

Call-in Guidance - Members' Handbook

(This must be read in conjunction with the Call-In Protocol in the Constitution)

1. A Call-in by its nature it acts as a delaying mechanism and should be used in exceptional circumstances for decisions believed to be contrary to the authority's decision making principles and should be constructive and not merely there either always to oppose the executive or to rubber-stamp the executive's decisions.

2. Which decisions can be Called-In?

2.1. Decisions taken by *the Executive*, these are:

- A decision taken collectively by the Mayor and Executive.
- A decision taken by the Mayor or an individual Executive Member.
- A key decision taken by an officer under delegated powers.

3. Which decisions cannot be Called-In?

3.1. Non-Executive decisions e.g. those taken by Council or a Council Committee or are considered regulatory e.g. Planning Committee, Licensing, Employee Relations, Elections and Democratic Structures, Standards Audit Committee, Health and Well Being Board.

3.2. A non-key decision taken by an officer - an operational decision.

3.3. A decision that has been deemed urgent under Rule 16 of the Constitution and grounds for urgency has been supported by the relevant Overview and Scrutiny Chair.

3.4. A decision that has previously been called in e.g. reconsidered following OSB's recommendations.

3.5. A decision that relates to the formulation of a policy or budget matter which requires full Council approval.

4. When can decisions be Called-in?

4.1. There is a specific time when decisions can be called in. This is *the call in period*. A decision taken by the Executive (Mayor and/or Executive or a key decision taken by an officer) will be circulated to Members generally within 2 working days.

4.2. Following the circulation of the decision there will be a period of 5 working days within which the call in of the decision can be triggered. A meeting of OSB will need to be convened within 10 working days of the end of the call in period to consider the called in decision.

5. What do I need to consider before triggering a Call In?

5.1. Call-In is ultimately about improving decision making, it should not be used as a means of obstructing or slowing down the decision making process.

5.2. The Constitution states:

Call-In is an exceptional step to be used when Members consider it to be a proportionate step, which will be of benefit to the delivery of services under the Budget and Policy Framework or will improve the decision-making process.

Having taken account of all the available information Members will need to consider whether delaying and reviewing the decision through Call-In is appropriate and reasonable. Call-In should not be used routinely or as a means of gaining information or discussing general concerns.

5.3. Those Members triggering the Call In will need to demonstrate that they are exercising the use of Call In appropriately by following each step detailed within the Call In form.

6. How is the Call In process triggered?

6.1. The completion of the necessary form (see Appendix A) signed by at least five non executive Members and submitted within the correct timescale to the Monitoring Office or his/her Deputy.

6.2. Those Members signing the form are confirming that they support the action to call in the decision and support the reasons for call-in.

6.3. If more than one decision is being called in at any time a separate Call-In form is required for each decision.

6.4. Where a Member believes they may wish to consider calling in a decision they are advised to speak to the Principal Democratic Services Officer or the Members' and Statutory Services Manager at the earliest opportunity for further advice and guidance on processes.

7. What action needs to be undertaken before submitting the Call-In form?

7.1. Before submitting the relevant form and triggering the calling in of a decision Members will need to:

- Discuss their concerns with the relevant officer(s) and Executive Member decision taker to ensure they are aware of all the relevant information and have an opportunity to discuss their concerns informally.
- Contact the Chair of the Overview and Scrutiny Board to discuss any concerns as this issue may have already been considered by a Scrutiny Panel.
- Seek advice from the Principal Democratic Services Officer – who may be able to provide further advice and guidance on the process.

8. What are legitimate grounds for calling in a decision?

8.1. Call-in is ultimately about improving decision making. The decision to trigger a Call-in meeting should focus around the decision making process and outcomes rather than personal or political reasons.

8.2. Article 12 of the Constitution identifies some clear principles for Decision Making by full Council and these principles can be applied to decision making generally. Where Members believe that a decision made is contrary to these principles this may give rise to a challenge through the Call-In process.

8.3. To ensure the process is robust Members must clearly state the reasons **why** and **how** they believe the decision is inconsistent with these principles as this then forms the basis of the debate and discussion at the Overview and Scrutiny Board.

When triggering a Call-in Members will need to clearly identify:

- why they believe the decision is contrary to the principles of good decision making;
- any perceived defects in the decision-making process;
- any adverse effects which are likely to arise from the decision being implemented; and
- any alternative course of action or recommendation that they wish to propose

9. Decisions outside the budget and Policy Framework

9.1. The Policy Framework is made up of those plans and strategies, including the Budget, identified under Article 4 of the Constitution.

9.2. If the Overview and Scrutiny Board is of the opinion that the decision is/or if made would be contrary to the policy framework, or contrary or not wholly in accordance with the budget, the Committee shall seek advice from the Monitoring Officer and/or Chief Finance Officer. If the decision has been taken but not yet implemented and the Monitoring Officer/Chief Finance Officer concludes there is or may be a departure, the Committee may refer the decision to a full Council meeting. No further action is to be taken on the decision until the Full Council has met and considered the matter.

10. Where and when do I need to submit the Call In form?

10.1. A Call-In Form completed and signed by either at least five non Executive Members of the Council, will trigger a meeting of the Overview and Scrutiny Board which will be held within ten working days of the end of the call in period.

10.2. The form must clearly state why those Members believe that there are grounds for calling in the decision, in accordance with paragraph 8.3 above. All five Members, must sign to agree to the reasons for Call-In and that they are relevant to the specific decision, to allow this to proceed.

