

Gloucester City Council

Meeting:	Overview and Scrutiny Committee	Date:	31 March 2014
Subject:	Review of 'Call In' Procedure		
Report Of:	Head of Legal and Policy Development		
Wards Affected:	None		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Sue Mullins, Head of Legal and Policy Development & Monitoring Officer		
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Appendices:	1. Extract from Overview and Scrutiny Procedure Rules on call-in		
	2. Call-In arrangements approved by Overview and Scrutiny Committee on 14 July 2010		
	3. Suggested Call-in Procedure Rules (containing sub-appendices A, B, and C)		
	4. Suggested Call-in Request Pro-Forma		

1.0 Purpose of Report

- 1.1 To consider amendments to the grounds for call-in and seek formal endorsement of Procedure Rules for call-in.

2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider the information contained in the report and to **RECOMMEND** to Council that:

- (1) the grounds for call-in set out in the Overview and Scrutiny Procedure Rules be amended as set out in paragraph 3.5 of the report;
- (2) the 'Call In' Procedure Rules set out in Appendix 3 of this report be approved and included in the Constitution as part of the Overview and Scrutiny Procedure Rules;
- (3) the Call-in Request Pro Forma set out in Appendix 4 of this report be approved;
- (4) the Overview and Scrutiny Procedure Rules be amended as set out in paragraph 3.9 of the report;

3.0 Background and Key Issues

- 3.1 'Call In' is rarely used at the City Council as Members and Officers work together to ensure that decisions are robust and taken in an open and transparent manner. However, on occasion, decisions are 'called in' and in those instances, there needs to be a clear understanding and procedure for Members and Officers to follow.

- 3.2 At its meeting on 22 October 2013, the Constitutional and Electoral Working Group considered the Council's call-in process following a recent use of call-in by Members. As a result of the call-in, it was identified that, the grounds for call-in were not as clear as they could be and that, although the procedure used for the call-in had been approved by the Overview and Scrutiny Committee in 2010, the procedure had not been formally endorsed by the Council. The Working Group made a number of comments on the procedure used for the call-in and asked the Head of Legal and Policy Development to review the Constitution and present a revised Call-in Procedure to the Group at its next meeting for approval. **This report contains the agreed revised draft Call-In Procedure approved by the Constitutional and Electoral Working Group at its meeting on 28 January 2014.**

Grounds for Call-in

- 3.3 The current grounds for call-in are set out in paragraph 14(c) of the Overview and Scrutiny Procedure Rules (shown at Appendix 1). They are:-

'Where it is considered that the proposed action is contrary to, or not in accordance with, the Council's policy; or the Cabinet, individual Cabinet Member or an Officer acting under delegated authority from the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making), or was contrary to officer advice then the following call in arrangements will apply'.

- 3.4 Having researched the call-in grounds in a number of other authorities, it seems that there is a great deal of variation between authorities on when call-in can be used. It is important that an appropriate balance is maintained between the Overview and Scrutiny's power to hold the Executive to account and ensuring that decisions can be made and implemented within a reasonable period of time.

- 3.5 It is considered that the current grounds for call-in within the Constitution as set out in 3.3 above could be extended and clarified as follows to meet the needs of this authority:

'Where it is considered that the decision is contrary to, or not in accordance with the principles of the Council's approved or adopted policies; or is not in accordance with the Council's budget; or in making the decision, the Cabinet, individual Cabinet Member or Officer taking a Key decision under delegated authority from the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making); or in making the decision, the Cabinet, individual Cabinet Member or an Officer acting under delegated authority from the Cabinet took account of an irrelevant matter or failed to take account of a relevant matter which, in the opinion of the Chief Executive and Monitoring Officer, had (or would have had) a significant bearing on that decision; or the decision was contrary to officer advice'.

Call-in procedure

- 3.6 The call-in procedure used at the most recent call-in and as approved by the Overview and Scrutiny Committee is set out in Appendix 2. The Constitutional and

Electoral Working Group at its meeting on 22 October 2013 made the following suggested amendments to the call-in procedure:

- that the decision-maker should be the penultimate speaker and that the Member requesting the call-in should then sum up;
- that Members should be invited to move any amendments or additions to the reasons for any referral before the vote to support the call-in is taken;
- that it would be helpful to have a discussion on the call-in without it being referred to Council. It was suggested that the decision maker should be present during the debate and have the opportunity to comment as to where the call-in should be referred.

