

**Report to:** Overview and Scrutiny Committee  
Audit Governance and Improvement Review Committee  
Cabinet  
Council

**Date:** 14<sup>th</sup> July 2008  
31<sup>st</sup> July 2008  
7<sup>th</sup> August 2008  
3<sup>rd</sup> September 2008

**Subject:** Report of the Audit Commission - Land at Westwood Park

**Report of:** Service Director Borough Solicitor

**Contact officer:** Peter Hassett (Telephone: 01942 827381)

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**Purpose / summary:** To inform Members of the report issued by the Audit Commission in relation to land at Westwood Park

**Alternative options considered and reason for selecting the one recommended:** Council has the option of not amending the Overview and Scrutiny Procedure Rules and the Call-In Protocol but this would fail to address the recommendations made by the Audit Commission

**Recommendation / decision:**

- That Overview and Scrutiny and Audit Governance and Improvement Review Committees consider this report and to make any recommendations thereon to Cabinet and Council.
- That Cabinet recommend and Council resolve to amend the Council's Overview and Scrutiny Procedure Rules and Call-In Protocol as described in Appendix 2 to this report.

**Key Decision:** This report does not involve a key decision.

**Risks / Implications:**

Financial:	None identified
Staffing:	None Identified
Policy:	Amendments to the Council's Overview and Scrutiny Procedure Rules and the Call-In Protocol, both part of the Wigan Council Constitution
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	No, a diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.
Wards affected:	All

**Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**If yes have the property implications been agreed with the Corporate Property officer?**

**Does this proposal have significant implications for the Council and the local population?**

No

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

Yes, but a diversity impact assessment is not necessary at this stage. However, equality and diversity implications have been considered when producing this report.

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Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?	<b>Yes</b>
Has the Service Director Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget?	<b>N/A</b>
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	<b>No</b>

\* delete which applicable

**For Cabinet reports only :**

Categorisation of the report:	<b>X</b>
Discussion leading to a decision	
Monitoring	
Sharing for corporate understanding	

	<b>X</b>
Discussion	
Decision	<b>X</b>
Information	

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**Tracking/Process:**

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
Audit, Governance and Improvement Review Committee 31 <sup>st</sup> July 2008	14 <sup>th</sup> July 2008	7 <sup>th</sup> August 2008	3 <sup>rd</sup> September 2008

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Wigan Council Constitution			Town Hall, Library Street, Wigan
Minutes 305 and 317 of Cabinet	21/02/2008		Town Hall, Library Street, Wigan
Minute 129 of the Overview and Scrutiny Committee	03/03/2008		Town Hall, Library Street, Wigan
Minutes 134 and 135 of the Overview and Scrutiny Committee	17/03/2008		Town Hall, Library Street, Wigan

Proper Officer Kevin Lawson

Date 4<sup>th</sup> July 2008

## AUDIT COMMISSION REPORT

- 1.1 Following a request by a local elector the Audit Commission have investigated the robustness of procedures relating to a decision to sell land at Westwood Park, Wigan for the Chinagateway development. The report of the Audit Commission is annexed as Appendix 1 to this report.
- 1.2 While the Audit Commission report concludes that there are no issues that they wish to raise on the decision to develop Westwood Park or on the level of support offered to elected members the report does comment on areas where the Council's procedures can be improved. These relate to:
  - a) the content of press releases in advance of decisions being made;
  - b) some inconsistency in the procedural rules in relation to call-ins by the Overview and Scrutiny Committee; and
  - c) a possible clearer approach to dealing with complaints.
2. The issues raised by the report stem from decisions made by Cabinet on 21<sup>st</sup> February 2008 to support the development and disposal of the Westwood site and the subsequent call-in of the Cabinet decisions.

## PRESS RELEASES

3. The first issue concerns a press release issued in advance of the Cabinet meeting which indicated that Cabinet 'will agree' to the development proposal at its forthcoming meeting. While the release did concern a high profile event on the day of Cabinet it is accepted that the wording was unfortunate in making an assumption with regard to the decision of Members. This was commented upon by the Overview and Scrutiny Committee and indeed by the Audit Commission. In the light of these comments the Head of Public Relations has put procedures in place to ensure that press releases are appropriately worded in not assuming that specific decisions will be made.

