

Annex 4.6 – Overview, Audit and Scrutiny (including Call-in Procedure and Councillor Calls for Action)

1. Arrangements for scrutiny at the council

- 1.1. The Council will appoint a committee to discharge the scrutiny and review functions conferred by the Local Government Act 2000 (Section 9JA) in relation to the following matters:
 - i. Local democracy and the achievement of effective, transparent and accountable decision making by the council.
 - ii. The council's budget, the management of its budget, capital programme, revenue borrowing and assets and its audit arrangements.
 - iii. The social, economic and environmental well-being of the Borough.
 - iv. The provision, planning, management and performance of all council services.
 - v. The council's compliance with its duty concerning Best Value, in accordance with the Local Government Act 1999.
- 1.2. The functions detailed in 1.1 are discharged by the council's Audit and Scrutiny Committee ("Committee"). The Committee will arrange all overview and scrutiny functions on behalf of the council, including those conferred by Section 19, and Schedule 8, of the Police and Justice Act 2006 and regulations made under Section 20 of the Police and Justice Act 2006 in relation to the Crime and Disorder Reduction Partnership.
- 1.3. The Audit and Scrutiny Committee will be responsible for:
 - i. Arranging the overview and scrutiny functions on behalf of the council.
 - ii. Ensuring that the council complies with its duty concerning Best Value, in accordance with the Local Government Act 1999.
 - iii. Approving an annual overview and scrutiny Work Programme.
 - iv. Monitoring the council's financial and audit arrangements and considering regular reports from the auditors on the outcome of audits.
 - v. Putting in place a system to ensure that referrals from the Committee to Full Council and to the policy committees, either by way of report or for reconsideration, are managed efficiently.

- vi. Monitoring progress on the council's corporate plan, and scrutinise the application of the council's Risk Management Strategy.

- 1.4. The Committee's terms of reference can be found in the [Constitution](#) (Appendix 3).

2. Who may sit on the Audit and Scrutiny Committee?

- 2.1. All councillors, apart from policy committee Chairs, may be members of the Audit and Scrutiny Committee.
- 2.2. No councillor may be involved in scrutinising a decision in which they have been directly involved, that is, as a member of the decision-making committee.

3. Co-optees

- 3.1. The Audit and Scrutiny Committee may seek to co-opt other councillors to constitute sub-committees, or panels, provided that no councillor may scrutinise a decision in which they have been involved (see 2.2).
- 3.2. The Committee shall be entitled to appoint to any sub-committee or panel a co-opted member who is not a councillor or an officer of this council.

4. Meetings of the Audit and Scrutiny Committee

- 4.1. There shall be at least four ordinary meetings of the Audit and Scrutiny Committee in each year. In addition, special meetings may be called from time to time as and when appropriate. A special committee meeting may be called by the Chair, by any three members of the Committee or by the scrutiny officer, at present the Business Assurance Manager, if they consider it necessary or appropriate.

5. Quorum

- 5.1. The quorum for the Audit and Scrutiny Committee shall be as set out for committees in the [Constitution](#) (Appendix 5).

6. Chair of the Audit and Scrutiny Committee

- 6.1. The Chair of the Committee will be appointed by the Full Council, from among the councillors sitting on the Committee.

7. Work programme and Annual Report

- 7.1. The Committee will be responsible for setting its own work programme and in doing so it shall take into account, along with other considerations, the wishes of its committee members, including those who are not members of the largest political group on the council.

- 7.2. The Committee will report annually to Full Council on its workings and make recommendations for future work programmes and amending working methods if appropriate.