3.7 The Call-in Procedure Rules suggested at Appendix 3 to the report address these issues raised by the Working Group and remove the two stage decision-making process contained in the Council's current call-in procedure, which did not allow effective consideration of call-in requests by the Overview and Scrutiny Committee.

3.8 In order to assist Members making call-in requests and to ensure that relevant information is provided within the timescale for calling-in decisions, it is suggested that a standard request form is used. A suggested proforma for call-in requests is set out in Appendix 4 to the report.

3.9 As decisions which can be called in can include officer Key decisions, it is suggested that the relevant part of paragraph 14(c) of the Overview and Scrutiny Procedure Rules is amended to allow officers to attend and speak at the Committee. The proposed changes are:

When the Executive decision comes before the Overview and Scrutiny Committee, the following persons shall have a right to attend and to speak at the Committee:-

- any one or more Members having requested the call-in;
- the Leader, the Deputy Leader and/or the relevant Cabinet Member having portfolio responsibility for the matter under consideration
- ***any officer who took the Key decision under consideration.***

3.10 It is considered that Overview and Scrutiny Committee should be consulted on the proposed changes to their Procedure Rules before this matter is referred to Council. If the Committee suggests substantive changes to the Procedure Rules set out in Appendix 3 to this report, the matter will be brought back to the Working Group.

4.0 Alternative Options Considered

4.1 The Council has to have arrangements to enable 'call-in' of decisions taken by the Executive so there is no option to remove these provisions. However, the Council can determine its own call-in arrangements provided they enable effective call-in to take place. An alternative option is to retain the current grounds for 'call in' and the call-in process set out in Appendices 1 and 2 to the report.

5.0 Reasons for Recommendations

5.1 Following the recent 'call in' and the practical application of the Council's process, it was felt that there needed to be further clarity in the Constitution on what could be

'called in' and the reasons why, together with improvements to the process for the consideration of the called-in item by Overview and Scrutiny Committee.

5.2 Research has been undertaken and best practice considered to ensure that the Council's Constitution is robust in this area.

6.0 Future Work and Conclusions

6.1 Subject to the recommendations of Overview and Scrutiny Committee, the revised procedure will be presented to Council and any required changes made to the Constitution.

6.2 If the procedure is approved, a flowchart of the call-in procedure will be produced to aid understanding of the call-in process.

7.0 Financial Implications

7.1 There are no financial implications arising from this report.

8.0 Legal Implications

8.1 The main legislative provision governing 'call-in' is Section 9F of the Local Government Act 2000, as inserted by the Localism Act 2011, which allows an overview and scrutiny committee power to review or scrutinise any executive decisions which have been made and recommend that they are reconsidered by those responsible; or else to arrange for the Council to review the decision and, where necessary, ask those responsible for the decision to reconsider.

9.0 Risk & Opportunity Management Implications

9.1 Having documented call-in procedure rules helps to ensure that the Council's decision-making processes are clear and transparent. Without such clarity, there is a risk that the call-in process will not be effective or will not be conducted in an appropriate way.

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

11.1 None specific to the report.

Background Documents:

Knowles on Local Authority Meetings: A Manual of Law and Practice

[Extract from Overview and Scrutiny Procedure Rules]**14. CALL-IN**

Call-in should only be used in exceptional circumstances, such as where Members have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making).

- (a) When a decision is made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or an Executive decision is made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chair of Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) The Minutes will indicate whether matters are subject to delegated action by officers (and if so whom) or for decision by the Council.
- (c) Where it is considered that the proposed action is contrary to, or not in accordance with, the Council's policy, or the Cabinet, individual Cabinet Member or an Officer acting under delegated authority from the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or was contrary to officer advice, then the following call in arrangements will apply:-
 - The Head of Paid Service, in consultation with the Monitoring Officer, must agree that the call-in complies with the criteria set out in the Constitution in order that it can proceed.
 - Within five working days of the publication of an Executive decision, any five Members of the Council may request reference of the minute to the Overview and Scrutiny Committee for consideration.
 - The request shall be communicated to the Corporate Director of Resources in writing and signed by at least five Members, or by separate communication in the same terms by five Members. As an alternative, the request may be communicated separately in electronic form provided that the Corporate Director of Resources is satisfied with proof of identity of each individual Member.
 - The Corporate Director of Resources will, as soon as practicable, communicate the request to:-
 - the relevant officer identified in the Minute
 - the Overview and Scrutiny Committee Chair (or Vice Chair in their absence).
 - the Leader of the Council or Deputy Leader in their absence.
 - Upon receipt of notification the Chair (or Vice Chair) shall convene a special meeting of the Overview and Scrutiny Committee within ten working days of the date of notification by the Corporate Director of Resources, unless there is a meeting of the Committee already

programmed within twenty-one days of the notification, in which case the matter shall be referred to that programmed meeting.

