leadership, ensuring that Scrutiny is member-led
- (h) Attending Cabinet meetings, as necessary

Policy and Scrutiny Committee for Children's Services, Education and Skills (7 members and 4 statutory education co-optees)

Responsible for scrutiny of the portfolio of the Cabinet member for Children's Services, Education and Skills.

Assists Cabinet in the development and implementation of key plans, policies and activities set out in the Corporate Plan relating to the delivery of relevant services, including:

- (a) Children's Services (including safeguarding)
- (b) Early Help
- (c) Corporate Parenting
- (d) Education
- (e) Special Educational Needs and/or Disabilities
- (f) Adult Learning
- (g) Apprenticeships

No Cabinet member may be a member of this committee. The membership includes 4 statutory education co-optees (representatives from two dioceses and two parent governor representatives) who have a vote on any education matters.

Policy and Scrutiny Committee for Health and Social Care (7 members)

Responsible for scrutiny of the portfolios of the Cabinet members for Adult Social Care, Public Health and Housing Needs; and Community Safety and Public Protection.

Assists Cabinet in the development and implementation of key plans, policies and activities set out in the Corporate Plan relating to the delivery of relevant services, including:

- (a) Statutory health scrutiny, including the power of referral to the Secretary of State.
- (b) Adult social care (including safeguarding)
- (c) Health and social care Integration
- (d) All health services commissioned or delivered for the benefit of island residents
- (e) Public health
- (f) Health and Wellbeing Board and the delivery of the Health and Wellbeing Strategy and Joint Strategic Needs Assessment
- (g) Future local delivery model and strategic commissioning

No Cabinet member may be a member of this committee.

Policy and Scrutiny Committee for Neighbourhoods and Regeneration (7 members)

Responsible for scrutiny of the portfolios of the Cabinet members for Regeneration and Business Development; Planning and Housing; and Environment and Heritage.

Assists Cabinet in the development and implementation of key plans, policies and activities set out in the Corporate Plan relating to the delivery of relevant services, including:

- (a) Waste and recycling
- (b) Highways and transportation
- (c) Regeneration
- (d) Economic growth
- (e) Housing
- (f) Local Enterprise Partnership
- (g) Countryside and environment
- (h) Planning
- (i) Heritage

No Cabinet member may be a member of this committee.

Terms of reference

The terms of reference for these three scrutiny committees includes:

- (a) Recommend to Cabinet existing policies to be reviewed or new policies to be developed, to ensure improved service delivery and effective and efficient implementation of the Corporate Plan
- (b) Assist Cabinet in the development of the council's Budget and Policy Framework by in-depth analysis of policy issues
- (c) Responsible for, and operate, the system of Call-In to review Cabinet decisions relevant to the functions of each committee (see below)
- (d) Engage with partners and stakeholders on the development and review of relevant policies
- (e) Encourage and enhance public participation in policy development and service delivery
- (f) Require Cabinet members to attend and report on key issues on the Forward Plan

- (g) Scrutinise decisions made by, and performance of, the Cabinet, Cabinet members and officers in relation to the delivery of the budget, policy objectives, activities, outcomes and performance areas described in the Corporate Plan
- (h) Question members of the Cabinet and officers about their decisions and performance, in comparison with service plans and targets, or in relation to particular decisions, initiatives or projects
- (i) Make recommendations to the Cabinet and/or Full Council arising from the outcome of the scrutiny process
- (j) Review and scrutinise the performance of other public bodies and invite them to report to or address the committee
- (k) Question (with consent) and/or invite local people and organisations to provide evidence to the committee in support of its scrutiny activities
- (l) Consider requests from any elected or co-opted member for an item relevant to the functions of the committees to be considered at the next available meeting
- (m) Consider a Councillor Call for Action on matters relevant to the committees

Each committee comprises seven members of the council. No Cabinet member will be a member of the committees. The chairman of each committee is appointed by Full Council.

In addition, four statutory education co-optees (representatives appointed by the two dioceses and two parent governor representatives, who are elected for a four year term, from the parent governors on the Island) will have a vote on any education matters on the Policy and Scrutiny Committee for Children's Services, Education and Skills.

