

CALL-IN GUIDANCE (OFFICERS)

What is a “call-in”?

A “call in” is a key element of the scrutiny function and it relates to the right of Members to “call in” for examination an executive decision that has been made but not yet implemented.

The Council’s Constitution allows any 9 Councillors to make a call in request. Providing the call in meets certain criteria, a Policy Development & Scrutiny Panel will re-examine the decision and has the power to ask the Cabinet or Cabinet Member to reconsider the decision.

It is important to note that the panel can only recommend that the Cabinet reconsider the decision it made. The panel does not have the power to amend the decision itself.

What are “Executive” decisions?

These are decisions made by

- the Cabinet
- a Cabinet Member,
- a committee of the Cabinet
- an officer taking a key decision acting on delegated authority from the Cabinet,
- an area committee (with delegated authority from the Cabinet)
- a body under joint arrangements (with delegated authority from the Cabinet).

Call-in of decisions of quasi-judicial or Regulatory Committees is not permitted.

All executive decisions are published in the weekly list and are available at the Council offices and on the Council’s web site. Executive decisions made by the Cabinet are published as minutes. Those decisions taken by individual Cabinet Members are published as a decision register entry.

Are there any instances when decisions cannot be called in?

Yes. The call-in procedures set out above shall not apply where;

- The executive decision is urgent as defined in the Urgency Procedure Rules at Part 4 of the Constitution. (The advice of the Chief Executive, Monitoring Officer or (if necessary) the Chief Financial Officer shall be sought in applying this exception.)
- the effect of a call in alone would be to cause the Council to miss a statutory deadline for action.

Who can request a call-in?

Any Councillor who is not a member of the Cabinet can initiate or sign up to a call-in notice.

The call-in notice must state why, in the opinion of the councillors, it is considered that the decision should be reviewed and / or reconsidered by the decision-maker(s) and a reason for the call-in.

Note: we can also receive **more than one call-in submission** (if different political parties don't want to sign up to the same call-in notice) on the same item or related items. There is no automatic priority on first submission as all notices received within the deadline must be considered.

Example: we received two call-in submissions on the executive decision on modern libraries programme (November 2017) & another on a decision related to the same topic.

This was approached by:-

- The Monitoring Officer compiling a merged version of the two call-in submissions on the same decision, to set out all the relevant considerations on that item. This helps to avoid duplication.
- The original call-in submissions and signatories being included as Appendix 3.
 - All three call-in submissions being addressed at one meeting. The call-in decision with two submissions was discussed first; both lead call in members had their own speaking slot to discuss reasons for call-in. The decision was made on the first item, and then we moved onto the second relevant call-in topic. (We had the same lead call-in members for two similar topics but different decision)
- Note: a member of the Panel who is hearing and discussing the call-in can also be a signatory to the call-in.

What are the timescales for completing a call-in?

Once a call-in has been verified, the Panel meeting to consider the call-in has to be held within 10 working days. Day 1 is the first full working day after the day the verification takes place. It's preferable if the panel meeting does not happen on the final (10th) day. This allows for contingency (meeting being cancelled/stopped in progress due to fire alarm etc.)

Usual agenda despatch deadlines apply.

The whole process of call-In must take place within 21 working days.

How many call-in requests can a Councillor sign?

No member of the Council (or statutory co-opted member) will be entitled to sign up to more than 5 call-in requests in a Council year.

What is the process?

Receipt and verification

The Chief Executive & Monitoring Officer shall determine whether a “call-in” is valid (i.e. whether it has been received within the prescribed period and is signed by the required number of members). If the call-in is valid, the Democratic Services officer shall inform the Chair of the relevant Policy Development and Scrutiny Panel, the Leader, relevant Cabinet Member(s) and the Lead Officer.

Scrutiny Officer and Democratic Services Officer roles

- Both officers lead on the management of the review process (send out initial email to panel/ lead call in members/ cabinet member)
- convene a private meeting with the relevant Strategic Director, key officer, PDS Lead Officer, and Chair of the Panel to scope the call-in (including any exclusion- *items not being looked at on the day*)
- DSO liaises with Panel Chair and other key players to arrange date and venue
- Scrutiny Officer collates paperwork and sends to DSO to send out to panel
- DSO drafts running order
- Both offer guidance on procedure to chair/ lead –call in members/ Cabinet Members so need to keep in close contact.
- Members of the public and interested parties can register to speak by contacting Democratic Services – usual deadlines and rules apply.

At the Call-In meeting?

The Panel can only consider and discuss submissions, questions or comments which are directly relevant to the Cabinet decision. The Chair of the panel has discretion to decide what is relevant to the call-in discussion, guided by officer advice. (Already agreed during the scoping meeting and set out in the terms of reference for that meeting.)

As with other meetings, a councillor substitution on the Panel remains in place for the duration of the meeting.

The Panel will consider the evidence presented by officers, councillors, other contributors and members of the public and then draw a conclusion about whether to:-

- a) **Dismiss** the call-in (original decision goes ahead)
- b) **Uphold** the call-in (refer back to the decision maker for reconsideration)
- c) **Refer the matter to Council** to itself undertake the role of the Panel (which may necessitate an additional Council meeting to meet

necessary timescales) [NB: the ultimate decision still remains with the original decision maker].

Wording: - DSO to remind the Chair (and include in Chair's Briefing note) to announce that the Panel must be certain of their exact decision wording before the meeting closes, as they will have no opportunity to change this after the meeting. [If there is any perceived ambiguity, it is up to the Cabinet to act on the wording as they see fit.]

Other areas for consideration:-

Financial considerations: - A planned scrutiny review, when a Panel is providing options to Cabinet before they make a policy decision, would have a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations.

However, at a call-in, the Panel's purpose is very specific to address the points made in the call-in so there is not the same requirement for the Panel to suggest alternative funding options, nor do they have the time to investigate and propose alternative recommendations.

Press: - Often items are sensitive and controversial so it would be helpful for an officer from the Communications & Marketing team to be kept informed during the planning and preparation stage. i.e., during the initial scoping meeting and to consider attending the call-in meeting if possible.

CABINET RECONSIDERATION OF AN UPHELD DECISION

- **It has to give reasons in either case.**
- **The Executive have to complete this process within 10 working days.**
- **This meeting does not have to be in public.**

Other considerations;

- ***Any points from***
- ***Clarity needed on options available to Cabinet and definition of making a different decision***
- ***If it was a Cabinet decision, does it have to go back to Cabinet?***
- ***Is it appropriate for public/cllrs to speak at Cabinet meeting with risk of presenting new information?***

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<p>If the panel need more time to consider further information a second meeting must be held within 21 working days</p>	<p>hear</p>	<p>If the decision is overruled this is referred back to the Executive. They must reconsider this decision within 10 working days stating their reasons for their decision.</p>	<p>ec Mem</p>	<p>If the Panel disagree with and overturn the Call-In, the Executive Decision can be implemented straight away.</p>
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