8. Agenda items

- 8.1. Any councillor who wishes to have an item included on the agenda of the Committee, should give written notice of the item to the scrutiny officer. If the scrutiny officer receives such a notification they will, in consultation with the Committee Chair and Vice Chair, include it on the first available agenda of the Committee for consideration by the Committee. The reports and documents associated with the agenda item should be submitted to the scrutiny officer to upload to the committee report system and committee forward plan. However, where the notification is deemed to be a Councillor Call for Action, the Councillor Call for Action Protocol shall be implemented (see Section 15).
- 8.2. The Committee shall also respond, as soon as its work programme permits, to requests from the Full Council, and if it considers it appropriate the policy committees, to review particular areas of council activity. Where it does so, the Committee shall report its findings and recommendations back to Full Council and / or the relevant policy committee. The Full Council and / or the relevant policy committee shall consider the report of the Audit and Scrutiny Committee at its next available meeting.

9. Policy and development overview

- 9.1. The role of the Audit and Scrutiny Committee in relation to the development of the council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules ([Council Operating Framework](#), Annex 4.5).
- 9.2. In relation to the development of the council's approach to other matters not forming part of its Budget and Policy Framework ([Framework](#), Annex 4.5), the Audit and Scrutiny Committee may make proposals to policy committees for such development, in so far as it relates to matters within their terms of reference. Although it is recognised that in most cases policy committees will develop their own policy.
- 9.3. The Audit and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development. The Committee may appoint advisers and assessors to assist them in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration, and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for

doing so: in line with the council's Budget and Policy Framework ([Framework](#), Annex 4.5), Procurement Strategy, and Contract Standing Orders ([Framework](#), Annex 5.2).

10. Reports from the Audit and Scrutiny Committee

- 10.1. Once the Audit and Scrutiny Committee has completed its deliberations on any matter it will prepare a formal report and submit it, via the scrutiny officers, for consideration by the relevant policy committee; if the proposals are consistent with the existing Budget and Policy Framework ([Framework](#), Annex 4.5), or to the Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 10.2. If the Audit and Scrutiny Committee cannot agree on one single final report to the Full Council or the relevant policy committee, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Full Council or policy committee with the majority report.
- 10.3. The Full Council or the relevant policy committee shall consider the report of the Audit and Scrutiny Committee at its next available meeting.
- 10.4. When the Full Council meets to consider any referral from the Audit and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework ([Framework](#), Annex 4.5), it shall also consider the response of the relevant policy committee to the Audit and Scrutiny Committee's proposals, and shall if necessary, defer consideration of those proposals until after the next meeting of the relevant policy committee.

11. Rights of Audit and Scrutiny Committee members to documents

- 11.1. All members of the Audit and Scrutiny Committee ("Members") have the right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules ([Framework](#), Annex 4.4). Members, and any sub-committees or panels (including any co-opted Members), have all such rights in relation to any of the agreed work programme of the Committee.

12. Members and officers giving account

- 12.1. The Audit and Scrutiny Committee may scrutinise and review decisions made - other than quasi-judicial decisions, e.g. planning and licensing applications - or actions taken in connection with the discharge of any of the council's functions. As well as reviewing documentation, in fulfilling the scrutiny role, the Committee may require the Chair of a policy committee, the Chief Executive and / or any Head of Service to attend before it to explain matters within its remit, as follows:
 - i. Any particular decision or series of decisions.

- ii. The extent to which the actions taken implement council policy or the performance of the council.

- 12.2. It is the duty of those persons named in Section 12.1 to attend if so required. Save in exceptional circumstances, and in agreement with the Chief Executive, no officer below Director or Head of Service shall be required to appear before the Audit and Scrutiny Committee.
- 12.3. If any councillor or officer is required to attend the Audit and Scrutiny Committee under the Section 12.1 provision, the Chair of Audit and Scrutiny Committee will inform the scrutiny officer. The scrutiny officer shall inform the councillor or officer in writing, giving at least five working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which he/she is required to attend to give account, and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 12.4. If, in exceptional circumstances, the councillor or officer is unable to attend on the required date, the Audit and Scrutiny Committee shall, in consultation with the councillor or officer, arrange an alternative date for attendance to take place, within a maximum of ten working days from the date of the original request.

