Call-in Procedure

What is a Call-In?

A key element of the overview and scrutiny function is to hold the Cabinet (the Council's executive function) to account for the 'discharge of its functions'. If a Policy Development and Scrutiny Committee think that the Executive has made a wrong decision, they can ask them to think again, this can be achieved by a "Call-In" facility that allows for decisions to be scrutinised prior to their implementation.

How can I find out which decisions the Executive take?

There are two ways in which Members of a Policy Development and Scrutiny Committee can identify decisions which are considered by the Executive:

Forward Plan

The Forward Plan is published and regularly updated on the Council's intranet site.
It should include advance notice of all decisions to be taken by the Executive and the date upon which this will be done. This provides an early opportunity for Non Executive Members to identify forthcoming issues and to review whether the PDSC should have involvement.

Executive Decision Sheets

All decisions taken by the Executive are published and are made available at the Council offices, the intranet site and are also distributed directly to each Member of the County Council through the 'Executive Information Pack' either electronically or in hard copy, normally within 4 working days after the decision has been taken.

Executive decisions made by the Executive are published as minutes and within these minutes is a link to individual decision sheets. These decision sheets state the decision and the date it was made; the reason for the decision and when the decision will come into effect. Non Executive Members have 5 days from the date the decision is published in which to challenge or "call in" the decision. Otherwise these decisions may be implemented, on the expiry of a period of 5 clear working days after the date of publication.

How does the call-in procedure work?

Stage 1

Any 3 Members of a Scrutiny Committees may "call-in" decisions made by the Executive for review before they are implemented provided notice is given to the Monitoring Officer within 5 working days of the decision being published.
Items may be called-in using the standard form available from the Head of Committee Services, Steve Allen Ext: 2135. Members are asked to identify:
- the date of the Executive meeting
- the report title
- the reason for the call-in

The form may be returned by hand, post or fax, to the Head of Committee Services, Steve Allen, but the requisite number of Members (3) from the relevant Policy Development and Scrutiny Committee will need to sign the form (or a copy of it) to progress the request.

**Stage 2**

A copy of the Call-In request will be passed to the Monitoring Officer (Richard Williams, Head of Legal Services) who will formally call-in a decision on behalf of Scrutiny and inform the relevant decision-taker and Chairman of the Committee (if not one of the signatories) of the call-in.

**Stage 3**

Following confirmation by the Monitoring Officer that the Call-In is valid, a meeting is held between the signatories, and Chairman of the relevant Committee, and relevant officers to establish:
- the suggested variation to the proposed decision
- any background information that is sought
- other organisations or stakeholders that should be notified of the call-in and/or be sent agenda papers
- appropriate date to hold a Special Meeting of the Committee

**Stage 4**

At the Special Meeting of the relevant Committee the objector(s), will be given the opportunity to make verbal representations explaining why they felt it appropriate to call in the decision and outline any alternative proposal. The Committee will be able to question any of the relevant officer or witnesses called to the meeting in order to help them reach a decision.

**Stage 5**

If the Scrutiny Committee supports the Executive’s original decision, then the decision can be implemented without delay and the Executive's decision stands.

**Stage 6**

If the Scrutiny Committee supports the objection it can either refer the matter back to the Executive with a recommendation for an alternative solution.
If it is considered that the decision is contrary to or not wholly in accordance with the policy framework or budget, then the matter may be referred directly to the next available Council meeting when the matter will be debated. The outcome of this debate will then be reported back to the Executive for consideration unless it is found that the decision is contrary to policy framework or the budget where the Councils decision will then overrule that of the Executive. If a Scrutiny Committee considers that the vires for a decision is doubtful it should seek the advice of the Monitoring Officer before deciding to refer the matter, or make a report to full Council. It should also seek advice from the Monitoring Officer, and other appropriate officers, if there is some doubt over whether a decision is contrary to the budget or policy framework, before referring the matter to the Council. Alternatively, it can refer the matter to a Panel for further work to be done.

**Stage 7**

If the matter is referred back to the Executive, the Executive must reconsider the decision and may or may not amend it before adopting a final decision. If the matter is referred to Council, the Council will remain the final arbiter of any dispute - there is no appeals procedure.

**Stage 8**

Once a decision has been determined following a call-in it can be implemented and cannot be subject to any further call-ins.

**Are all Executive decisions subject to Call-In?**

There needs to be an appropriate balance between holding the Executive to account and the need for effective and efficient Executive working. For this reason, certain limitations are placed on its use:

- no more than 2 matters can be called-in by any single Scrutiny Committee in a 6 month period;
- once an individual Member has signed a request for call-in, he/she may not do so again until a period of two months has expired;
- only decisions involving expenditure or reductions in service of over £50,000 shall be called in.

The Call-In procedure shall not apply when the decision being taken by the Executive falls under the following categories:

- decisions taken under urgency provisions cannot be called in for consideration prior to taking effect but may be reviewed after implementation;

Any decision where there is a risk of financial loss, legal liability or a threat to public safety and action needs to be taken before the next appropriate Policy Development and Scrutiny Committee;

Any decision relating to a matter in respect of which a deadline for action has been imposed by a third party, such as government deadline, which
will expire before the next relevant Policy Development and Scrutiny Committee, subject to consultation with the Chair of the Policy Development and Scrutiny Committee;