

Part 2 – Call-in

The “call-in” process allows Overview and Scrutiny Committees to scrutinise Executive decisions that have been made but not yet implemented by the Council. Decision makers must consider any recommendations made by the Overview and Scrutiny Committee before the decision is implemented.

1. Notice of Cabinet and Key Decisions

- 1.1 Notice of an Executive decision shall be published on the Council’s website within **2 Clear Working Days** of the decision being made. Members will be sent links to any published decision.
- 1.2 Any such notice shall include the date of publication and that the decision will be implemented **5 Clear Working Days** after that date, unless the decision is called in.

2. Calling in a decision

Submitting a valid call-in request

- 2.1 Any request to call in an Executive decision must:
 - (a) be submitted in writing (including by email) to the Scrutiny Officer before **5pm on the fourth Clear Working Day** after publication of notice of the relevant decision;
 - (b) be supported by any **four** Members and must cite a lead Member;
 - (c) give reasons for the call-in request and outline the alternative course of action, or recommendations, proposed; and
 - (d) not be excluded from call-in as set out in this Constitution.
- 2.2 Before deciding on the validity of a call-in request, the Scrutiny Officer may seek clarification from the lead Member cited in the call-in request. The Scrutiny Officer is not obliged to assist Members in ensuring that a call-in request is valid.

Decisions not subject to call-in

- 2.3 A decision is not subject to call-in where:
 - (a) the urgency procedures below have been followed;
 - (b) the decision has already been considered by an Overview and Scrutiny Committee before it was made (pre-decision scrutiny) and there has been no substantive change to the decision (except to accept the recommendation of an Overview and Scrutiny Committee);
 - (c) the alternative course of action and/or recommendations proposed in the call-in have already been considered and rejected;
 - (d) the Cabinet or other decision maker has given notice that it will reconsider its decision without the need for call-in (so long as the decision maker has given written notice to the Chair of the relevant Overview and Scrutiny Committee and the Scrutiny Officer); or

- (e) the call-in:
 - (i) relates to a Cabinet decision to refer a matter to Full Council;
 - (ii) relates to an operational management decision taken by Officers; or
 - (iii) is considered by the Chief Executive to be frivolous, vexatious or outside the scope of the call-in provisions.
- (f) For any call-in rejected, its details and the reasons for rejection shall be published and reported to the relevant overview and scrutiny committee for noting.

Decisions outside the Budget and Policy Framework

- 2.4 Any call-in of a decision on the grounds that it is outside the Budget and Policy Framework will be dealt with under the Budget and Policy Framework Procedure Rules.

Implementation of decisions

- 2.5 Any decision that is not validly called in will become effective **5 Clear Working Days** after it is made.

3. Urgent decisions and waiver of call-in

- 3.1 The call-In procedure shall not apply where the decision being taken is urgent.

- 3.2 A decision is urgent if:

- (a) it is made under the urgency procedures in the Access to Information Procedure Rules;
- (b) in the opinion of the Monitoring Officer, any delay likely to be caused by the call-In process would be likely to expose the Council, the public, or other stakeholders, to a significant level of risk, loss, damage, or disadvantage; or
- (c) the Chair of the relevant Overview and Scrutiny Committee has consented to the waiver of call-in.

- 3.3 Where a decision is urgent, the relevant notice of publication shall state that the decision is not subject to call-in.

- 3.4 Where the Cabinet has recorded a decision as urgent, an Overview and Scrutiny Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

4. Call-in procedure

Reference of call-in to relevant meeting

- 4.1 Where a valid call-in is made, the Scrutiny Officer will:

- (a) notify the decision maker and the Chief Executive that a call-in request has been made; and

- (b) determine the relevant Overview and Scrutiny Committee to consider the call-in.

4.2 The Scrutiny Officer will then, in consultation with the Chief Executive, take one of the following actions:

- (a) refer the call-in to the next relevant Overview and Scrutiny Committee meeting if it is due to take place within **7 Clear Working Days** of receipt of the call-in request; or
- (b) if (a) does not apply:
 - (i) convene an extraordinary meeting of the relevant Overview and Scrutiny Committee as soon as practicable; or
 - (ii) with the consent of the decision maker and in consultation with the Members requesting the call-in, refer the call-in for consideration at the next available scheduled meeting of the relevant Overview and Scrutiny Committee.

Members to attend meeting

4.3 The Members requesting call-in of a decision should attend the meeting of the relevant Overview and Scrutiny Committee to explain their reasons for the call-in and the alternative course of action or recommendations they propose.

Consideration of call-in

4.4 The purpose of call-in is to allow non-Executive Members to examine and consider how an Executive decision has been made and for members of the relevant Overview and Scrutiny Committee to make suggestions and recommendations to the decision maker. Overview and Scrutiny meetings provide a forum for Members to seek clarification of the decision-making process and to explore the work undertaken by Officers to support the decision.

4.5 Overview and Scrutiny Committee Chairs should manage their meetings effectively in line with the Scrutiny Protocol, applying Constitutional provisions, maintaining good discipline and fostering a culture of respect.

4.6 A representative of the Members who requested the call-in will be invited to set out the reasons for the call-in. The matter will then be discussed by the meeting, including any contributions from members of the public.

Actions after consideration

Having considered the call-in and the reasons given, the relevant Overview and Scrutiny Committee may either:

- (a) confirm the original decision, in which case, the decision will be effective from the date of confirmation;
- (b) refer the decision back to the decision maker for reconsideration, setting out in writing any recommendations, in which case, the decision maker will reconsider the decision as soon as practicable; or
- (c) refer the decision to Full Council as set out below.

5. Reference to Full Council

5.1 An Overview and Scrutiny Committee may refer a matter to Full Council if, in its opinion:

- (a) it is contrary to the Policy Framework;
- (b) it is contrary to, or not wholly in accordance with, the Budget; or
- (c) the Overview and Scrutiny Committee disagrees with the Monitoring Officer and/or the Section 151 Officers' view that the decision is legally and/or financially compliant.

5.2 Full Council will consider any such decision in accordance with the Budget and Policy Framework Procedure Rules.