13. Attendance by others

- 13.1. The Audit and Scrutiny Committee may invite people other than those people referred to in Section 12 above to address it, discuss issues of local concern, and / or answer questions. It may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector, and shall invite such people to attend, whether in relation to scrutiny of the council's policies and activities or those of any other agency which affect the social, environmental, or economic well-being of the residents of the Borough. Other committees or advisory panels may also, from time to time, scrutinise such other agencies.

14. Call-in procedure

14.1. Introduction

- 14.1.1. When a decision has been made by policy committees, five clear working days must pass before that decision can be implemented, subject to the conditions below. During this period, councillors may use the procedure set out in this Section to "call in" that decision. If a request is made to call in a decision, and that request is valid, a meeting of the Audit and Scrutiny Committee will be held where that decision will be subject to review on scrutiny. The Committee will then be able to make recommendations to the

relevant policy committee as to whether the decision should be implemented unamended, implemented with changes, or withdrawn entirely. This Section explains the call-in process in more detail.

- 14.1.2. Call-in should only be used in exceptional circumstances. In a committee system authority, councillors have the opportunity to influence decisions on a cross-party basis in policy committees.
- 14.1.3. It is recommended that councillors wishing to make a request for a call-in contact the Monitoring Officer before doing so to ensure that advice and support can be given.
- 14.1.4. The power to call decisions in, does not apply to decisions made by quasi-judicial or regulatory committees. Separate procedures apply for planning and licensing matters (see the [Framework](#), Annex 4.8 and Annex 4.7). However it does apply to officer delegated decisions as per the [Framework](#) (Annex 3.2, Section 4).

14.2. The call-in procedure

- 14.2.1. When a decision or series of decisions is / are made by a policy committee or under joint arrangements, notice of those decisions shall be published electronically by Democratic Services to a group e-mail address which includes the scrutiny officers and members of the Audit and Scrutiny Committee, normally within two working days of the meeting when they are made. The notice of decisions shall also be available on request in hard copy from the Town Hall.

- 14.2.2. The decision notice will:

- i. Bear the date on which it is published.
- ii. State whether any decision made and referred to in the notice is urgent (in the opinion of the Chief Executive or their nominee), and will therefore not be subject to call-in.
- iii. Specify that the decisions set out in the notice which are subject to call-in may be implemented on the expiry of five clear working days after the publication of the decision, unless it is called in. The five clear working days will not include the date of publication of the notice or the date of implementation. This period can be referred to as the “call-in period”.
- iv. Include the following statement: “The following represents a summary of the decisions taken by [the Committee]. It is not intended to represent the formal record of the meeting (for which reference should be made to the meeting’s minutes).”

14.2.3. During the call-in period, any councillor can instigate a call-in. To instigate a call-in, a councillor needs to submit a 'valid' call-in, see Section 14.2.4, to the scrutiny officer (Business Assurance Manager). Note: a valid call-in request will result in the convening of a meeting of the Audit and Scrutiny Committee in line with the arrangements set out below

14.2.4. For the purposes of this section, a valid call-in request is one that:

- i. Is made in writing and sent by e-mail, or in hard copy, to the scrutiny officer.
- ii. Makes clear the specific decision that those councillors wish to call in. A request to collectively call in all decisions made at a particular meeting will not be valid, although requests to call in those decisions on an individual basis may be.
- iii. Cites the reason or reasons why the decision should be called in. Relevant reasons will be:
 - a. That, in making the decision, the committee or decision-making body has not had regard to public views on the topic.and / or
 - b. That, in making the decision, the committee or decision-making body has not had regard to certain relevant evidence – either because it was not brought to the attention of the committee at the time or because it was not available.
- iv. Cites evidence to suggest that a committee took the decision not in accordance with one or more of the principles set out in the other sections of this [Constitution](#), such as paragraph 5.2 of the [Constitution](#).
- v. Should not be contrary to the Nolan principles¹, and Members' Code of Conduct ([Constitution](#), Appendix 1).

