

BROMSGROVE DISTRICT COUNCIL

SCRUTINY BOARD

22ND APRIL 2010

ANNUAL REVIEW OF CALL IN PROCEDURE

Responsible Portfolio Holder	Councillor Geoff Denaro – Portfolio Holder for Finance and Resources
Responsible Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services

1. SUMMARY

- 1.1 Paragraph 17.18 of Part 8 of the Council's constitution (Scrutiny Procedure Rules) imposes a requirement for the Scrutiny Board to monitor the operation of call-ins annually. The purpose of this report is to provide Members with the background information required in order that they can review the call-in procedure.

2. RECOMMENDATION

- 2.1 That the contents of the report be noted. For the reasons set out below this report does not make any recommendations for changes to the call-in procedure. The operation of call-ins will be reviewed again in 12 months time and will form part of the Scrutiny Board work programme for April 2011.

3. BACKGROUND

- 3.1 The provisions relating to call-in are set out in Section 17 of Part 8 of the Council's constitution. A copy of Section 17 is attached to this report at Appendix 1.
- 3.2 Members will recall that the provisions relating to call-in were last updated and amended with effect from 1st May 2008. These changes formed part of a wider review of the Council's constitution which was considered by full Council and approved on 19th March 2008.
- 3.3 The key changes which were made to the call-in procedure with effect from 1st May 2008 were:-
- Extension of the time period for Scrutiny Board to consider a call-in to 20 days (para 17.7). This time limit had previously been set at 10 days which

at times had been restrictive and the change was intended to provide more flexibility to the process.

- Clarification of the procedure to submit a valid call-in request (para 17.4) and introduction of a standard pro forma for the use of Members. A copy is attached at Appendix 2.
- Extension of those who may initiate a call-in to include any 5 members of the Council who are not members of the Cabinet (para 17.4).

3.4 It was hoped that the changes introduced would benefit Members and strengthen the operation of call-in generally by clarifying the process to make a call-in, extending the opportunity to groups of 5 back bench Members and allowing for more time within which to hold meetings to determine the call-in.

3.5 One call-in has been made in the 2009-2010 municipal year. The call-in was considered by the Scrutiny Board on 19th January 2010 on the decision taken by the Cabinet on 2nd December 2009 to close down Local Neighbourhood Partnerships (LNPs). After consideration, the Call In was dismissed by the Board. Members should note that a low level of call-ins is not necessarily unusual; statistics show that the average level of call-ins per council is about one per year.

3.6 If Members, having considered the contents of this report have any proposals for review, the procedure is for these to be referred to Full Council. The next annual review will take place in April 2011.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising out of this report.

5. LEGAL IMPLICATIONS

5.1 The procedure for call-ins currently meets the legislative requirements of the Local Government Act 2000. There are no legal implications arising out of this report.

6. COUNCIL OBJECTIVES

6.1 This report does not link directly to Council objectives. However, sound ethical governance is the foundation of the Council's ability to make lawful decisions and perform its functions.

7. RISK MANAGEMENT

7.1 The main risks associated with the details included in this report are:

- *Risk of not operating an effective call-in procedure*

7.2 These risks are being managed as follows:

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

The risk is also managed through undertaking an annual review of the provisions for call-in which forms part of the on-going work programme for the Scrutiny Board.

8. CUSTOMER IMPLICATIONS

8.1 Call-in is a process which can only be activated by elected Members. There are therefore no direct customer implications. The Council's constitution can be viewed by members of the public on line at the Council's website.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no implications for Equalities and Diversities arising out of this report.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications.

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 There are no implications regarding Climate Change

12. OTHER IMPLICATIONS

Procurement Issues	None
Personnel	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None

Policy	None
Biodiversity	None

13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director – Planning, Regeneration and Housing Services	Yes
Executive Director – Section 51	No
Executive Director and Deputy Chief Executive	No
Director of Policy Performance and Partnerships	No
Head of Planning and Regeneration	No
Head of Resources	No
Head of Legal, Equalities & Democratic Services	YES
Corporate Procurement Team	No

14. WARDS AFFECTED

All wards.

15. APPENDICES

Appendix 1 Section 17 Part 8 of the Constitution: Procedure for call-ins
Appendix 2 Standard form to make a call-in

16. BACKGROUND PAPERS

Report of the Head of Legal Services on the Review of the Constitution dated 19th March 2008.

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