

9. Call-in

9.1 All of the rules and procedures relating to call-in seek to recognize that in a Committee System every non-delegated decision is taken in a politically balanced committee, where all Councillors who are members of that committee have the opportunity to question and debate the issues in hand in public forum and participate in the decision-making process. Call-in procedures and practices should recognise this, and the procedures set out intend to allow decisions to be swiftly implemented.

9.2 Call-in is intended to be used only in exceptional circumstances, the procedure being seen as a last resort through which Councillors may request scrutiny of a decision they believe to be contrary to the authority's decision making principles. The process cannot be used simply because members disagree with a decision that has been taken.

What is a call-in?

9.3 Where there is concern about a decision which has just been taken, there is a formal procedure to allow it to be "called in" so members of the Audit and Scrutiny Committee can review it before the decision is implemented. It is a key way of holding decision-makers to account. A called-in decision cannot be implemented until it has been considered by the Audit and Scrutiny Committee, which can examine the issue and question the decision-taker on the actions taken. The Audit and Scrutiny Committee does not have the power or remit to change or overturn a decision taken elsewhere.

Who can call in a decision?

9.4 Any Councillor can start the call-in procedure. Decisions can be called in by eight individual Councillors.

What can be called-in?

9.5 Call-in powers relate to non-statutory decision making functions. Subject to the exceptions listed below, any key decision made by the Council's non statutory decision making committees or a key decision made by an officer with delegated authority may be called-in.

What can't be called-in?

9.6 The following categories of decision cannot be called-in:

1. a decision which is not a key decision, and which has been taken by an officer under delegated powers;
2. a decision which the decision-taker has certified as urgent (giving reasons) in accordance with the Council's Rules of Procedure;

3. a decision relating to a matter which has already been the subject of a call-in during the previous six months;
4. a decision by, or to be taken by, the full Council; or
5. a decision taken at stage 4 of the call-in procedure (see below);
6. decisions to award a contract following a lawful procurement process
7. a decision that has gone through pre-scrutiny, except for where there is evidence that due process has not been followed.
8. Where the Monitoring Officer, after consultation with the Chair of the relevant Audit and Scrutiny Committee, considers the Call-In to be frivolous, vexatious or not a proper use of the Call-In taking into account the rules set out in the procedural rules.

9.7 In particular, it should be noted that the Audit and Scrutiny Committee cannot scrutinise individual decisions made by, or on behalf of, the regulatory / quasi-judicial committees of the Council, eg decisions relating to development control, licensing, registration, consents and other permissions. Nor can it scrutinise decisions taken by committees or sub-committees relating to individual members of staff, or recommendations by the Independent Remuneration Panel.

9.8 Furthermore, although they may be key decisions (and included in the Forward Plan), decisions taken by the committees when preparing annual budget or new policy proposals for submission to the full Council will not be subject to call-in. In these circumstances the full Council is responsible for the final decision and the Audit and Scrutiny Committee will be consulted, even if it has been involved earlier in the process.

When can a decision be called-in?

9.9 It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Audit and Scrutiny Committee to improve the delivery of policies and services should be detailed reviews, rather than call-ins.

9.10 Call-ins should be reserved for exceptional circumstances. Broadly, a decision can be called-in when Councillors:

- (a) have evidence that it may be contrary to the normal requirements for decision-making;
- (b) have evidence that it may be contrary to the Council's agreed policy framework and/or budget;
- (c) lack reasonable and significant information from the decision-taker to explain why it was taken.

- 9.11 Any key decision which is subject to potential call-in cannot be implemented until the end of the call-in period. The call-in period lasts for **five working days** after relevant minutes are published by Governance Services.
- 9.12 Minutes of the committees will be published no later than three clear working days after the meeting. This means that the call-in period will expire at 4:30pm five clear working days after the publication of the minutes (adjusted for bank holidays as appropriate). Call in requests received after this will not be accepted. For example if the minutes were published by 9am on Monday, the call in period would expire at 4.30pm on the following Monday assuming there were no bank holidays in that week.
- 9.13 Call-in requests may be submitted prior to publication of the minutes, however validity will not be determined until the minutes are available for consideration alongside the call-in request.

