

Extract from Report to Cabinet -Review of the Constitution - 26 January 2006

Process for calling in key decisions

It is only when parts of the constitution are tested in practice that the need for refinement or fine tuning becomes apparent.

One such example relates to the Scrutiny Rules and the provisions for call-in as set out in appendix 2 to the Constitution. In the recent call-in of the Cabinet decision relating to the livestock market the matter was referred first to the Community Services Scrutiny Committee as the body responsible for that programme area. The Chairman of the Strategic Monitoring Committee took the view that the issue was of strategic importance and as such should be determined by the Strategic Monitoring Committee, exercising its co-ordinating role. The call-in was accordingly referred to that Committee based on rule 16. The rule, as drafted was not as clear as it might have been, The current rules on the co-ordinating role and a proposed revision is set out below:

"Co-ordinating Role of the Strategic Monitoring Committee

The Strategic Monitoring Committee will have powers of oversight in relation to the operation of the Scrutiny Committees and, in particular, in relation to the call-in procedure. The Chairman of the Committee will have power, ~~subject to Rule 16~~, to direct that any call-in by a Scrutiny Committee shall be ~~subject to approval by his/her Committee~~ considered instead by the Strategic Monitoring Committee. When this happens a meeting of the Strategic Monitoring Committee shall be held to determine the matter within the time limits applying to consideration of the matter by the Scrutiny Committee. In addition, following consideration of a call-in by a Scrutiny Committee the Strategic Monitoring Committee may call a meeting to review that decision prior to a recommendation being made to Cabinet or a Cabinet Member. When this happens a meeting of the Strategic Monitoring Committee shall be held within 10 working days of consideration of the matter by the Scrutiny Committee or such longer period as may be agreed by the originating decision maker and/or the Leader on behalf of the Cabinet.

~~*Where he/she directs a meeting of the Strategic Monitoring Committee shall be held to determine the matter within the time limits applying to consideration of the matter by the Scrutiny Committee.*~~

In exercising its call-in powers a Scrutiny Committee shall only refer a matter to Council in those circumstances where either the original proposal or the alternative action contemplated by the Scrutiny Committee would require a decision by Council on the Policy Framework and Budget. All references to Council under the Scrutiny Committee's powers will need the approval of the Strategic Monitoring Committee.

In dealing with cases other than call-in, where a Scrutiny Committee has reached a view on a matter which it is scrutinising and wishes to make recommendation to Council, its views will normally be submitted first to the Cabinet. The Strategic Monitoring Committee will be responsible for regulating the flow of reports to Cabinet and on to Council."