

### **3. THE CALL-IN PROCEDURE**

- 3.1 Only key decisions can be called-in, urgent key decisions cannot be called in.
- 3.2 Call-in should only be used in exceptional circumstances. Exceptional circumstances are where a decision has been made which is either outside the policy framework or contrary to, or not wholly consistent with the budget, or the decision was not taken in accordance with the principles detailed in the Overview and Scrutiny Committee Arrangements set out under Section 1 above the right to call-in should not be abused.
- 3.3 Where a decision is made by the Cabinet, the decision shall be published by electronic means and shall be available at the main offices of the Council as soon as possible after the Cabinet meeting.
- 3.4 The published decision will bear the date on which it is published and will specify that the decision will come into force and may be implemented at 4.00pm on the fifth working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.
- 3.5 During this period, the Chief Executive shall call-in a decision for scrutiny by the relevant Overview and Scrutiny Committee if so requested by at least three councillors (not including Cabinet Members) or voting co-opted members and providing the request complies with the requirements set out in the reasons for call-in below. For the purposes of this provision the education co-opted members referred to in paragraph 3.5 of shall only be entitled to request the call-in of a decision relating to education matters.
- 3.6 Councillors requesting that a decision be called-in for scrutiny shall complete a call-in form available here: [Call-in Form.pdf](#) either electronically or on paper and indicate one councillor as the lead councillor for the call-in and send it to the Chief Executive.
- 3.7 The councillors requesting the call-in must include reason(s) why the decision should be scrutinised.
- 3.8 A reason for call-in shall not be valid if:
  - (a) The reason for call-in does not relate directly to the decision;
  - (b) The reason for call-in is answered by information already to be found in the report relating to the decision;
  - (c) The reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called-in;
  - (d) The reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
  - (e) The reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months;
  - (f) There was sufficient time for pre-decision scrutiny.

- 3.9 On receipt of a call-in form the Chief Executive will arrange for:
- (a) The call-in form to be acknowledged in writing;
  - (b) Consideration that the call-in is valid within this call-in procedure;
- 3.10 If the call-in is valid:
- (a) Cabinet to be formally notified in writing of the receipt of a call-in; and
  - (b) the Chair of the Overview and Scrutiny Committee to be informed (if the Chair is not a party to the call-in).
- 3.11 If the call-in form states that the decision is outside of the budget and policy framework of the Council, the Chief Financial Officer or Monitoring Officer (as appropriate) will prepare a report for the Overview and Scrutiny Committee upon the matter.
- 3.12 Prior to the meeting of the Overview and Scrutiny Committee arranged to consider the call-in item, the Chair shall arrange an informal meeting with the lead councillor calling in the decision and the lead Cabinet Member to discuss the issue. All members who have signed the call-in request will be invited to the informal meeting, providing the number of signatories does not exceed three.
- 3.13 Where at the informal meeting stage assurances are given by, or agreements reached with the lead Cabinet Member, then those assurances or agreements must subsequently be confirmed in writing.
- 3.14 A report of any call-ins that are withdrawn as a result of an informal meeting will be included on the agenda for the next meeting of the Overview and Scrutiny Committee.
- 3.15 If the call-in is not withdrawn as a result of the informal meeting or an informal meeting is not held it will go to the Overview and Scrutiny Committee.
- 3.16 The Overview and Scrutiny Committee should normally meet within ten clear working days of the notice of call-in. Wherever possible scheduled meetings of the Overview and Scrutiny Committee will be used. Where this is not possible the Chief Executive will liaise with the parties concerned to arrange a special meeting.
- 3.17 A decision may not be called-in where the Overview and Scrutiny Committee scrutinised the decision before it was taken and made recommendations to Cabinet and those recommendations have been accepted by Cabinet either in whole or without significant addition or modification.
- 3.18 To facilitate the proper scrutiny of the decision being called-in, the lead councillor shall provide the Overview and Scrutiny Committee members with an outline of the case to be presented and any supporting evidence not less than three clear working days prior to the date of the Overview and Scrutiny Committee meeting.
- 3.19 Where a decision has been called-in and none of the councillors who have called-in the decision attends, the Overview and Scrutiny Committee will have the option of confirming the decision without any further discussion.

- 3.20 The Chair of the Overview and Scrutiny Committee shall primarily confine the debate at the meeting to the reasons stated on the call-in form.
- 3.21 The options available to the Overview and Scrutiny Committee in respect of a called in matter are as follows:
- (a) To note the Cabinet's decision – in which case the decision takes effect immediately;
  - (b) To refer the matter back to the Cabinet for reconsideration – in which case the Cabinet shall reconsider the matter within twenty-eight days, normally at its next planned meeting. The Cabinet may then determine the matter as it thinks fit and the decision takes effect on publication of the fresh decision, there being no further call-in;
  - (c) Refer Cabinet's decision to the Council where the Chief Financial Officer/ Monitoring Officer's report confirms that the decision is outside of the budgetary and policy framework.
- 3.22 If a matter is referred to the Council in accordance with paragraph (c) above, the Chief Executive, in consultation with the Mayor, shall call an extraordinary meeting of the council within seven working days.
- 3.23 Essentially the same procedures also apply to the call-in of key decisions by a cabinet committee, portfolio holder or and officers However, in the latter case if the Overview and Scrutiny Committee refers the matter back, it will be considered again by the officer who will refer the matter to Cabinet.