

Appendix 1

Proposed changes to Committee Procedure Rules and Code of Conduct for Councillors

Committee Procedure Rules (Part 4B)

Rule 31

31.1 No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Portfolio Holder Assistants shall not participate in or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.

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Rule 45

Referral to the Call-in sub-committees

45.6 Subject to 47.6.1 and 47.6.2 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-in sub-committee to be held within seven clear working days of the receipt of the request for call-in.

45.6.1 Where the Call-in sub-committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

45.6.2 Where the Call-in sub-committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder or officer (if a key decision), the decision may be implemented on the day following the Call-in sub-committee meeting.

45.6.3 No member who has signed a call-in notice in accordance with Rule 45.4 may sit as a member of the Call-in sub-committee which considers that call-in notice.

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Appendix 1 to the Committee Procedure Rules

Overview and Scrutiny Sub-Committee Call-In Procedure: Guidance

The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the designated members to consider requests for Call-In received in accordance with the Council's constitution, except where either or both of the designated members have signed the call-in notice (see below).

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In the event that the designated members fail to reach agreement on whether a request should be called in, the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

(1) Call in by Members of Council and by members of the public – Rule 47.2

The Guidance will be relied upon by the Chairman and Vice Chairman of the Overview and Scrutiny Committee. These members will be the designated members for the purpose of this Guidance¹ when considering a request for call in by Members of the Council or by members of the public. If either of the designated members has signed a call-in notice in accordance with Rule 45.4 they will not take part in the consideration of the request for call-in and it will be considered by the other member alone. If both designated members have signed a call-in notice the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

¹ When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the Chair or Vice-Chair of the Call-In Sub-Committee and the lead or nominated member on the Call in Sub Committee from the next largest political group.

Reasons for refusal

The designated member(s) must ensure that the requirement to give reasons under Rule 47.5 of the Committee Procedure Rules (“the Rules”) as contained in the Council’s Constitution is met. In the event that the requirements of Rule 47.5 are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. Time limit - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. Financial implications - Only decisions involving expenditure or risk of a value over £50,000 may be called-in, where expenditure is the primary purpose of the decision. This factor in particular should be considered in light of the other factors in this guidance.
3. Political implications - Does the decision have an impact on 1 or more of the wards in Harrow? Or will the decision have an effect on the wider interests of the inhabitants of the area?
4. Duplication - The Call-in Sub Committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as Challenge Panels, Standards Committee or Regulatory Panels e.g. Traffic, Development Management etc.
5. Relevance - The Call-in request must be of direct relevance to the Decision being called-in.
6. Public Call-in - The Call-in request must make out a prima facie case.
7. Process -
 - (a) Have the requisite 6 Members requested the call-in? The Members who make the call-in should be Members of the Council or, as the case

may be representatives of the voting co-opted members and one political group on Overview and Scrutiny Committee.

- (b) Have the requisite 150 members of the public requested the call-in? The 150 members of the public must be registered on the electoral roll and have given their name and address.

8. Vexatious Requests – Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated member(s) should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.

Code of Conduct for Councillors (Part 5A) – paragraph 7.3

No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Portfolio Holder Assistants should not participate in or vote on the scrutiny of matters, within their identified remit, as approved by Cabinet.

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