10.3. Should the signatories to the Call-in wish to call witnesses to the call-in meeting they should seek the permission of the Chair of the Overview and Scrutiny Board at least five clear working days in advance of the Call-in meeting or in exceptional circumstances and with the agreement of the Chair of OSB three

clear working days, setting out the purpose of the witness attending the meeting to allow the chair to make a decision regarding their attendance at the meeting.

10.4. The Call-in form should be correctly completed and submitted to the Monitoring Officer or a Member of the Democratic Services Team before the end of the Call-In period.

10.5. A form that is submitted after the deadline, without the required number of signatures, or a request not submitted on the prescribed form will not trigger a call in meeting.

11. What happens after the Call In form has been submitted?

- 11.1. On receipt of a completed form the Principal Democratic Services Officer will liaise with the Monitoring Officer who will determine whether the reasons for Call-In are valid and the process has been correctly followed.
- 11.2. Where the Call-In form has not been completed in accordance with the Call-In protocol (Constitution) or the reasons for Call-in are unclear, vexatious or frivolous the Monitoring Officer in consultation with the Chair of OSB may reject the Call-In request. Early liaison with the Principal Democratic Services Officer by Members wishing to Call-In the decision will provide an opportunity for any procedural issues to be addressed ahead of the Call-In deadline.
- 11.3. Upon completion of a valid Call-In form, the Democratic Services Officers will arrange to notify all Councillors and the Leadership Management Team regarding the Call In.
- 11.4. Arrangements will be made to convene a meeting of the Overview and Scrutiny Board as soon as reasonably practical but within 10 working days of the end of the call-in period.
- 11.5. Relevant Executive Directors, Strategic Directors and Directors will need to consider how best to brief the relevant Executive Member(s) and how to present any relevant information to the Committee to help inform the meeting.
- 11.6. Those Members triggering the Call In will also need to consider how they will present their reasons for Call-In to the Overview and Scrutiny Board.

12. How is the OSB meeting conducted?

- 12.1. A meeting of OSB is convened to consider the called-in decision. The decision taker and relevant officers and those Members triggering the call-in meeting are invited to attend. The meeting is a formal public meeting of the Committee conducted in public and Appendix B details the format of the meeting.
- 12.2. The meeting will have regard to the usual principles for operation of Scrutiny Committees in that the proceedings shall be undertaken in a way that is inclusive, transparent, non-partisan, democratic and deliberative. The meeting will seek to achieve a balanced view of the issues and may provide an opportunity for expert witnesses individual's with specific knowledge to attend.

- 12.3. In managing the meeting the Chair will allocate time for the various attendees to speak. Those wishing to speak are asked to contribute constructively and avoid repetition or personal or political statements. The focus of the meeting will be to consider the reasons identified for calling in the decision therefore those Members Calling in the decision may wish to identify a spokesperson to speak on behalf of the group and further clarify these reasons.

13. What are the possible outcomes from the Call In meeting?

13.1. There are five possible outcomes that may arise from the Call-In meeting:

- To refer the decision back to the Executive/Executive Sub-Committee/Executive Member/Officer for reconsideration. In that case, OSB should set out in writing the nature of its concerns about the decisions.
- To determine that it is satisfied with the decision making process that was followed and the decision that was taken by the Executive/Executive Sub-Committee/Executive Member/Officer. In that event, no further action would be necessary and the Executive decision could be implemented immediately.
- Request that the decision be deferred (adjourned) until the Overview and Scrutiny Board has received and considered any additional information/evidence required to make a decision with regard to the Call-In from other witnesses not present at the committee. (The Committee need to clearly identify the relevant issues that need to be given further consideration and whether there are any specific time constraints or other implications affecting the proposed implementation of the decision.)
- Take no action in relation to the Called-In decision but consider whether issues arising from the Call-In need to be added to the Work Programme of any existing or new Overview and Scrutiny Standing Panel/OSB. (*The Committee need to clearly identify the issues to be added to the Work Programme.*)
- If, but only if (having taking the advice of the Monitoring Officer and/or the Chief Finance Officer), the Committee determines that the decision is wholly or partly outside the Budget and Policy Framework refer the matter, with any recommendations, to the Council after following the procedure in Rule 8 of the Budget and Policy Framework Procedure Rules. Only in this case is there a continuing bar on implementing the decision.

14. What happens after the Call-In meeting?

14.1. The outcome of the meeting will be notified to the Executive as soon as possible after the meeting but within 2 working days.

14.2. If any recommendations are agreed by the Overview and Scrutiny Board these will be considered by the Executive should it decline to follow any of the Overview and Scrutiny Board's recommendations it shall clearly state the reasons why. The Executive/Executive Sub Committee will normally consider

the outcome of the Call-in at a formal Executive/Executive Sub Committee meeting however, there may be occasions (e.g. due to urgency etc.) where the Executive may formally write to the Chair of the Overview and Scrutiny Board informing of its decision.

14.3. Once the Executive has agreed its response to the Overview and Scrutiny Board the decision cannot be subject to further call-in. The decision can be implemented following consideration of the issue at an Executive meeting or following receipt of a written correspondence from the Executive to the Chair of Overview and Scrutiny Board.

14.4. Where the Overview and Scrutiny Board's decision is to recommend no further action be taken in respect of the called-in decision the decision can be implemented immediately.

15. Conclusion

15.1. Call-In provides the opportunity for Overview and Scrutiny Members to hold decision makers to account. This protocol seeks to advise Overview and Scrutiny Members, OSB, the Executive and officers on the arrangements for considering and determining a called-in decision.

16. Contact Details

16.1. If you require any further information or advice in respect of the Call-In process please do not hesitate to contact the Members' & Statutory Services Manager (729697) or the Principal Democratic Services Officer (729714).