

# Call In Guidance

# 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. ask the decision-maker to review its decision, if it is believed that the decision has been taken in contravention of the Council's Decision-Making Principles.

Councillors who are 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

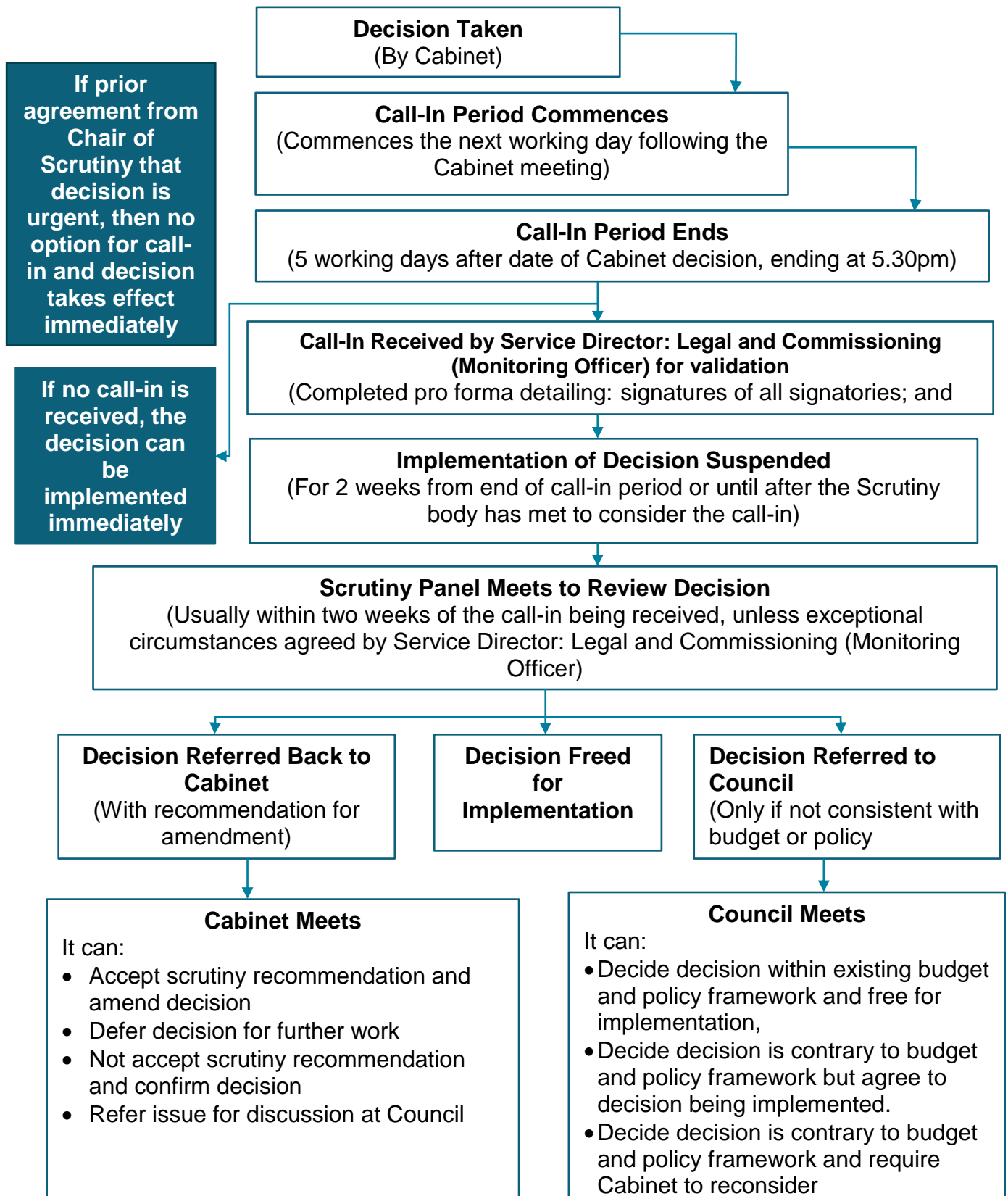
This is done by completing the call-in proforma which can be requested from any member of the Governance Team or via [scrutiny.governance@kirklees.gov.uk](mailto:scrutiny.governance@kirklees.gov.uk)

The Service Director, Legal, Governance and Commissioning (the Monitoring Officer) will assess each call-in request, in consultation with the Chair of Overview and Scrutiny Management Committee to determine validity.

When a Call-In 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). The Monitoring Officer has the discretion to extend this period where necessary. 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. The Members of the relevant Committee/Panel will meet to determine their key lines of enquiry, in advance, and may request additional information relevant to the decision. At the (Call In) Scrutiny meeting, those who have requested the call in (the signatories) will be invited to present any evidence they hold to support the validated reasons for requesting a review of the decision. The Panel can also hear evidence from all interested parties including other Councillors and members of the public, relevant to the validated 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 Scrutiny has given prior approval.

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

# Call-In Procedure



# 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
- 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

A call-In request pro-forma must be sent to the Service Director, Legal, Governance and Commissioning (Monitoring Officer) for validation by the deadline. 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 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 and Commissioning (Monitoring Officer)

### Stage 4

Call-in Request forms must be submitted in writing (on paper or electronically) to:  
Service Director Legal & Commissioning (Monitoring Officer)

A copy should also be sent to:  
Chief Executive / Chair of Scrutiny  
Head of Governance / Governance Manager