

**OVERVIEW AND SCRUTINY BOARD**

**CALL IN PROCEDURE**

**BACKGROUND**

1. The power to call in a decision of a local authority executive body was introduced under the Local Government Act 2000. The process is intended to hold decision makers to account and ensure that executive powers are discharged properly. The process ensures that a decision can be reviewed and reconsidered before it is implemented.
2. It is essential that the scrutiny process retains full credibility in the way in which it deals with the call in. It is important that the outcome of the meeting is arrived at in an objective manner and not as a result of lobbying in advance of the meeting.

**PROCEDURE**

3. Once the Chair has opened the meeting, a note will be taken of the members present at the meeting. Any member who arrives after the call-in signatories have started their presentation may not vote on the call-in, although they may take part in the discussion. If there is a very low turnout, or if the Chair has been made aware that other members are on their way but have been delayed, they may, at their discretion, delay the start of the meeting to allow time for members to arrive.
4. In order to ensure that all parties have a fair opportunity to present their case to the Overview and Scrutiny Board, the meeting will be conducted as follows:
  - a) The Chair will outline the procedure.
  - b) The Proposer – the first named member who called in the decision will be asked to explain why the decision has been called in and what should be reviewed. It is up to them how they use the time allowed and whether it is split between other speakers and witnesses. (Maximum 15 minutes).
  - c) The Executive Member and the service department will have the opportunity to ask factual questions of the Member who called in the decision(s) and the witnesses (Maximum 5 minutes).
  - d) The relevant Executive Member will explain the background to the decision(s). The Executive Member must speak first (unless the decision that has been called in was made by an officer under delegation), The Executive

member may then call on officers to deal with matters of detail. (Maximum 15 minutes).

- e) The Proposer – the first named Member who called in the decision(s) will have the opportunity to ask factual questions (Maximum 5 minutes).
- f) Members of the Overview and Scrutiny Board (OSB) will have the opportunity to question all parties. Requests to speak should be made through the Chair. It shall be up to the Chair to decide whether to allow people to speak and how many speakers will be allowed.
- g) Following questioning, both parties may make closing submissions (5 minutes each), commencing with the Executive Member, then the Member submitting the call in. After closing submissions, no further representations will be heard.
- h) The Chair should then clearly indicate that the floor is open for debate and invite members to discuss and examine the main issues. Members may ask further questions of the members making the call-in or the decision makers, or any other people present at the meeting, during the debate. The members making the call-in and the decision maker will not normally speak during the debate, except to answer questions.
- i) When the Chair considers that the matter has been debated for a reasonable length of time, the Chair will invite the committee members to vote on whether the decision should be referred back and what the reasons for this are. The committee may also agree any comments or recommendations it would like the decision maker (or Council) to consider.
- j) Following the completion of discussions on the Call-in request, the Overview and Scrutiny Board has a number of courses of action available:
  - i. 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.
  - ii. 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
  - iii. 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.)

- iv. 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.)
  - v. 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.
- k) The Chair will confirm the OSB's decision.
  - l) If members vote not to refer the decision back at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.
  - m) Even though members have decided not to refer the decision back for reconsideration they may still decide to refer issues of concern arising from the call-in to the Executive, officers, a committee, or Council, or any other body they consider appropriate, for consideration.
  - n) If members vote in favour of referring the matter for reconsideration, the decision will normally be referred directly back to the decision maker.
  - o) A written report, detailing OSB's decision and the reasons for it, will be prepared and made available to all Council Members by e mail.
  - p) Where OSB refers a decision back to the decision maker, it shall be reconsidered by the decision maker within 10 working days.