

Scrutiny

FAQs



Q. Who may sit on Scrutiny Committees?

A. All councillors except members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

Co-optees

Each Scrutiny Committee or each Scrutiny sub-Committee shall be entitled to recommend to Council the appointment of such non-voting co-optees as the Scrutiny Committee or Scrutiny sub-Committee considers appropriate. This enables Councillors to benefit from expert knowledge of other service providers, for example the NHS or Police.

Q. What is 'Call-In'?

A. The Scrutiny Committees monitor the Key Decisions¹ made by the Executive or an individual Member of the Cabinet, or under joint arrangements, or in line with any delegation within the Constitution. They can, in certain circumstances, consider 'calling-in'

¹ A Key Decision is an executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is considered significant.

a Key Decision that has been made by the Executive or an individual member of the Cabinet but not yet implemented, where there is evidence that suggests that decisions have not been made in accordance with the Council's Constitution. The decision making principles on which a call-in request can be made are:

- Proportionality (the decision must be proportionate to the desired outcome)
- Due consultation and the taking of professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Regard for equal opportunities
- Options are considered and reasons for the decision given
- Consideration of all relevant factors
- Decision is in the best interests of the District as a whole

Call-in should only be used in exceptional circumstances. During the Committee meeting, Scrutiny Members look at the issue in detail; evidence previously presented to Executive/the Cabinet Member, and question the decision-maker. Once the decision has been considered it will either be referred back to Executive/the Cabinet Member for reconsideration due to new evidence or confirmed by the Committee for implementation.

Any proposed decision, once called-in, must be reviewed within 10 working days and shall not be implemented until either the relevant Scrutiny Committee has decided to uphold the decision of the Executive/individual Cabinet Member or, if the decision is referred back to Executive/individual Cabinet Member, they then decide whether or not to implement the proposed decision with or without modification. The Call-in Procedure can only be used once per decision.

Q. What is Councillor Call for Action (CCfA)?

A. Councillor Call for Action came into force from 1 April 2009. Councillor Call for Action is about helping Councillors to resolve issues and problems on behalf of their residents and is designed to strengthen the Councillors' role as a champion for local concerns. The best practice guidance issued by the Centre for Public Scrutiny states that the 'CCfA is an opportunity for the whole Council and its Members to try to bring about specific solutions

for local problems. It is designed to sit alongside existing mechanisms already at Councillors' disposal to resolve local issues'. A Councillor Call for Action is sometimes referred to as an action of last resort when all other methods of resolving an issue of local concern have been explored. For more information on how to deal with a CCfA please contact the Monitoring Officer.

Q. How does the Council scrutinise crime and disorder?

A. Section 19 of the Police and Justice Act 2006 requires every local authority to have a committee designated with responsibility for crime and disorder with the power to review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. (Responsible authorities are effectively the statutory partners within a Community Safety Partnership i.e. Police Authority/Police Force, Primary Care Trusts, County/District Councils, National Probation Service and Fire Authorities).

At Bolsover, responsibility for this function sits with the Healthy, Safe, Clean & Green Communities Scrutiny Committee. Members consider the information presented and ask a range of questions clarifying points about the Bolsover Community Safety Partnership's progress and what interventions were being put in place to deal with particular types of crime. This meeting takes place annually within quarter four (Jan-Mar).