

Scrutiny –2 July 2009**CALL-IN PROCEDURE****Report of the Member Support Services Manager****Statutory Powers:** Local Government Act 2000**Financial Implications:** None**Purpose**

Following a request at the Scrutiny Group meeting on 23 April 2009, a report has been produced which presents the current Call-in procedure as used by the Council. The report links to Council Corporate Priority 6 'Value for Money.'

RECOMMENDATION

That Scrutiny notes the content of the current Call-in procedure and is satisfied that it remains fit for purpose.

Background

1. The Scrutiny Call-in procedure (as outlined in Appendix A) is indisputably a central and powerful provision available to Scrutiny in the exercise of its function to monitor the activities of the Executive.
2. The Constitution is emphatic, however, that the Call-in procedure 'should only be used in exceptional circumstances'. Indiscriminate or overly frequent use of the Call-in would erode not only its effectiveness, but also run the risk of undermining the integrity of Scrutiny as an objective scrutinising body.
3. In the spirit of the provision, it has been this Council's experience to date that the Call-in procedure has been applied sparingly and without partisan motivation.
4. It is important to note that Scrutiny has not requested this report in an attempt to simply increase the number of Call-ins invoked, but wishes to ensure the provision remains fit for purpose. It is currently considered to be an opportune time to review the Call-in procedure for a number of reasons. Firstly, such a review has not been undertaken since December 2005 (minute 67/05 refers), secondly, there has not been a Call-in invoked since the Castle Cove, Dartmouth item in March 2008 and finally, officers have recently embarked upon a review of the Council's Constitution.

The Issues

5. Scrutiny did not invoke any Call-ins during the 2008/09 Municipal Year. Furthermore, there was no Call-in pro-forma (template as attached at Appendix B) completed during this year which the Monitoring Officer (as the nominated officer) had to adjudicate upon whether or not the criteria for a Call-in had been satisfied.

6. Whilst this would suggest that the Executive is operating effectively, a counter argument could be made as to whether the Scrutiny Group is undertaking its monitoring function adequately. On balance, it is felt that when considering the high level of attendance of Scrutiny Members at meetings of the Executive and it being apparent that good shadowing relationships have developed between the respective Members of Executive and Scrutiny, the former argument is more accurate.
7. The effectiveness of the Shadowing Roles is a standing item on each Scrutiny agenda. During discussion on this agenda item, Scrutiny Members repeatedly advise that they remain fully briefed by their Executive counterparts and continue to meet frequently and in many instances, are invited to attend officer update briefings. However, the importance that Scrutiny also maintains an adequate independence from the Executive is also acknowledged.
8. If Members are minded to recommend any constitutional changes to the current procedure for a Call-in, then these will require the approval of full Council.

Risk Assessment

9. The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
To ensure that the Call-in procedure remains fit for purpose. Call-in provision provides an opportunity for Members to scrutinise Executive decisions before they are implemented.	The Constitution requires that the provisions relating to Call-in shall be monitored annually. Striking the delicate balance between Scrutiny having the ability to properly execute its role without resulting in the pursuance of any groundless call-ins, with all the ramifications entailed in terms of delay to the implementation of valid decisions by the Executive.	To maintain the integrity of Scrutiny. An effective process helps to minimise the risks to the Council, through enabling effective scrutiny of Council decisions, processes and policies.

Conclusion

10. As now in the infancy of the 2009/10 Municipal Year, it is considered an opportune time to review the Call-in procedure. Whilst officers are satisfied that the procedure remains fit for purpose, the comments and views of Members are welcomed in respect of the effectiveness of the current process.

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Scrutiny
18 June 2009

Delyth Jenkins Evans
Monitoring Officer

Background Documents:
South Hams District Council Constitution