10. **The call-in procedure itself follows four stages**

STAGE 1

- 10.1 A valid call-in request must be submitted in accordance with the current rules in the Constitution. The request must say who is making the call-in and to which decision it relates. It must also give:
- (a) reasons and provide evidence in accordance with paragraph 9.10 to support why the decision is being submitted for call-in;
 - (b) what action the caller-in would like to see the decision-maker take to address the concerns outlined in the call-in, or how the original decision should be varied; and
 - (c) details of attempts the caller-in made to discuss the issue with the relevant Chairperson in advance of calling the decision in. If reasonable attempts were not made in advance, the call in will not be accepted.
- A pro-forma will be made available.
- 10.2 Requests may also be submitted by electronic mail, fax or by telephone. If the call-in is to be submitted by e-mail, only one Councillor need submit the actual form/request. However, individual e-mails (or letters) in support of the request must also be submitted by the other Councillors specified on the form before the end of the call-in period. Call-ins submitted by fax or telephone must be followed up in writing with the required number of signatures before the end of the call-in period.
- 10.3 In the event of lack of clarity about the validity of a call-in; the Monitoring Officer (in consultation with the Chair of Audit and Scrutiny Committee and the Chief Executive) will decide.

- 10.4 In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused.
- 10.5 Where a submitted call-in request is considered as invalid, the Councillors requesting the call-in will be written to by the Monitoring Officer explaining the reasoning for the decision.

STAGE 2

- 10.6 When the officers receive a valid call-in request with respect to a decision, then that decision may not be implemented until that decision has completed the call-in procedure. The officers will convene a meeting of the Audit and Scrutiny Committee to take place within 10 working days of the receipt of a valid call-in request. In setting the date of the call-in hearing, all efforts will be made to maximize attendance by Audit and Scrutiny Committee members, relevant committee chairs and required officers and other witnesses. The chair of the relevant committee will be kept informed and invited to address the Audit and Scrutiny Committee. Councillors who have requested the call-in will have the right to address the committee when it deals with the issue.

STAGE 3

- 10.7 The Audit and Scrutiny Committee will consider the called-in decision and decide to take one of the following courses of action (the Audit and Scrutiny Committee's decision should not be adjourned or delayed without an exceptional reason):
- (1) to allow the decision to be implemented without further delay.
 - (2) to refer the decision back to the relevant committee together with the observations of the Audit and Scrutiny Committee. The committee will then take the final decision, and that decision may not be called in.
 - (3) to request the decision-making committee Chair to allow further time for the Audit and Scrutiny Committee to consider the issue and make observations at a later date.
 - (4) referral to Monitoring Officer (S106 officer) and/or S151 officer for further consideration (for exceptional / complex matters).

STAGE 4

Reference back to Committee

- 10.8 Where the Audit and Scrutiny Committee decides to refer the decision back, the relevant committee must reconsider the decision in the light of any observations of the Audit and Scrutiny Committee.

- 10.9 Where the Audit and Scrutiny Committee has requested more time to consider an issue, the decision-making committee Chair must have regard to the urgency, and to the Budget and Policy Framework Rules, when deciding whether to implement the decision.

Reference to Monitoring Officer and/or Section 151 Officer

- 10.10 The Audit and Scrutiny Committee may, in exceptional circumstances, refer the called-in decision to the Monitoring Officer (S106 officer) and/or the S151 Officer if it considers it to be contrary to the policy framework or budget. This should only refer to complex matters that cannot be adequately examined within the call-in hearing itself. The relevant officer(s) will then submit a report on the matter to the next meeting of the relevant committee. A copy of this report will be sent to all members of the Council. No action may be taken in respect of the decision or its implementation pending that meeting. If, in that report, the Monitoring Officer (S106 officer) and/or the S151 Officer is of the view that a decision referred to him/her by the Audit and Scrutiny Committee is not a departure from the policy framework or budget, the decision may be implemented immediately. A report to this effect will be submitted to the Audit and Scrutiny Committee for information. If, however, a referred matter is deemed to be a departure from the policy framework or the budget by the Monitoring Officer (S106 officer) and/or the S151 Officer, the relevant committee has two options.
- 10.11 Firstly, it may choose to adjust its decision to bring it within the policy framework or budget, in which case it can then be implemented. In these circumstances, the committee would submit a report to the next meeting of the Audit and Scrutiny Committee explaining its actions.
- 10.12 Secondly, if the committee does not wish to adjust its original decision, it must prepare a report for the full Council. This report must include the views of the Audit and Scrutiny Committee. No action may be taken in respect of the decision or its implementation until the Council has met to consider the matter.

11. **Reference to Full Council**

- 11.1 Subject to the provisions above, the Audit and Scrutiny Committee may require that any called-in matter which has been deemed to be (and remains) contrary to the policy framework or budget is referred to the full Council. The report to the full Council will set out the views of the relevant committee and the Audit and Scrutiny Committee and the advice of the Monitoring Officer and/or the S151 Officer.
- 11.2 The Council may:
- decide that the decision is within the existing policy framework and/or budget (in which case it can be implemented); or
 - amend the financial regulations or policy concerned to encompass the decision (in which case it can be implemented); or agree that the decision is contrary to

the policy framework or budget and require the committee to reconsider the matter in accordance with the advice of the officer(s).