## CALL-IN PROCESS

- 4.1 The second issue concerns the application of the Council's Overview and Scrutiny Procedure Rules and the Call-In Protocol. The call-in process applied did reveal some ambiguities in the rules with particular regard to the choice of witnesses and how to proceed in their absence. The call-in process in this case was as follows:
- 4.2 On 21<sup>st</sup> February 2008 Cabinet considered two reports in relation to Westwood Park and made decisions in relation to those reports (minutes 305 and 317 refer). Those two decisions of Cabinet were called-in for consideration by the Overview and Scrutiny Committee. The Committee considered the call-ins initially at its meeting on 3<sup>rd</sup> March 2008 and resolved as follows:

**"129. Call Ins:** The Chairman reported that minutes 305 (Westwood Park – development proposals) and 317 (Westwood Park, Chinagateway project – heads of terms) of Cabinet had been called in by Councillor P R Franzen with the support of six members of this Committee.

She suggested two dates to hear the call ins which were the 13 or 17 March at 6.00 p.m.

Members discussed the logical format for the meeting and the necessary witnesses to be called.

Resolved: The Committee:

- agrees that the call ins referred to above be considered at a special meeting of this Committee to be held on Monday, 17 March 2008 at 6.00 p.m. at Wigan Town Hall;
- agrees that members of this Committee be invited to submit questions on the call ins to the Deputy Chief Executive prior to the meeting, accepting there is no legal requirement to do this;
- requests the Chairman, the Vice-Chairmen and officers to determine the witnesses and order for the meeting; and
- expresses concern that only two of the Members calling in the abovementioned items were present at this meeting.”

4.3 On 27<sup>th</sup> February 2008 an email had been sent to those Members of the Overview and Scrutiny Committee who supported the call-in and requested them to advise of any witnesses that they wished to call. That email prompted the following responses:

- 29<sup>th</sup> February 2008 - Email from former Councillor I.A. Franzen with a list of five witnesses
- 10<sup>th</sup> March 2008 - Email from former Councillor P.R. Franzen with a list of twelve witnesses, including the Leader of the Council.

4.4 On the 12<sup>th</sup> March 2008 the Chairman of the Overview and Scrutiny Committee, following consultation with the two Vice-Chairmen, decided that the witnesses for the call-in should be the Leader of the Council (or his Deputy) and three named officers and those witnesses were requested to attend the Overview and Scrutiny Committee meeting of 17<sup>th</sup> March 2008 when the call-in would be considered.

4.5 The Overview and Scrutiny Committee did consider the call-in at its meeting on 17<sup>th</sup> March 2008 but the Leader had given prior written notice that he could not attend. The more relevant extracts from the Committee resolutions are:

**“134 Absence of Witness:** In the absence of the Leader of the Council (Councillor P R C Smith) as a witness, a letter was circulated from him stating that in accordance with Overview and Scrutiny rule 14, there is a requirement for witnesses to be given at least 20 working days notice of the meeting and that an alternative date could be considered. The requisite notice had not been given to the Leader of the Council of this occasion.

The Chairman then asked for the views of the Committee on proceeding with the meeting or reconvening at a later date.”

**“Resolved:** The Committee continues with the meeting in the absence of the Leader of the Council as a witness.”

**“135 Call in - Westwood Park – development proposals and Westwood Park, Chinagateway project – heads of terms:** The decisions made by Cabinet (minutes 305 and 317) had been called in by Councillor P R Franzen, with the support of Councillors H L Cadman, R J Derricutt, I A Franzen, R T Splaine, N R Whittingham and G Wilkes. Councillor P A Tushingam also supported the call in, However, this was received after the calling in period.”

**“Resolved:** The Committee:

- accepts the decisions taken at Cabinet at minutes 305 and 317;
- warmly welcomes the decision to proceed with the development and the implications for the whole of Wigan;
- welcomes the continued training and up skilling of the residents of the Borough and looks forward to the opportunities that such a development can bring;
- advises the Head of Public Relations that even though press releases may be prepared in advance of actions, then decisions should not be assumed until after the decision of Cabinet; and
- requests updates as the scheme progresses.”

4.6 The concerns of the Audit Commission here were that the Council should review and revise its procedures governing how the Overview and Scrutiny call in meetings are convened and conducted, to ensure that it is clear how particular circumstances should be dealt with, specifically:

- a) Notice periods for officers and members for attending call in meetings
- b) What should happen if an officer, member or witness is unable to attend call in meetings
- c) How additional witness attendance should be determined.

4.7 It is accepted that the period of notice of 20 days to witnesses does conflict with the requirement for the call-in to be considered within a shorter period. It is also accepted that there is a lack of clarity in who decides on the witnesses to be called and what should happen if a witness cannot attend. It is accordingly recommended that the Overview and Scrutiny Procedure Rules and the Call-In Protocol be amended as indicated in Appendix 2.

