

CONSTITUTION COMMITTEE: 11 FEBRUARY 2019

REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL SERVICES

SCRUTINY CALL- IN RULES

Reason for this Report

1. To allow the Committee to consider whether it wishes to make any changes to the rules governing scrutiny call-ins.

Background

2. Scrutiny Committees have statutory power to make reports or recommendations to the authority or the Cabinet with regard to the discharge of any functions which are the responsibility of the executive ('Executive Functions'); and to review and scrutinise decisions made, or other action taken, in connection with the discharge of such functions. This means they may review or scrutinise executive decisions before or after they are made. If a decision has been made but not yet "implemented", the Scrutiny Committee may recommend that the decision maker should reconsider it, or ensure that full Council reviews the decision (Section 21 of the Local Government Act 2000).
3. Cardiff's Scrutiny Procedure Rules (in Part 4 of the Constitution) reflect the statutory provisions and set out the relevant procedures.
4. At its meeting in January 2018, the Constitution Committee received information about call-ins considered since 2015/16 and approved a change to the call-in rules in relation to matters which had been subject to pre-decision scrutiny. The call-in rules were amended to provide that where a matter had been subject to pre-decision scrutiny, call-In of a decision should only be permitted if there is significant new or additional information, which had not been previously considered by the Scrutiny Committee, so as to avoid unnecessary duplication of work already undertaken.

Issues

5. 'Call-in' is a mechanism to hold to account the Cabinet and officers taking Executive decisions. It enables a Scrutiny Committee to consider whether a decision is appropriate, having regard to the relevant policy, financial and legal framework. The Scrutiny committee may question the decision-

taker on the decision and actions taken, and may decide to refer the decision back to the decision maker for reconsideration. A called-in decision cannot be implemented until it has been considered by the relevant Scrutiny Committee.

6. Rule 12 of the Scrutiny Procedure Rules deals with 'Call-In' (scrutiny of Executive decisions after they have been taken), and is set out at **Appendix A**.
7. Under Rule 12, any non-Cabinet member of the Council (or a co-opted member of the Children and Young People Scrutiny Committee in the case of a decision relating to an education matter), may call-in any Executive decisions made, but not yet implemented, by the Cabinet and designated senior officers, for scrutiny by the relevant Scrutiny Committee. The call-in request must be made in writing to the Head of Democratic Services within the call-in period (seven clear working days after publication of the decision).
8. The number of call-ins considered over the previous 3 municipal years is shown below:

Municipal Year	Number of Call-Ins
2015/16	5
2016/17	1
2017/18	2
2018/19 to date	0

Summary information about each of the above call-ins is appended as **Appendix B**.

9. In considering Cardiff's call-in arrangements, Members may also wish to note the arrangements adopted by other local authorities. Outline information about the call-in arrangements operated in a number of other core cities and other welsh authorities is set out in the table appended as **Appendix C**.
10. Members will note that many authorities require a call-in request to be supported by more than one Member. Some require support by Members from more than one political party; and some require support by the Chair / Vice-Chair of the relevant scrutiny committee. The arrangements adopted should facilitate good decision making by allowing the executive to be held to account in a reasonable and proportionate way. Call-in should not be used as a means of obstructing or slowing down the decision making process or for personal or political reasons.
11. Members may also wish to note that the Wales Audit Office (WAO) recently concluded a national, themed review of the scrutiny function, 'Scrutiny – Fit for the Future', to consider how Councils are responding to

current challenges. The WAO review concluded that Cardiff's Scrutiny arrangements are well-developed and supported by a culture that makes them well-placed to respond to current and future challenges, but put forward a number of proposals for the Council to be more innovative in how it undertakes scrutiny activity. The Policy Review and Performance Scrutiny Committee has considered the WAO proposals and developed an action plan to take this forward.

Legal Implications

12. Under the Constitution Committee's terms of reference, the Committee is responsible for reviewing the Constitution and making recommendations on any appropriate changes to full Council (except for certain specified changes which the Committee may approve itself). Any amendments to the Scrutiny Procedure Rules require the approval of full Council.
13. Other relevant legal provisions are referred to in the body of the report.

Financial Implications

14. There are no financial implications arising from the report

RECOMMENDATIONS

The Committee is recommended to consider whether it wishes to make any changes to the scrutiny call-in rules, and, if appropriate, request the Director of Legal and Governance to consult with the Scrutiny Chairs and provide a further report for consideration at its next meeting.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER

5 February 2019

APPENDICES

- APPENDIX A: Scrutiny Procedure Rules, Rule 12 'Call-In'
APPENDIX B: Call-Ins 2015/16 to date – Summary Information
APPENDIX C: Other Local Authorities' Call-In Arrangements

Background papers

Constitution Committee report, 'Scrutiny Call-In Rules, 8th January 2018
Policy Review and Performance Scrutiny Committee report 'Fit for the Future?
WAO Review of Overview and Scrutiny', 3 October 2018