14.2.5. On receipt of a call-in request, the scrutiny officers will inform the Chair and Vice Chair of Audit and Scrutiny Committee ("Chairs"), who will, in consultation with the scrutiny officer and, if necessary, the Monitoring Officer, consider whether the request is valid.

14.2.6. If a request is deemed invalid, the requesting councillor will be informed in writing by the Chair of Audit and Scrutiny Committee, who will set out why the request has been denied.

¹ HM Government (1995) *The Seven Principles of Public Life*. Online available: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2> [last accessed 12/12/2022].

- 14.2.7. If a request is deemed valid, the Chairs will inform the Monitoring Officer. The Chairs will also inform the requesting councillor that their request has been deemed valid and submitted to the Monitoring Officer.
- 14.2.8. If the scrutiny officer receives more than one request for a call-in on a particular decision, they will inform the Monitoring Officer and Chairs. The Monitoring Officer will liaise with the requesting councillors to manage those requests collectively.
- 14.2.9. Democratic Services may issue a form which can be filled in by councillors to make the process of calling in decisions more straightforward, but nothing in that form or in this Section should be taken as requiring that such a form be filled in for a call-in request to be valid.
- 14.2.10. When the Monitoring Officer receives a valid request for a decision to be called in from the Chairs, they shall:
- i. Notify the Chair and Vice Chair of the decision-making committee, in the first instance, that a valid request for a call-in has been received. After which the Monitoring Officer will inform the other members of the decision-making committee.
 - ii. Notify any other councillors and officers of the council they think necessary.
 - iii. Call a meeting of the Audit and Scrutiny Committee on such date as they (the Monitoring Officer) may determine, where possible after consultation with the Chair of that committee, and in any case within ten working days of decision to call in. If an ordinary meeting of the Audit and Scrutiny Committee is due to be held within ten working days of the decision to call in, the call-in may be considered at that meeting as the first substantive item on the agenda. More than one call-in may be considered at a single meeting of the Audit and Scrutiny Committee.
 - iv. Ensure that the agenda for that meeting includes such reports and information as might be considered necessary for the Audit and Scrutiny Committee to be able to hold a full and informed debate on the decision, having particular regard to the reasons given by councillors as to why the decision should be called in.
 - v. Issue invitations to relevant councillors and officers to attend. Call-in meetings should be attended by the Chair of the relevant policy committee and by a relevant senior officer.

14.3. Procedure for debate on call-ins at committee

- 14.3.1. Whether a call-in is considered at a special meeting or an ordinary meeting of the Audit and Scrutiny Committee, the general rules of procedure for

committees will apply ([Constitution](#), Appendix 5), with the following exceptions:

- i. The Chair will begin discussion on the item by identifying the councillors calling the decision in and summarising the reasons for the decision to be called in.
- ii. The Chair will invite the councillor or councillors requesting the call-in to address the Committee to provide further information on the reasons for the call-in, and to set out whether they wish the decision to be amended or withdrawn.
- iii. Members of the Committee, through the Chair, may question any councillors and officers present to speak to the decision.
- iv. There will be no time limit on the debate. The Chair will have regard to the need for the debate to focus on the reasons for the call-in, and to ensure that all committee members have the opportunity to express a view, and to ask questions of witnesses, on those reasons.
- v. At the end of the committee's consideration of the item, the Chair will ask the committee to resolve:
 - a. That the decision stand unamended, and that no recommendation be submitted to the relevant policy committee. If such a resolution is passed the decision may be immediately implemented.

Or

- b. That the decision be referred to the relevant policy committee for amendment. In this case, the committee should agree the terms of such an amendment.

Or

- c. That the decision be referred to the relevant policy committee with a view to its being withdrawn / rescinded.
- vi. In the case of (b) and (c) above no action to implement the decision may be taken until the policy committee has had the opportunity to consider the recommendation / resolution of the Audit and Scrutiny Committee.