Meetings will be scheduled quarterly and other meetings may be arranged in consultation with the chairman of the relevant scrutiny committee. The quorum for each committee is four elected councillors.

Councillor Call for Action

The Councillor Call for Action (CCfA) enables any member of the council to bring matters of community concern (including crime and disorder issues) within their division to the attention of the council via the Scrutiny process. It is intended to enhance the council's Scrutiny arrangements and provide a formal mechanism to enable elected councillors to seek positive outcomes for the citizens they represent, provided all other means of resolution have been exhausted.

A CCfA will be included on a relevant Scrutiny committee agenda if the chairman, in consultation with the Monitoring Officer, is satisfied that:

- (a) The member has made all reasonable efforts to resolve the matter via liaison with council officers and/or relevant partner agencies; and
- (b) The issue of concern relates to the discharge of a council function (including where this is undertaken with partners and other service providers); and
- (c) The issue of concern has a demonstrable impact on all or part of the member's division; and
- (d) The CCfA does not relate to:
 - (i) individual complaints concerning personal grievances or commercial issues, for which the council's complaints procedure should be followed;
 - (ii) matters that have a statutory appeals process, e.g. planning and licensing applications, council tax queries, housing benefits complaints, issues under dispute in a court of law, etc;

- (iii) matters where there is a statutory right of review or appeal (not including the right to complain to the Ombudsman), e.g. a matter relating to a housing benefit appeal;
- (iv) matters that are vexatious, discriminatory or unreasonable;
- (v) matters of wider council policy, i.e. if an issue affects more than one division it may be appropriate to refer it to the Corporate Scrutiny Committee for consideration of its wider strategic or policy implications, rather than focusing on one particular division;
- (vi) questioning Cabinet decisions that have been taken but not yet implemented, for which the Call-In procedure may be used.

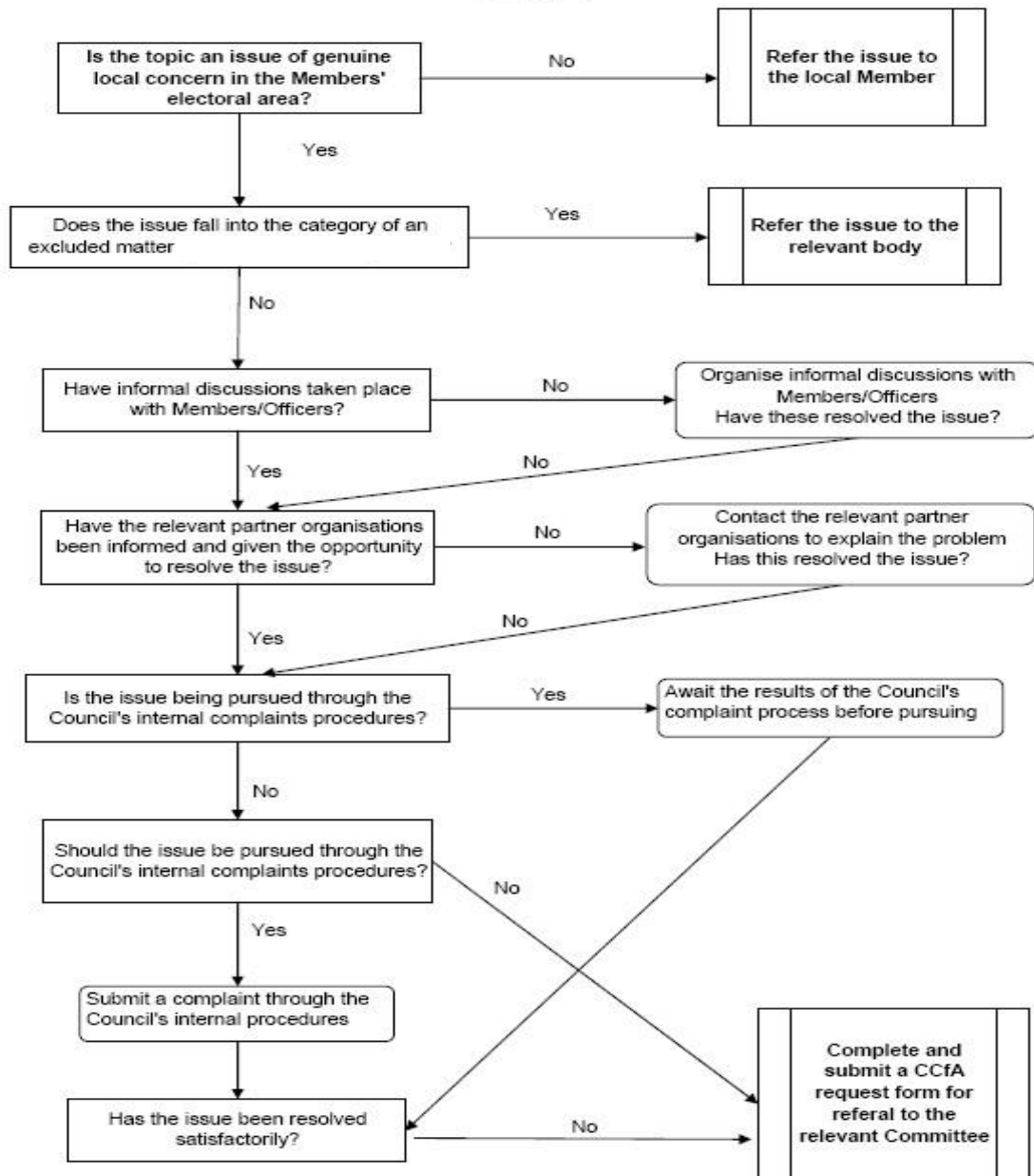
Having considered a CCfA, a Scrutiny committee may take one or more of the following actions:

- (a) ask for further information to be brought to a future meeting
- (b) require the attendance of Cabinet members or senior officers to attend a future meeting to answer questions
- (c) set up a Task and Finish Group to undertake an in-depth review
- (d) make a report or recommendations to Full Council, the Cabinet or partner agency and:
 - (i) publish that report
 - (ii) request Full Council or Cabinet to consider and respond to the report, setting out what action it proposes to take and to publish its response
 - (iii) request a partner agency to have regard to the report when exercising its functions

If a Scrutiny committee decides to take any action then it will inform the member who raised the CCfA and provide them with a copy of any report or recommendations made in relation to the CCfA, together with any response received from Full Council, the Cabinet or a partner agency.

If a Scrutiny committee decides not to consider a CCfA or on consideration decides no further action is necessary, it will inform the member who raised the CCfA and explain the reasons why.

The flowchart below will assist in deciding whether an issue is ready for referral to a Scrutiny committee as a CCfA.



Call-In procedure

Any decision of the Cabinet or Cabinet member can be the subject of a Call-In, apart from:

- (a) a recommendation to Full Council for adoption or approval
- (b) in exceptional cases of urgency (see Part 3 Section 17, below)
- (c) if the item has already been on a Scrutiny committee agenda arising from the Forward Plan; observations were made to Cabinet; and these were taken into account when making the decision
- (d) the appointment of Cabinet members and the allocation of their portfolios

Call-In can only be requested if:

- (a) such concerns were raised in writing with the Monitoring Officer following publication of the agenda item, or at the meeting of the Cabinet, and were not taken into account; or
- (b) in relation to a Cabinet member decision, such concerns were raised in writing with the Cabinet member during the notification period prior to the decision being taken and not taken into account

Who may request a Call-In

- (a) The Chairman of Corporate Scrutiny Committee, together with at least two voting members of the Scrutiny committees and one other member of the council, must sign a Call-In request (such voting members may include parent governor co-opted members and diocesan co-opted members).
- (b) One of those calling-in the decision must be identified as the lead member for the Call-In.
- (c) A Scrutiny committee member may not sign a Call-In request if the matter is only of specific reference to their own electoral division.
- (d) If a member cannot obtain the necessary number for a Call-In but is still concerned about the decision, that member is entitled to request that the Scrutiny Officer consult with the chairman on its inclusion on the next agenda of the relevant Scrutiny committee. This will not, however, prevent or delay implementation of the decision.
- (e) Any member of the council, not on any of the Scrutiny committees, may request that Scrutiny committee members consider instigating the Call-In process, provided that the member has followed the process outlined above.
- (f) There should be no party whip applied to the Call-In process.