12. **Guidance for Call-in hearings**

12.1 The following guidance set out in paragraph 12-14 is intended to assist the conduct of call-in hearings and the preparation work carried out in the run-up to such a hearing.

Prior to the Call-in

12.2 A meeting will take place between the Chairperson and Vice Chairperson of the Audit and Scrutiny Committee, Chairperson of the relevant committee, relevant officers, the Corporate & Democratic Services Manager and the caller-in, at which a definitive list of witnesses for the call-in hearing will be drawn up, together with a list of questions for each witness, as appropriate.

12.3 A statement from the Chair of the decision-taking committee may be published with the agenda for the meeting.

12.4 A caller-in's statement will be published with the agenda for the meeting, should the caller-in wish to provide such a statement.

12.5 The caller-in and relevant committee Chairperson will be invited to the meeting, together with any other parties relevant to the decision-making process, for example Chairs of other committees or officers.

12.6 Any other relevant internal or external witnesses will be invited to the meeting.

12.7 Five working days notice of a request to attend the meeting will be given to all witnesses, or as soon as possible thereafter. If a list of questions is to be produced, five working days notice of the questions planned will also be given to witnesses.

12.8 Any witness at a call-in will be invited to speak for no more than three minutes.

12.9 Prior to the meeting any Councillor who may have a conflict of interest should declare that conflict, and will be given relevant advice by the Monitoring Officer.

13. **The Call-in meeting**

13.1 The call-in will be the first item of business on the agenda, in order that witnesses are not kept waiting.

13.2 Witnesses will have reserved seats around the table with the committee if space permits, but if there are a large number of witnesses or other attendees at the meeting; they may be required to wait in a separate seating area or the public gallery.

13.3 The caller-in will be invited to make a presentation outlining his or her main reasons for calling in the decision. A question and answer session will follow.

- 13.4 The decision-taker will be invited to make a presentation outlining his or her main reasons for making the decision. A question and answer session will follow. 78
- 13.5 Any other parties relevant to the decision-making process, for example Chairs of other committees, or officers, will be invited to make presentations outlining their reasons for any recommendations on the issue concerned, or in the case of officers their reasons for any recommendations or advice to Councillors. Question and answer sessions will follow.
- 13.6 Witnesses will be invited to make a presentation to the committee without interruption for up to three minutes each, following which there will be a question and answer session.
- 13.7 Witnesses will be given the opportunity to add any points of clarification before any resolution or recommendation is moved.
- 13.8 The caller-in will be given the opportunity to add any points of clarification before any resolution or recommendation is moved.

14. **Call-in Checklist**

The above rules and criteria have been brought together in the checklist of questions (or tests). Councillors should use this checklist when they are considering a call-in. Questions 2 - 4 should also be used by report authors to test draft reports for completeness.

<p>1. Can the decision actually be called-in?</p> <p>If the answer to any of questions 1(a)-(g) is “yes” then the decision can NOT be called-in.</p>	<p>a) Does it relate to a statutory function?</p> <p>b) Was it a non-key decision taken by an officer under delegated powers?</p> <p>c) Was it classified as an urgent decision?</p> <p>d) Has this issue been called-in in the last 6 months?</p> <p>e) Does the decision relate to an existing call-in (ie decisions taken in relation to a reference back)?</p> <p>f) Does the decision relate to the formulation of a policy or budget matter which requires full Council approval?</p> <p>g) Was it a decision taken by, or to be taken by, full Council?</p>
<p>2. Was the decision in accordance with the Council’s policy framework?</p>	<p>a) What is the relevant policy or strategy?</p>

	<p>b) Is the decision contrary to that policy?</p> <p>c) If yes, how? (Evidence must be provided at the time of the call in.)</p>
<p>3. Was the decision in accordance with the agreed budget or budget procedures?</p>	<p>a) Is there funding for the proposal in an agreed budget/capital programme? (If yes, no call in can be evoked on this ground)</p> <p>b) If no, have the rules for virement and supplementary estimates been observed?</p>
<p>4. Was the decision taken in accordance with the Council's Constitution and the principles of decision- making?</p>	<p>a) Does the decision comply with the Council's Constitution, ie.</p> <ul style="list-style-type: none"> • Articles of Constitution • Scheme of Delegation • Rules of Procedure • Codes and Protocols <p>b) Did the decision taken show a reasonable regard for the following:</p>
	<ul style="list-style-type: none"> • The presumption in favour of openness and transparency. • The need for consultation with interested parties. • The need to take account of relevant professional advice from appropriate officers. • The need for clarity of aims and desired outcomes. • The need to identify the range of options considered. • The need to give reasons and explanation for a decision.