

Consultee Comments on Proposals for the Call In Process in Kirklees

Overview and Scrutiny Management Committee

1. Proposals for Call In process in Kirklees Council

The views of the Overview and Scrutiny Management Committee on the proposals set out in the Call In process report were as follows:

Pre Scrutiny

The OSMC supported the proactive use of pre scrutiny of significant decisions prior to the Cabinet decision being taken. Whilst this would not guarantee that an item wouldn't be called in, it would enable discussion in a cross party arena and could highlight issues that may otherwise have been identified through call in. It was felt that timely pre scrutiny work had the potential to save both Councillor and officer time.

Consulting Chair of Scrutiny

The requirement for the lead call in councillor to consult with the Chair of Scrutiny should remain. The Chair of Scrutiny should have the opportunity to discuss the reasons why the councillor feels the decision should be called in. Where possible, the OSMC Lead Member for the area under review should also have the opportunity to consider the call in request with the Chair of Scrutiny.

Evidencing how concerns have been raised prior to call in

The OSMC saw the merits of the approach taken in some local authorities which required the lead call in councillor to meet with the Director and Cabinet portfolio holder to try to resolve the issues prior to issuing the call in notice. However, the OSMC had concerns about the limited time in which a call in could be submitted and the ability to hold a meeting in that period. The OSMC supported an alternative suggestion that the lead councillor should demonstrate as part of the call in proforma, what steps he/she had taken to resolve their concerns prior to the decision being made and call in.

Validity – OSMC supported the redesign of the call in pro forma. This should include clarity around the interpretation of the decision making principles so officers and members have a shared understanding of what they mean.

Validity should not just be based on following the process requirements , ie use proforma, submit in deadline etc it should be about the appropriateness of the grounds. Call in grounds should set out the “real issues” and not simply be about not liking a decision.

The OSMC felt that there was a need to ensure that the grounds for call in are supported by evidence which is provided with the call in proforma.

Call In Hearings – The OSMC agreed it could streamline hearings and would give consideration to the most appropriate approach to the meeting for each call in received.

In line with practice in other authorities, a meeting to consider a ward specific decision may take a different format to a decision that affected all area of Kirklees.

Involving the Public - the OSMC felt that past feedback indicated that the public valued the opportunity call in hearing gave them to put forward their views and concerns about a decision. Contrary to some councils, OSMC felt it was very important that it heard from the public. It was recognised that more could be done to try and ensure that the public contribution relates to the grounds of the call in. The OSMC agreed that it could strengthen the guidance given to the public to clarify what can and cannot be considered at a call in meeting. However, the Council must recognise that the public will not necessarily understand the nuances of governance processes and it is not always possible to ensure that all contributions totally adhere to the areas under consideration.

Comments of Cabinet (Leadership Team)

The Team was supportive of the proposal that signatories to Call In requests should provide evidence of the steps they had taken to discuss their concerns with the relevant Cabinet Portfolio Holder and Senior Management with a view to resolving the situation.

The Team felt there should be an opportunity for Cabinet Portfolio Holders to challenge assertions made by Members of the Public/Councillors at the Call In meetings. It was suggested that the Portfolio Holder should be able to ask for an explanation on matters where he/ she felt that clarification was required.

It was the view of the Team that lines of enquiry at call in hearings should be restricted to consideration of the issue on which the Call In was requested. Hearings should not stray into other areas.

The Team felt it would be useful if a guidance note was produced for circulation to members of the public and Councillors on how Scrutiny Call In meetings operate, which includes a list of do's and don'ts in terms of the way business should be transacted.

Comments of Group Leaders (Leading Members)

Some concerns were expressed on proposals to strengthen what constituted a valid call in and the need for the provision for supporting evidence, however , overall, it was agreed that the call in proposals should be rolled into a more fundamental proposal regarding the future operation arrangement for scrutiny in Kirklees.