

SCRUTINY COMMITTEE	Agenda Item No. 6
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Report of Solicitor to the Council and Monitoring Officer Review of Suspension of Call-in Procedure

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Annual Review of the Use of the Suspension of the Call-in Procedure

1. PURPOSE

To report to Scrutiny Committee under its terms of reference paragraph 4.1.4, part 3, section 4 of the Constitution to review and/or scrutinise decisions or actions taken in relation to any suspension of the call-in procedure during the period December 2007 to December 2008.

2. RECOMMENDATIONS - Scrutiny Committee is requested to:-

- (a) Note the report in respect of the 12th month period December 2007 to December 2008;
- (b) ask the Monitoring Officer to continue to monitor use of the suspension of call-in procedure; and
- (c) seek a further report from the Monitoring Officer in 12 months time for the period up to December 2009.

3. LINKS TO CORPORATE PLAN, SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT - The contents of this report underpins the Council's objectives, namely, an effective and accessible Council as contained in the Corporate Plan.

4. BACKGROUND - At Scrutiny Committee on 17th February 2008 Members agreed to:-

- (a) ask the Monitoring Officer to continue to monitor and review the use of suspension of call-in in relation to executive decisions; and
- (b) receive this further report from the Monitoring Officer for the 12 month period December 2007 to December 2008.

5. KEY ISSUES -

- (a) Most executive decisions are made subject to the right for Members to call-in those decisions in line with the Constitution.
- (b) There are circumstances where call-in may be suspended under the Constitution (Scrutiny Committee Rules, paragraph 14, part 4, section 8):-
 - where a decision being taken by the Executive is urgent or because it has become urgent during the call-in period;
 - where the Council or the public interest would be seriously prejudiced by any delay caused by a call-in of the decision.

- (c) The Chair of Scrutiny will only consent to suspending call-in if he agrees the matter is urgent following consultation with the Monitoring Officer. The record of the decision shall state why the matter is urgent.
- (d) During the 12 months December 2007 to December 2008 there has only been one occasion where the call-in procedure has been suspended.
- (e) On that occasion it related to an executive decision to permit the increase in the published admission number at Arthur Mellows Village College by an additional 30 pupils in year 7 from September 2008 and subsequent years. The reason for the urgency was that any delay by reason of call-in would have left insufficient time before the end of the term for the school to advise parents of the outcome of individuals' applications to be placed at the school.
- (f) As call-in has been suspended infrequently for the period in question, no further action is intended by the Monitoring Officer. However, steps will continue to ensure that officers do not seek suspension of call-in except in genuinely urgent cases.

6. IMPLICATIONS

There are no implications at present but the Monitoring Officer will keep this under review.

7. CONSULTATION

There has been consultation with Democratic Services as to use of the suspension of call-in for the period referred to in the report.

8. EXPECTED OUTCOMES

Officers continue to reserve a request for suspension of call-in only for genuinely urgent cases where it cannot be avoided.

9. NEXT STEPS

These are the same as under paragraph 8 above.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

The Council's Constitution and executive decisions published on the website.

11. APPENDICES

None to this report.