- 4.8 These changes:
- amend the period of notice to witnesses from 20 to 5 days (Rule 14(b));
  - authorise the Chairman of the Overview and Scrutiny Committee, in consultation with the Vice-Chairmen, to decide how to proceed if a witness is unable to attend (Rules 14(c) and 15(b));
  - confirm the role of the Chairman in relation to the nomination of witnesses (paragraphs 3.2 to 3.4 of the Call-In Protocol)

## **DEALING WITH COMPLAINTS**

- 5.1 The final point raised by the Audit Commission seeks to ensure that the Council sets out a clear approach to dealing with complaints that includes key steps to:
- a) Agree with the complainant at the outset the scope of the investigation and set this out in writing
  - b) Stick to the scope in answering any questions
  - c) Clearly deal with all questions within the scope to arrive at a position where there is nothing further to add.
- 5.2 This does not only relate to complaints arising from the above Committee procedures but is a wider concern about the Council's procedures for dealing with complaints. In this regard Members are advised that a review of the Council's Corporate Complaints Policy, Procedure and Practice had already been commenced prior to this particular complaint being made to the Audit Commission. The Audit Commission's third recommendation will be considered as part of that review and a further report will be presented to Council when the review has been completed.

### **Recommendations:**

6. That Overview and Scrutiny and Audit Governance and Improvement Review Committees consider this report and to make any recommendations thereon to Cabinet and Council.
7. That Cabinet recommend and Council resolve to amend the Council's Overview and Scrutiny Procedure Rules and Call-In Protocol as described in Appendix 2 to this report.

# Westwood Park

**Wigan Council**

**Audit 2007-2008**

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## Introduction

- 1 The Code of Audit Practice requires auditors to consider information provided that is relevant to the audit and determine whether this needs investigation and action under their specific powers. In addition local electors have the right to question the auditor about a local government body's accounts and/or object to the financial statements.
- 2 This report summarises our findings from the work we have carried out on the issues raised with us recently by a local elector in respect of the proposed development at Westwood Park.

## Background

- 3 In determining our audit approach we consider whether the issues raised are relevant to the role of the appointed auditor. This is laid out in statute and requires the appointed auditor to review and report on:
  - the annual financial statements; and
  - whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.
- 4 The issues raised by the elector challenged the robustness of procedures leading to the decision to sell a piece of Council land at Westwood Park for a textile development (Chinagateway). As part of our response to the various issues raised within the correspondence we received we considered that the areas relevant to the role of appointed auditor were as follows.
  - To consider the way in which the decision was made and specifically the timing of the press release announcing the decision.
  - To examine the political balance in the support offered by the Council's officers to elected members.

## Audit approach

- 5 Our audit approach is to review the procedures leading up to the decision rather than looking at the decision itself. In doing this we:
  - firstly consider the responses given by the Council itself before undertaking any additional work; and
  - decide upon the extent of any further enquiries.
- 6 In looking into this matter we have therefore examined the responses provided to the local elector by the Council and to us, further reviewed any correspondence and minutes and examined relevant procedural guidelines.

## Main conclusions

- 7 Based on the information made available to us at this time, we do not propose any further format audit action. Specifically there are no issues that we wish to raise on the decision to develop Westwood Park or on the level of support offered to elected members. However there are a number of areas that we would like to comment on where procedures could be improved.

### Press releases

- 8 The press release announcing the decision for the development at Westwood Park was badly worded: it reported that the Cabinet 'will agree' rather than 'is recommended to agree' the proposals. This left the Council open to possible challenge on the timing of the decision and on the way in which the decision had been made
- 9 We accept that this may was an error in the wording of the press release and note that the Overview and Scrutiny Committee has made its own recommendations already in relation to future press releases.

### **Recommendations**

*R1 The Council should ensure that there is a robust process in place for the agreement of the wording of press releases prior to these being issued.*

### Procedures for calling in decisions

- 10 The Council's Overview and Scrutiny Committee can convene a meeting to 'call in' and review a Council decision. The Overview and Scrutiny Committee is covered by the Council's constitution and it does have the power within that constitution to determine how it operates its call in meetings. We therefore have no evidence that the call in meeting to discuss the sale of Westwood Park did not comply with overall requirements.
- 11 However, the Council has written procedures governing some aspects of how such call in meetings should be convened and conducted, but as the following paragraphs demonstrate, in some circumstances the procedures are incomplete and impractical and would benefit from review.
- 12 The Council's own procedures set out the notice period given to members and officers for attendance at call in meeting. In this case the date of the call in meeting was held 11 working days after the initial decision on Westwood Park was agreed and therefore procedures could not be followed. Potentially this gave rise to an increased likelihood that people required to attend were not able to.
- 13 The procedures for calling in decisions also state that where people are not able to attend then the Committee shall arrange another date. In this case the leader could not attend and the decision was made and agreed by majority in the meeting to continue with the call in. Whilst the Committee was quite within its rights to agree to proceed, the written procedures may be confusing.

