

REVIEW OF EXECUTIVE SCRUTINY ARRANGEMENTS

The Commission decided to conduct a review of executive scrutiny arrangements as a result of a referral from Executive Scrutiny Panel (5 February 2015), requesting that the mediation process following a call-in be enshrined in the Constitution and that the Commission consider how meetings of the Executive Scrutiny Panel should be dealt with when agreement was reached at mediation.

The Commission also included in the review whether the Executive Scrutiny Committee should continue to be able to make referrals to Council, the process for approving the waiving of the call-in provisions including whether the Constitution should be strengthened, and the current thresholds for call-in.

To inform the review councillors, senior officers and parish and town councils were surveyed on the following statements:

- (a) the Council should establish specialist panels to hear call-ins in order that the councillors undertaking the review have knowledge of the subject;
- (b) mediation meetings should be continued, and if so, should they be enshrined in the Constitution;
- (c) the Executive Scrutiny Committee should be able to continue to refer called-in items to the Council for discussion;
- (d) there should be a requirement for either the Chair of the Scrutiny Management Committee to be re-consulted where he / she has agreed that the call-in may be waived for an urgent decision where the eventual decision is, in the view of the Monitoring Officer, significantly different from the original recommendation, or the decision subject to call-in;
- (e) the thresholds for call-in should be changed;
- (f) any subsequent decisions arising from a referral back to the decision taker, including as a result of any mediation, should be subject to call-in, other than when the decision taker is reaffirming the original decision; and
- (g) the Milton Keynes Youth Cabinet should be able to call-in executive decisions.

A copy of the consultation responses are attached an **annex**.

The Constitution Commission resolved:

1. That the Council be recommended to amend Overview and Scrutiny Procedure Rule 16(c) as follows [changes in bold type]:
 - (c) During that period, the Assistant Director (Democratic Services) shall call-in a decision for scrutiny by the Executive Scrutiny Panel if so requested in writing by the chair or any **2**

Members of the Council, the chair or clerk of any Parish or Town Council and any 20 residents of the Borough, and shall then notify the decision taker of the call-in. In submitting the request to the Assistant Director (Democratic Services) for a decision to be called-in, the requester must specify a reason/reasons for calling in the decision. The Assistant Director (Democratic Services) shall call a meeting of the Panel on such a date as he/she may determine, where possible, after consultation with the chair of the Panel, and in any case within ten days of the decision to call-in.

2. That the Council be recommended to add the following new clause to Overview and Scrutiny Procedure Rule 16, with the remaining clauses being re-lettered:

“(d) Where as a result of any mediation meeting the decision maker, or where the decision maker is the Cabinet, the responsible Cabinet member, gives an undertaking in writing that the decision will be reviewed and the person calling in the decision for review confirms their agreement in writing prior to the meeting of the Executive Scrutiny Committee, the Chair, in consultation with the Vice-Chair will cancel the meeting, with a report on the outcome of the call-in being reported to the next meeting of the Executive Scrutiny Committee.”

3. That no action be taken in respect of Procedures for call-ins referred by the Executive Scrutiny Committee to Council.

The Council subsequently adopted the recommendations.