

Call- In Procedure

All councillors have the power, through overview and scrutiny, to “call in” any decision made by cabinet. The call-in period, during which no decisions can be implemented, commences the day after the decision is taken and lasts for 5 working days, ending at 5.30pm.

All efforts should be made to consult the Chair of Scrutiny at the earliest opportunity.

When a valid notice of call-in has been received, all action to implement the decision is suspended for two weeks from the end of the call-in period (5 working days after the date of the Cabinet decision). The Assistant Director Legal Governance and Monitoring has discretion, under section 18 of the Overview and Scrutiny Procedure rules to extend the period during which the appropriate Scrutiny Panel must meet.

During this period Scrutiny must meet and will be given access to all papers considered by the Cabinet and be able to question relevant council officers and Cabinet Members. If required, Scrutiny can also hear evidence from all interested parties including Councillors and members of the public.

Grounds for concern could include that all the options are not being explored adequately, or the proposed action is not in the best interests of the public, or there may not be adequate public consultation, or that independent professional advice is needed.

A good reason is required such as a contract or other legal process needs to be implemented immediately, or funding could be lost if the decision is suspended immediately, or funding could be lost if the decision is suspended for two weeks because it has been called in.

Written notice on the Pro-forma must be given to the Assistant Director, Legal Governance and Monitoring as the main recipient, with a copy for information to the Chief Executive and the Chair of the Overview and Scrutiny Management Committee. An electronic pro-forma and guidance information will be made available from the Governance Team.

A decision can be called in by:-

- Either, 5 non-executive councillors
- Or, 2 Members of the Overview and Scrutiny Management Committee or Overview and Scrutiny Panel for Health and Social Care, one of whom should be the Chair

Decisions may be exempt from Call-In, if implementation is needed urgently and the Chair of Overview and Scrutiny has given prior approval. (This is a separate requirement to that relating to key decisions not included in the Forward Plan).

At the Call-in Hearing, the Overview and Scrutiny Management Committee will consider very carefully the issues raised by the notice of call-in and listen to the views and supporting evidence from the signatories to the call-in, the council's decisions makers, Councillors of the authority and members of the public.

NB: Planning decisions and judicial matters cannot be called in.

How to Call-In a Decision

STAGE 1

Identify decision you believe has not been made in accordance with Council's Decision-Making Principles

**CHECK – are you in the Call-In period?
Is it an urgent 'waived' decision?**

Stage 1

Council's Decision-Making Principles:

- Due regard to all relevant considerations and disregard of irrelevant factors
- Proportionality
- Lawfulness and financial propriety and prudence
- All due consultation
- Taking of professional advice from officers
- Respect for human rights and application of Human Rights Act 1998
- Presumption in favour of openness
- Clarity of aims and desired outcomes
- Ability to explain options considered and reasons for decisions

STAGE 2

Advise Chair of Scrutiny

Stage 2

All efforts should be made to advise the Chair of Scrutiny at the earliest opportunity.

STAGE 3

Complete Call-In Notice ensuring correct number of signatories, clear explanation of reason for call-in, and proposals for alternative course of action

Stage 3

Call-In proforma can be obtained from councillors' part of website or from Governance Team.
To be valid, the Call-In notice must have the necessary number of signatories and must state the reasons for calling-in the decision.

NOTE: Options for signatories:

- 5 non-executive councillors
- 2 members of Overview & Scrutiny Management Committee or Overview and Scrutiny Panel for Health and Social Care (including Chair)

STAGE 4

Submit completed Call-In notice to Assistant Director: Legal Governance and Monitoring

Stage 4

Call-in notice must be submitted on the Pro-forma (hard copy or electronically) to Assistant Director: Legal Governance and Monitoring
A copy should also be sent to:
Chief Executive
Chair of Scrutiny
Governance and Democratic Engagement Manager

Call-In Procedure

Decision Taken
(By Cabinet)

The Call-In Period Commences

(Commences the next working day following the Cabinet meeting)

Call-In Period Ends

(5 working days after date of Cabinet decision, ending at 5.30pm)

If prior agreement from Chair of Scrutiny that decision is urgent, then no option for call-in and decision takes effect immediately

If no call-in is received, the decision can be implemented immediately

Valid Call-In Received by Assistant Director: Legal Governance & Monitoring
(Completed pro forma detailing: signatures of all signatories; and specifying reasons for calling-in decision)

Implementation of Decision Suspended
(For 2 weeks from end of call-in period)

Overview and Scrutiny Management Committee Meets to Review Decision
(Usually within two weeks of the call-in being received, unless exceptional circumstances agreed by Assistant Director, Legal Governance and Monitoring)

Decision Referred Back to Cabinet (With recommendation for amendment)

Decision Freed for Implementation

Decision Referred to Council
(Only if not consistent with budget or policy framework)

Cabinet Meets

It can:

- Accept scrutiny recommendation and amend decision
- Defer decision for further work
- Not accept scrutiny recommendation and confirm decision
- Refer issue for discussion at Council

Council Meets

It can:

- Decide decision within existing budget and policy framework and free for implementation
- Decide decision is contrary to budget and policy framework but agree to decision being implemented
- Decide decision is contrary to budget and policy framework and require Cabinet to reconsider