14.3.2. Immediately following the conclusion of the meeting, the Monitoring Officer will communicate the Audit and Scrutiny Committee's resolution / recommendations to whichever councillors and officers they consider necessary.

14.4. Consideration of recommendations by policy committee

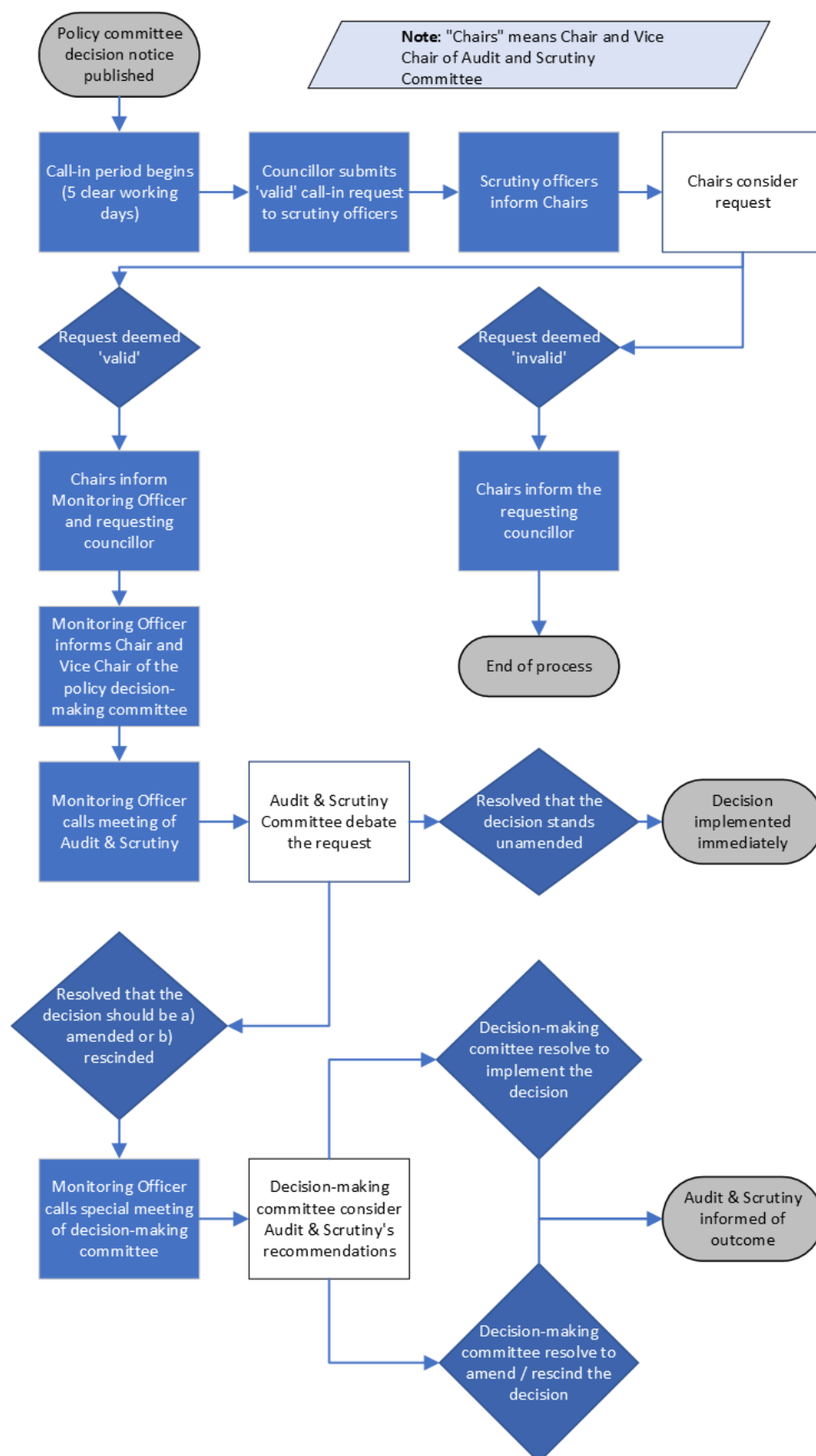
- 14.4.1. Where the Audit and Scrutiny Committee makes a resolution under 14.3.1(v.) (b) or (c) above, the Monitoring Officer will convene a special meeting of the relevant committee to consider that resolution on the earliest possible date, while complying with legal requirements relating to the convening of council committee meetings.
- 14.4.2. The policy committee considering the resolution shall consider whether to accept the Audit and Scrutiny Committee's recommendations. The recommendations may be accepted or rejected as they are presented and shall not be subject to amendment.
- 14.4.3. If the policy committee decides to implement the decision notwithstanding recommendations from the Audit and Scrutiny Committee, the policy committee will state reasons for doing so. These reasons will be communicated to the Audit and Scrutiny Committee. The decision will be implemented immediately.

