

WILTSHIRE COUNCIL**CONSTITUTION FOCUS GROUP****24 January 2013**

Overview and Scrutiny – Call-in Procedure**Background**

1. Call-in is a statutory power of the OS function to be exercised only in exceptional circumstances where evidence exists that the Cabinet (or exercised through delegated decision) did not act in accordance with the principles of decision making set out in the Constitution.
2. As the covering report mentions, the review report presented to Council gave responsibility to the new Management Committee for the overall management of the OS function including Call-in. This made sense as the Management Committee was to be supported by a number of service based sub-committees. However the sub-committees were elevated back to select committees through amendment at Council and therefore the function retained many structural similarities as before.
3. Unfortunately there was not time to explore the operational relationship between these select committees and the new Management Committee including how Call-in was to work.

Implications for Call-in

4. Prior to the administrative amendments being made to the Constitution resulting from Council's decision, a Call-in request was made by the Chairman of the Environment Select Committee following representations to him by a local member in respect of a footpath order. A process was then put in place which meant that the Call-in was considered by the Environment Select Committee. This was the process that would have applied under the previous arrangements (ie. that Call-ins were the responsibility of the relevant select committee).
5. Recognising that clarity was needed, the Scrutiny Manager took a report to the OS Management Committee on 6 September (attached as Appendix A – this also contained the relevant extract from the Constitution pre-amendment).
6. Debate at the meeting showed that there were differing views – the majority in support of reflecting the intention behind Council's revised arrangement to give the responsibility to the new Management Committee (Chairman or 3 members) whilst others preferred to retain

Call-in at select committee level on the basis that this maintained a greater democratic input. An extract from the minutes is attached at Appendix B.

7. This decision became the subject of local press coverage and was discussed at a subsequent Group Leaders' meeting during which the Solicitor of the Council gave his views.

What now?

8. As can be seen from the minute, the Management Committee, in determining that it should be responsible for operating Call-in, decided to seek the views of the Constitution Focus Group on the reasonableness of this approach bearing in mind the dissenting voices by some of its members.
9. The Solicitor of the Council has held back making the administrative changes to the Constitution in the light of the Management Committee's wish to seek the views of the Constitution Focus Group on its decision.
10. The Solicitor to the Council and the Scrutiny Manager are keen to see the matter resolved in advance of any further Call-in requests. A number have been muted but as yet not materialised.