- 14 If the decision to continue with a call in meeting without certain key people is an acceptable practice then this could helpfully also be set out clearly within the current procedures. This will then prevent any challenge in this area about the robustness of decisions made.
- 15 The current procedures allow for attendance by external witnesses at call in meetings to discuss any issues of local concern and to answer questions. We note that whilst the procedures are clear about not being able to compel witnesses to attend, they are less clear about what should happen when there is a difference of views about which witnesses should be asked to attend.
- 16 We noted that a substantial list of witnesses was requested by the complainant, some of whom lived abroad and were clearly not going to be readily able to attend a meeting. The fact that the complainant was asked for a list of potential witnesses could give the impression that these witnesses had to be called of right, and this is clearly not the case.
- 17 The process for additional requests for witnesses needs to be set out within current procedures to ensure that these requests are reasonable and to give opportunity for effective challenge.

### ***Recommendations***

*R2 The Council should review and revise its procedures governing how the Overview and Scrutiny call in meetings are convened and conducted, to ensure that it is clear how particular circumstances should be dealt with, specifically:*

- *notice periods for officers and members for attending call in meetings;*
- *what should happen if an officer, member or witness is unable to attend call in meetings; and*
- *how additional witness attendance should be determined.*

### **Dealing with a complainant**

- 18 From our examination of the correspondence with this complainant we noted that there is potential to set out a clear approach in dealing with enquiries of this nature.
- 19 This approach could incorporate the following steps.
  - Agreement at the outset what is the scope of the investigation and then keep to this scope throughout any further correspondence. A list of areas or questions should be set out and shared with the complainant and then responses given framed within this scope. This should help to minimise any further additional questioning if outside the agreed scope.
  - Dealing with the questions posed in a way where there is nothing further to add. To achieve this then the scope needs to be set out as above and then responses given to address the key questions within this.

### **Recommendations**

*R3 The Council should set out a clear approach to dealing with complaints that includes key steps to:*

- agree with the complainant at the outset the scope of the investigation and set this out in writing;*
- stick to the scope in answering any questions; and*
- clearly deal with all questions within the scope to arrive at a position where there is nothing further to add.*

### **Way forward**

The Council should consider the recommendations within this report which are set out in the Action Plan at Appendix 1.

## Appendix 1 – Action plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
<b>Westwood Park</b>						
5	R1 The Council should ensure that there is a robust process in place for the agreement of the wording of press releases prior to these being issued.	3	Chief Executive	Yes	The Overview and Scrutiny Committee has already made a recommendation in relation to press releases	July 2008
6	R2 The Council should review and revise its procedures governing how the Overview and Scrutiny call in meetings are convened and conducted, to ensure that it is clear how particular circumstances should be dealt with.	3	Monitoring Officer	Yes	Proposals to be considered at next available meeting of the Overview and Scrutiny Committee	July 2008
7	R3 The Council should set out a clear approach to dealing with complaints that includes key steps to: <ul style="list-style-type: none"> <li>• agree with the complainant at the outset the scope of the investigation and set this out in writing;</li> <li>• stick to the scope in answering any questions; and</li> <li>• clearly deal with all questions within the scope to arrive at a position where there is nothing further to add.</li> </ul>	3	Customer Services Officer	Yes	Complaints policy to be reviewed	September 2008

## Appendix 2

### Suggested Amendments To The Overview And Scrutiny Procedure Rules

**KEY:** Words underlined to be Deleted

**[Words in bold surrounded by square brackets to be added].**

#### **Rule 14. Members and officers giving account**

- (a) Any Overview and Scrutiny Committee or Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader, any member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Paid Service. The Head of Paid Service shall inform the member or officer in writing giving at least 20 **[5]** working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance
- [(c) Where information is received that the member or officer is unable to attend on the required date, then the Chairman of the Overview and Scrutiny Committee shall, in consultation with the Vice-Chairmen, either:**

- **insist on the member/officer's attendance on the required date; or**
- **amend the original request to attend by deciding to arrange an alternative date for attendance; or**
- **amend the original request to attend by deciding to accept a substitute member or officer to attend on the original required date; or**
- **revoke the original request to attend and decide that the Overview and Scrutiny Committee shall proceed with the review of the decision in the absence of the member or officer or a substitute]**

**Rule 15. Attendance by Others**

**[(a)]** The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. An Overview and Scrutiny Committee has no power to compel such people to attend.

