

### **Governance Committee: Review of Call-in Protocol and earliest date of submission of Written Questions to Council**

#### **Review of Call-in Protocol**

##### **Background**

- 1** The call-in mechanism allows select committees to ask the Cabinet, individual Cabinet Members, County Local Committee or officer in relation to key decisions to reconsider decisions not yet implemented where there are compelling grounds for review. Call-in is an important part of an effective, quick decision-making process. It enables select committee members to have the opportunity to challenge and influence decisions before commitments are made. Local authorities have flexibility to develop their own call-in procedures – so practice varies. The call-in process at the County Council has evolved over time and is set out in Part 4, Section 3 of the Constitution – the Protocol on Select Committees **as set out at the Appendix.**

##### **Reviewing the Call-in Protocol**

- 2** The Call-in Protocol was last reviewed by the Governance Committee in May 2016, following consultation with select committees (through Business Planning Groups (BPGs) and the Performance and Finance Select Committee). Some minor revisions were endorsed (and subsequently agreed by the County Council), with the purpose of ensuring greater clarity for all parties, and particularly to assist BPG members in exercising a judgement about call-in requests and the wider issues they may need to take into account in doing so; and to ensure that the call-in requestor understands the basis for a BPG's decisions.
- 3** At that time, BPGs were concerned to highlight that any changes should not limit call-in requests, or inhibit the process in any way, but rather ensure greater transparency and clarity for all parties, including the call-in requestor and BPG, also, that the reasons for rejecting any call-in requests would continue to be reported to the next appropriate select committee meeting.
- 4** The further change to the Call-in Protocol endorsed by the Governance Committee in June was prompted by the identification of a potential conflict for BPG members who have supported call-in requests. The Call-in Protocol at the Appendix incorporates this revision. However, given changes to the political balance following the Council elections, Committee members were concerned to ensure that changes to the Protocol would not make it more difficult for minority groups to achieve call-ins of decisions where they were warranted.
- 5** Following engagement with Political Group Leaders, a further revision to the criteria is proposed, namely that the number of members required to support the call-in request should be reduced from six to four (as highlighted in the Appendix at paragraph 39 (a)). This is simply to reflect the political realities

for opposition groups on the Council in order to enable call-in requests to be made but does not affect the likelihood of call-ins being accepted for debate.

### Recommended

- (1) That the revision to the Call-in Protocol set out at the Appendix be approved; and

### Earliest date of submission of Written Questions to Council

- 6 As part of the Question Time item at Council meetings, members may ask written questions of any matter in relation to which the County Council has powers or duties or which affects West Sussex. Each Council meeting receives the answers to the first 10 questions received. Further questions are referred to the appropriate senior officer for a written reply which is published in the Members' Information Service newsletter. There is a limit of two questions per member within the first 10 received, except that, if fewer than 10 questions are received, additional questions will be answered up to the maximum of 10.
- 7 During the induction session for Council meetings following the elections, it was proposed that there should be an earliest date for submission of the written questions which form part of the Question Time session at Council meeting. Unlike motions, although there is a deadline for the submission of questions (currently 9.00 a.m. on the Monday of the week of the meeting) there is no limit on how soon before a meeting questions can be submitted. It is therefore proposed that the earliest date for submission of written questions should be the same as that for motions, i.e. no earlier than four weeks before the meeting, and that Standing Order 15(9) be amended as set out below. A minor change is also proposed to clarify the wording around the limit of two questions per member.

'(9) The notice of a question to be asked in pursuance of subparagraph (8)(a) of this Standing Order shall be in writing and shall be given to the Director of Law and Assurance **no earlier than four weeks before the meeting and at the latest** by 9.00 a.m. on the fourth working day before the meeting of the County Council at which the question is to be asked; the Chairman may allow this provision to be relaxed if, in his or her opinion, it would be an advantage to the County Council's business to do so. Each meeting of the County Council will receive answers to the first 10 such questions received. Further questions will be referred to the appropriate senior officer for a written reply and published in the Members' Information Service. There is a limit of two questions per member within the first 10 questions received except that, if fewer than 10 questions are received **by the deadline**, additional questions **from a member who has already asked two questions** will be answered up to the maximum of 10.'

### **Recommended**

- (2) That the earliest date for submission of written questions to Council be set as no earlier than four weeks before the meeting and the Standing Order 15(9) be amended as set out in paragraph 7 above together with a clarification of the wording around the limit of two questions per member.

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### **Background Papers**

None

### Part 4, Section 3 (extract), Protocol on Select Committees

(additions shown in bold, italic text, deletions struck through)

34. The call-in mechanism is an important part of a short decision-making process and the role of Select Committees in calling-in a proposal before it is finalised is to test the merits of the proposal, consider the process by which the proposal has been formulated and to make recommendations to the Cabinet Member. Select Committees may call-in any proposal by the Cabinet or a Cabinet Member, an Executive decision by a County Local Committee (CLC) or a key decision proposed by an officer. The only exception is any decision taken under the urgent action procedure.
35. Once a proposed decision is published in the Executive Decision Database (EDD), members are encouraged to read the reports and the relevant background papers if considering making a call-in request.
36. A member wishing to request the call-in of a proposed decision must notify the statutory Scrutiny Officer by, at the latest, 5 p.m. on the seventh working day (fifth day for CLC decisions) after the proposal is published via the EDD. ***The request must be supported by four (including the requestor) members of the Council.*** The request should be in writing (which includes e-mail), should contain the reason for the request and the outcome being sought. The decision whether to call-in a proposed decision will be taken by the members of the relevant Select Committee's BPG.
37. If a call-in request is received, the call-in period will end at 5 p.m. on the eighth working day (sixth working day for a CLC decision) after the publication of the proposal in the EDD (subject to, for example, bank holidays). If a call-in request is not accepted by the BPG the proposal will take effect at the end of the call-in period i.e. on the ninth working day after publication (seventh for CLC decisions).
38. If a call-in request is not received, the proposal will take effect after the period allowed for members to request a call-in (5 p.m. on the seventh working day (fifth day for CLC decisions) i.e. from the eighth working day after publication (sixth for CLC decisions)).
39. A call-in request will be determined by the appropriate Select Committee's BPG, which will have regard to the advice of the Monitoring Officer. BPG members who are signatories to the call-in request may not also be party to the BPG's consideration of that request. The key factors in determining whether to accept a call-in request are whether:
  - (a) ~~The request is supported by six members of the Council~~
  - (ab) The item has already been considered by the relevant Select Committee
  - (be) Significant new information has become available since previous Select Committee consideration
  - (cd) It is a decision that the Committee can or would expect to preview
  - (de) A delay in making the decision would be likely to significantly damage the interests of the County Council.