

Call- In Guide

Call-in is a scrutiny process established through national legislation which gives Overview and Scrutiny the power to 'Call-in' decisions - i.e. asking the decision-maker to think again, if it is believed that the decision-maker has taken a decision in contravention of the Council's Decision-Making Principles.

Any councillor who is not a member of the Cabinet can raise a notice of Call-in but this must be supported in one of the following ways:

- Any five individual councillors
- Two members of the relevant Scrutiny Panel, one of whom should be the Panel Lead member
- Two members of the Overview & Scrutiny Management Committee one of whom should be the Chair

When a valid request 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). During this period Scrutiny must meet and will be given access to all papers considered by the Cabinet and be able to question relevant Cabinet Members and council officers. Those who have requested the call in can also submit any evidence they hold to support their reasons for requesting a review of the decision. If required, the Panel can also hear evidence from all interested parties including Councillors and members of the public, relevant to the reasons for the call in.

In specific circumstances, some 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).

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

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

Valid Call-In Received by Service Director: Legal, Governance & Commissioning

(Completed pro forma detailing: signatures of all signatories; and specifying reasons for calling-in decision)

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

Implementation of Decision Suspended

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

Scrutiny Panel Meets to Review Decision

(Usually within two weeks of the call-in being received, unless exceptional circumstances agreed by Chief Executive)

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

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:

- Relevant considerations
- Proportionality
- Consultation
- Human Rights
- Openness
- Clarity
- Options
- Lawfulness and financial propriety

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 Request form ensuring correct number of signatories, clear explanation of reason for call-in, and proposals for alternative course of action

Stage 3

Call-In request forms can be obtained from the Governance Manager or the 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 (including Chair)
- 2 members of relevant Scrutiny Panel (including Lead Member)

STAGE 4

Submit completed Call-In notice to: Service Director: Legal, Governance and Commissioning

Stage 4

Call-in Request forms must be submitted in writing (on paper or electronically) to:

Service Director Legal, Governance & Commissioning

A copy should also be sent to:

Chief Executive
Chair of Scrutiny
Head of Governance
Governance Manager