**[(b)]** **Where information is received that any such person is unable or unwilling to attend on the required date, then the Chairman of the Overview and Scrutiny Committee shall, in consultation with the Vice-Chairmen either:**

- **if the person is willing to attend on an alternative date, arrange an alternative date for attendance; or**
- **amend the original request to attend by deciding to accept a substitute person to attend on the original required date; or**
- **revoke the original request to attend by deciding that the Overview and Scrutiny Committee shall proceed with the review of the decision in the absence of the person or a substitute]**

**Rule 16. Call-In**

(a) When a decision is made by the Executive, an individual member of the Executive or a Committee of the Executive, or a Key Decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main

offices of the Council normally within 2 days of being made. The Chair of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in.
- (c) During that period, the Head of Paid Service shall call-in a decision for scrutiny by the Committee if so requested by the Chair or six members of the Committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within 15 working days of the decision to call-in
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision. **[If the decision is referred back to the decision maker then the decision maker shall review the decision taking account of the comments or recommendations of the Overview and Scrutiny Committee and shall either confirm or amend the decision.]**
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Meeting, or the expiry of that further 15 working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request. **[If the decision is referred back to the decision maker then the decision**

**maker shall review the decision taking account of the comments or recommendations of the Council and shall either confirm or amend the decision.]**

- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

**Rule 18. Procedure at Overview and Scrutiny Committee Meetings**

- (a) The Overview and Scrutiny Committee and Select Committees shall consider the following business:
- i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);
  - iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - iv) responses of the Executive to reports of the Overview and Scrutiny Committee; and
  - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- [(c) The provisions of 14(c) and 15(b) of these Rules shall also apply in relation to any persons requested to attend to give evidence under Rule 18(b) above]**
- [(d)]** Following any investigation or review, the Committee/Select Committee shall prepare a report, for submission to the and/or Council as appropriate and shall make its report and findings public.

## Suggested Amendments To The Call-In Protocol

**KEY:** Words underlined to be Deleted

**[Words in bold surrounded by square brackets to be added].**

3. Issues to be addressed before the Overview and Scrutiny Committee Meeting
- 3.1 The Decision Taker will be invited to submit a written statement within 20 working days of the Committee unless urgency dictates otherwise **[for consideration by the Committee]**. The written statement will specify the decision, the reasons for it and all matters/factors taken into account in making the decision.
- 3.2 The Decision Taker must be able to call in support whomsoever they feel appropriate. The Decision Taker shall notify the Chairman as soon as reasonably possible of the witnesses **[it wishes]** to be called in support of the decision **[and any such persons shall be called as witnesses, if the Chairman, after consultation with the Vice-Chairmen, considers it appropriate to do so]**.
- 3.3 In addition to that the Overview and Scrutiny Committee will have a view about who they wish to interview. When a decision to Call-In is taken at Committee then the Committee can indicate simultaneously who they wish to interview. Where the decision is taken outside the Committee it might not be realistic to have another Committee meeting to decide who to interview. In these circumstances the Chairman shall consult with the Vice Chairmen and those Members who were a party to the Call-In as to whether any additional witnesses are to be called and any nominations made by Members on that consultation shall **[may]** be called as witnesses, **[if the Chairman considers it appropriate to do so]**.
- [3.4 Where any person called to be a witness is unable or unwilling to attend on the required date, then the Chairman of the Overview and Scrutiny Committee shall, in consultation with the Vice-Chairmen, either:**
  - **if the person is a Member of the Executive or an officer, insist on the member/officer's attendance on the required date; or**
  - **if the member, officer or other person is willing to attend on an alternative date, amend the original request to attend by deciding to arrange an alternative date for attendance; or**

- **amend the original request to attend by deciding to accept a substitute member, officer or other person to attend on the original required date; or**
- **revoke the original request to attend and decide that the Overview and Scrutiny Committee shall proceed with the review of the decision in the absence of the member, officer or other person or a substitute]**

**[3.5]** The Decision Taker's statement should be published with the agenda of the meeting at which interviews are to take place. It should be an open item unless there are valid press exclusion reasons. Where a decision has been treated as a press excluded item previously then advice will be given upon the relevant issues for the Committee to consider as to whether there are valid press exclusion reasons.

**[3.6]** If the Chief Executive or the Service Director Borough Solicitor believe that dealing with a Call-In as an open item could cause any officer to publicly disclose any matter which would be prejudicial to the Council, or prejudicial to a third party or in breach of a duty of confidentiality then either of them may instruct the officer to give such evidence only in the press and public excluded part of the meeting.