

Chapter 2 Part 7b: CALL – IN PROCESS FLOW DIAGRAM

The Overview and Scrutiny Committee has the power to Call-In decisions made by the Cabinet a Committee or an Officer under delegated authority, but not yet implemented.

Exceptions:

- Call-In can be invoked in respect of a decision only once
- Call-In does not apply to day-to-day management and operational decisions taken by Officers (Administrative Decisions)
- A decision which is an “excluded matter” * pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012 cannot be Called-In.*

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Urgent decision

- The Call-In procedure shall not apply where a decision being taken is urgent
- A decision will be urgent if any delay likely to be caused by the Call-In process would seriously prejudice the Council’s or the public’s interests.
- The decision and notice will specify whether the decision is urgent.

SIGNED NOTICE REQUESTING DECISION TO BE CALLED-IN

A notice stating the reasons for the request for a decision to be Called-In must be signed and submitted to the Monitoring Officer within 5 working days of the publication of the decision in question

A notice may be signed by the Chair, or in their absence the Vice-Chairs of the Overview and Scrutiny and two Members of the Committee; or by any five Members of the Council requesting that the decision is Called-In

Call-In signatories to identify on the call-in form (Chapter 2 Part7b) who will be the Lead Signatory and any other speaking signatories up to a maximum of five Members.

CONSIDERATION

The Monitoring Officer will then seek the views of the Chair, or in their absence, Vice-Chairs of the Overview and Scrutiny Committee as to the validity of the Call-In request

The Chair or Vice-Chairs will consider whether the case to Call-In the decision has been made out and whether delaying the implementation of the decision would likely to cause significant damage to the Council’s interest.

VALID REQUEST

Monitoring Officer to convene a meeting of the Overview & Scrutiny Committee within 7 working days

INVALID REQUEST

Decision will not be Called-In. Monitoring Officer report for reasons why will be available at next Overview & Scrutiny Committee meeting.

Call-In Process – Explanatory Note

This note provides a simple explanation of the format for the 'Call-In' at the meeting of a Scrutiny Committee. It sets out each stage to follow to ensure the meeting is effective and is not adversarial. The key stages are set out as follows:

Stage 1 – Lead signatory submission

As lead signatory, the first signatory to the 'Call-In' will be invited to address the Scrutiny Committee for a maximum of 10 minutes and to make a statement of explanation in respect of the decision called in. They should outline the reasons why the signatories have called the decision in. They should also aim to explain how the decision is in breach of the principles of decision making. Any other speaking signatories will then be invited to speak for a maximum of no more than 10 minutes each. The address should be limited to a maximum of 20 minutes in total and the speaking signatories should stick to the reasons why the decision has been called in and why they believe it is in breach of the decision-making principles.

Stage 2 – Ward Members

Any Ward Members registered to speak will have five minutes to address the Committee.

Stage 3 – Cabinet Member Submission

Following the lead signatory's and any other speaking signatories of the Call-in, and registered Ward Members address to the Scrutiny Committee, the relevant Cabinet Member(s) will be invited to address the Committee. Relevant Officers can be called upon to support this submission.

The address should be limited to a maximum of 20 minutes and it should aim to address the reasons given by the lead signatory for the Call-In. They should also aim to explain why the decision has not breached the principles of decision making.

Stage 4 – Scrutiny Committee Questions

Scrutiny Committee Members can then ask questions of the lead signatory and any speaking signatories, the Cabinet Member(s) and Officers directly relating to the decision and the reasons for the Call-In (this should be questions about the decision and the Call-In and not a debate on the issue as a whole).

Stage 5 – Lead Signatory Closing Statement

The lead signatory and any speaking signatories makes a closing statement (this should last a maximum of five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 6 – Cabinet Member Closing Statement

The Cabinet Member(s) then make a closing statement (this should last no longer than five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 7 – Scrutiny Committee Decision

At this stage, the Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no further submissions will be heard from the lead signatory, any speaking signatories, or the Cabinet Member(s) whilst the Scrutiny Committee deliberates and makes a decision.

The Scrutiny Committee has two options available for its decision which are:

- they agree with Cabinet's decision (the Cabinet decision can now be actioned)
- Agree that the decision is referred back to the decision maker for reconsideration and that it should be referred back to the next Cabinet meeting unless due to matters of urgency the matter needs to be decided earlier. (the Overview and Scrutiny Committee should expressly outline the reasons to reconsider the Cabinet's decision in its recommendations).

Minutes of the meeting containing the decision will be circulated to all Councillors in due course.

** Excluded matters" are:

- planning decision
- licensing decision
- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee.
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

APPENDIX

Notice of Call-In of Key Decision

In accordance with the Council's Call-In of Key Decisions Procedure, we the undersigned hereby give notice that we wish to Call-In the following key decision:

Decision.....

Meeting at which the decision was made.....

Date of the Meeting.....

We believe that the following principles of decision making have been breached by the making of this decision (please give reasons against those principles which are thought to have been breached):

Proportionality

Due consultation and the taking of professional advice from Officers

A presumption in favour of openness

Clarity of aims and desired outcomes

A record of what options were considered and giving the reasons for the decision

The lead Signatory to be the first Member named below. Please indicate below if any further Councillors are to speak at the meeting.

1. Signed..... Lead Signatory

Name.....

Date.....

2. Signed..... Speaking Y/N

Name.....

Date.....

3. Signed..... Speaking Y/N

Name.....

Date.....

4. Signed..... Speaking Y/N

Name.....

Date.....

5. Signed..... Speaking Y/N

Name.....

Date.....