Submission of a Call-In notice

- (a) The notice requesting a Call-In must be sent (either in paper or by electronic means) to the Monitoring Officer (or their deputy) via the dedicated Democratic Services in-box, who shall notify the relevant Cabinet member, Director, chairman of the relevant Scrutiny committee, Chief Executive and Chief Finance Officer.
- (b) The Chair of the relevant Scrutiny Committee may reject the Call-In notice if, after consultation with the Monitoring Officer (or their deputy), insufficient detail has been given about the reason for Call-In and desired outcomes.
- (c) On receipt of a Call-In notice, the Monitoring Officer (or their deputy) will stop implementation of the decision and consult with all relevant parties on calling a meeting of the relevant Scrutiny committee to consider the matter.
- (d) A decision on a Call-In request will be given within three working days from the date of receipt.

Withdrawal of Call-In notice

- (a) A Call-In notice that has already been submitted may be withdrawn before the agenda is despatched for the meeting of the relevant Scrutiny committee called to consider the matter. Such a withdrawal must be signed by all the members signing the original Call-In notice and also state the reasons for this.
- (b) The Monitoring Officer (or their deputy) shall prepare a report on the circumstances of the withdrawal for inclusion on the agenda for the next meeting of the relevant Scrutiny committee. The report shall include details of any implications arising from any delay caused.

Scrutiny meeting to consider Call-In

- (a) When the relevant Scrutiny committee meets to consider the Call-In item, at least half of the members signing the Call-In must be in attendance, including the nominated lead member.
- (b) Consideration of the Call-In by the relevant Scrutiny committee shall either be:
 - (i) at a special meeting specifically for the item if the decision has to be implemented within a set timeframe, and within a period of 15 working days from the date that the Call-In was accepted by the Monitoring Officer; or
 - (ii) if deemed appropriate by the chairman of the relevant Scrutiny committee in consultation with all relevant Cabinet members and Directors, at the next Ordinary Meeting of the committee
- (c) Discussion of any Call-In decision shall precede all other substantive items on the agenda.

Action that can be taken in relation to a Call-In

Following consideration of submissions in relation to the Call-In, the relevant Scrutiny committee may take the following action:

- (a) Accept the decision made by the Cabinet or Cabinet member, in which case the decision takes effect immediately
- (b) Accept the decision made by the Cabinet or Cabinet member and make recommendations associated with that decision, in which case the decision takes effect immediately
- (c) Accept the decision made by the Cabinet or Cabinet member and add an item to the committee's workplan to review the effect of the decision at a later date, in which case the decision takes effect immediately
- (d) Refer the decision back to the Cabinet or Cabinet member with recommendations. The relevant Scrutiny committee must set out in writing the nature of its concerns that the Cabinet or Cabinet member must consider before making a final decision. If the concerns and recommendations are not accepted, the Cabinet or Cabinet member must state their reasons before implementing the decision. If the Cabinet or Cabinet member implements the decision as originally intended, then the committee can consider adding an item to its workplan to review the effect of the decision at a later date.
- (e) If advice is received from the Monitoring Officer that the decision is unlawful or outside the Policy Framework; or from the Chief Finance Officer that the decision is outside the Budget, the decision cannot be implemented and must be referred back to the Cabinet or Cabinet member with recommendations or to Full Council if the Policy Framework or Budget needs amending.

If, after debating the Call-In, no motion is formally proposed, seconded and agreed by the relevant Scrutiny committee, then the minute shall record this and the decision of the Cabinet or Cabinet member can be implemented.

Scrutiny Call-In Flowchart

