

Northampton Borough Council

Overview and Scrutiny Call-in Protocol

1. Purpose of Call-In

1.1 The purpose of the Call-In process is to identify issues, explore them fully and make informed recommendations based upon a proper consideration of all relevant issues.

1.2 It is vital that a Call-In is perceived to be not only searching and transparent but also equitable, fair and not oppressive. All stakeholders and parties to the process must feel that they have been fairly treated. If they do not then the process and any recommendations arising from it will be diminished.

1.3 A well-conducted Call-In process should make everyone feel that they have contributed rather than just been questioned.

2. The Decision to Call-In

2.1 The right to Call-In applies to a decision made by the Cabinet, an individual member of the Cabinet or a Key Decision taken by an officer under delegated authority. Records of Decisions are provided to the Chair and Deputy Chairs of Overview and Scrutiny and published on the website within 3 days, the decisions may not be implemented until the expiry of 3 working days after the publication of the decision. During that period the Chair of Overview and Scrutiny or two members of the Council may request a Call-In. The request must be made by written notification to the Chief Executive. There are urgency exceptions to the right to Call-In.

2.2 The written notification requesting Call-In should specify the reason(s) for the Call-In to assist the Leader / relevant Portfolio Holder / officer and Committee Members in preparing for the Call-In Meeting. It shall state whether the decision taken is considered to be inside or outside the policy or budget framework as agreed by the Council. It may also state proposals for witnesses and request documentation for use as evidence at the Call-In meeting. Notification for Call-In does not have to be on the format as shown in Appendix 1, but it would assist the speed of the process if a similar format were followed.

2.3 Once a request to Call-In has been properly made then a meeting of the Overview and Scrutiny Committee should be convened to deal with the matter unless it will be quicker to place the matter on the agenda of a

scheduled Overview and Scrutiny Committee meeting. In advance of the meeting the Chair and Deputy Chairs of scrutiny will meet with the Call-In authors to scope the requirements for the Call-In meeting.

3. Issues to be addressed before the Overview and Scrutiny Committee Meeting

3.1 The Decision Taker will be invited to submit a written statement within 4 working days of the Committee unless urgency dictates otherwise. The written statement will specify the decision, the reasons for it and all matters/factors taken into account in making the decision. In the case of a Cabinet decision this process shall be done through the Leader or an appropriate Cabinet member.

3.2 The Decision Taker may suggest appropriate witnesses to invite to the Call-In meeting. The Decision Taker shall notify the Chair within 5 working days of the witnesses to be called in support of the decision.

3.3. When a decision to Call-In is taken the Committee will have a view about who they wish to interview. The Chair will consult with the Deputy Chairs as to whether any additional witnesses are to be called and any nominations made at that consultation should be called as witnesses.

3.4 The Decision Taker's statement should be published with the agenda of the meeting at which interviews are to take place. It should be an open item unless there are valid press exclusion reasons. Where a decision has been treated as a press excluded item previously then advice will be given upon the relevant issues for the Committee to consider as to whether there are valid press exclusion reasons.

3.5 Certain witnesses may believe that they should be allowed to give their evidence in private as a result of the likelihood of disclosure of exempt information as defined by section 100(I) Local Government Act 1972. Such requests should where possible be made prior to the meeting so that they can be considered by the Chair, who will take the necessary legal advice to assess whether the interests and principles of public scrutiny are outweighed by the level of risk to the Council in not taking the witness statement in private. The Committee can then be advised accordingly.

3.6 The Committee will first need to receive advice on whether the Executive Decision was compliant with the Budget and Policy Frameworks. If a Decision was contrary to the Policy Framework or not consistent with the Budget Framework then the Committee could decide to refer the issue

to Council, Council has powers to override the Decision.

4. The Formal Process

4.1 All those to be interviewed should be present throughout but seated away from the Committee members. It is important that when someone is interviewed they have a full understanding of the Committee's concerns and what other interviewees have said. If someone is not present throughout then they may be disadvantaged in this regard. The process will not have been fair to them and their contribution will be diminished as will any decision of the Committee. There may be some interviewees whose involvement is peripheral and who may leave after interview if they wish and the Committee agrees.

4.2 Legal and financial advice should be given and considered.

4.3 The proposer/s of the Call-In may if he/she wishes make a presentation outlining his/her main concerns to help focus issues

4.4 Interviewees are called to the Committee table usually one at a time and allowed to make a presentation without interruption. Thereafter Members of the Committee may ask questions. The questions must be courteous and relevant. If an interviewee does not possess knowledge or information to answer a question then he or she must not be pressed.

4.5 At the conclusion of each interview the interviewee should be asked if there is anything he/she wishes to add/clarify and they should be allowed so to do.

4.6 The Committee considers all relevant matters, debates the issues and decides which resolution they wish to adopt:

Support the decision of the Decision Maker

Support the decision with recommendations

Refer to Cabinet requesting that the decision is not implemented stating reasons why.

Refer to full Council for further considerations.

Further time for a time limited Scrutiny Task and Finish Group to

investigate the issue in more depth before reporting back to the Overview and Scrutiny Committee within 14 days, at which time it must report its considerations and take one of the courses of action listed above.

Proposed alternative course of action (optional)

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Proposed Documentation and witnesses for the call in (optional)

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Signed Cllr.....

Signed Cllr.....