14.5. Call-in and urgency

- 14.5.1. The call-in procedure set out above shall not apply where the decision being taken by a policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in would seriously prejudice the council's or the public's interest. Urgent decisions will be notified within the original report and the decision notice.
- 14.5.2. Decisions taken as a matter of urgency must be reported to the next available meeting of the Full Council, together with the reasons for urgency.
- 14.5.3. The operation of the provisions relating to call-in and urgency shall be monitored annually by the Chief Executive or their nominee, and a report submitted to Full Council with proposals for review if necessary.

14.6. Flowchart for call-in procedure

- 14.6.1. The flowchart below illustrates the call-in process. If any further details are required, please review the Sections above.



15. Councillor Call for Action

15.1. What is Councillor Call for Action (CCFA)?

- 15.1.1. CCFA is the name given to a statutory mechanism in place at the council which enables councillors to seek assistance from the Audit and Scrutiny Committee in resolving outstanding Ward matters.
- 15.1.2. CCFA does not guarantee satisfactory resolution will be secured at the end of the process.

15.2. When can a councillor request a CCFA?

- 15.2.1. CCFA is a means of last resort. Emphasis is placed on the need for a councillor to resolve a Ward matter themselves. Only those matters where it is shown that the councillor has exhausted all other possible steps by which to secure resolution will be considered by the Committee.

15.3. What type of issues can form a CCFA?

- 15.3.1. To be considered for CCFA, the subject matter must be relevant to the functions of the Audit and Scrutiny Committee. Local crime and disorder matters should be referred to the Crime and Disorder Committee.
- 15.3.2. Only those matters which affect all or part of the councillor's Ward or any person who lives or works in the Ward can be considered. Matters which affect the Borough as a whole are to be handled through other means.

15.4. Are any matters excluded from the CCFA?

- 15.4.1. Several exceptions exist, vexatious, discriminatory and unreasonable requests are excluded from the process. In addition, those matters where a specific alternative route exists by which to secure resolution are excluded, e.g. the complaints process and licensing and planning decisions.

15.5. How does a councillor register a Call for Action?

- 15.5.1. For further advice or to make a CCFA request, please speak to either the Chair of the Audit and Scrutiny Committee or the scrutiny officer.

16. Procedure at Audit and Scrutiny Committee meetings

- 16.1. Where the Committee asks people to attend to give evidence at Committee meetings they are to be conducted in accordance with the following principles, that:
 - i. The investigation be conducted fairly, and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
 - ii. Those assisting the Committee by giving evidence be treated with respect and courtesy.

- iii. The investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.2. Following any investigation or review, the Committee shall prepare a report for submission to the relevant committee and / or Full Council as appropriate and shall make its report and findings public.

17. Scrutiny Training

17.1. Councillors will receive scrutiny training as part of their induction programme.