- When the Executive decision comes before the Overview and Scrutiny Committee, the following persons shall have a right to attend and to speak at the Committee:-
 - any one or more Members having requested the call-in;
 - the Leader, the Deputy Leader and/or the relevant Cabinet Member having portfolio responsibility for the matter under consideration.
 - The Overview and Scrutiny Committee shall be entitled to receive copies of any reports as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
 - In the event of a call-in of a Cabinet Minute the relevant officer shall not exercise his/her delegated powers on the matter before it has been considered by the Overview and Scrutiny Committee and re-considered by the Cabinet in light of the Overview and Scrutiny Committee's conclusions and any recommendations.
 - No matter which has been the subject of a call-in may be subject to a second call-in.
- (d) Where an Executive decision has been taken by an Area Committee then the right of call-in shall extend to any other Area Committee which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny Committee for consideration in accordance with these provisions. An Area Committee may only request the Corporate Director of Resources to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of the Overview and Scrutiny Committee.

15. CALL-IN AND URGENCY

The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would (e.g.) seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as an urgent matter. In the absence of the Mayor, the Sheriff and Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

OVERVIEW AND SCRUTINY COMMITTEE

Procedure to be followed at a meeting when considering a Call-in

The Chair will open the meeting.

1. Reasons for the Call-in

The Members who “Called-in” the decision will be asked to explain why they have done so and what they feel should be reviewed. **They shall be allowed up to 15 minutes in total to present their case.** It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit.

Members of the Committee may ask questions of clarification at this point. However there is no opportunity for cross-examination

2. Decision-maker’s response

The Leader of the Council / Cabinet Member will respond to the reasons given for the Call-in. **15 minutes shall be allowed to respond on behalf of the decision-maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member may make the presentation or they may divide the time between several speakers as they see fit.

Members of the Committee may ask questions of clarification at this point. However there is no opportunity for cross-examination

3. Consideration by the Committee

The Overview and Scrutiny Committee will then discuss the matter. Members may ask further questions of the Members who submitted the Call-in or the decision-makers during the debate. The Members making the call in and the decision-maker will not normally speak during the debate, except to answer questions.

4. Summing-Up

When the Chair considers that the matter has been debated for a reasonable length of time, both the decision-maker and one of the Members making the Call-in will be offered the opportunity to make any final comments on the matter and to sum up.

Each side will be allowed five minutes for this purpose.

5. The Vote

The matter will then move to the vote. The first issue for consideration is whether, in light of the case presented by the Members making the Call-in and any other points made during the debate, Members wish to refer the decision for further consideration.

6. If the Vote to support the Call-in is lost

If Members vote **NO** at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.

7. If the Vote to support the Call-in is carried

If Members vote **IN FAVOUR** of referring the matter for reconsideration, they must vote on the following matters in turn:

Where to refer the matter –

Members must decide whether the decision should be referred back for reconsideration directly to the original decision-maker (i.e. to the Cabinet) **OR** to refer the matter to City Council with a request that they decide whether to refer the matter back to the original decision-maker for reconsideration.

The Chair will ask members to vote in favour of either:

(i) Reference directly back to the original decision-maker

OR

(ii) Reference back via the City Council

Reasons for referring the matter back –

The Chair will then put to the meeting that the matter be referred back to the original decision-maker (or to the City Council, as the case may be) for the reasons set out in the call-in request.

Members will then be invited to move any amendments or additions to those reasons. Members may also move any specific recommendations or issues they would like the original decision-maker or Council to consider.

Members must agree on the factors the decision-maker (or Council) are to be asked to consider. The matter may not be referred for reconsideration without reasons being given.

8. Advising the Committee of Action taken

Where a decision has been referred back to the decision-maker (or Council), a report of actions taken will be presented to a future meeting of the Committee.

[Approved by Overview and Scrutiny Committee – 14 July 2010]

Call-in Procedure Rules

What is 'Call In'

Where there is concern about a decision which has just been taken, there is a formal procedure to allow it to be “called in” so members of the Overview and Scrutiny Committee can review it before the decision is implemented. It is a key way of holding the Cabinet to account. A called-in decision cannot be implemented until it has been considered by the Overview and Scrutiny Committee, which can examine the issue and question the decision-taker on the actions taken.

Call-in is intended to be used only in exceptional circumstances, the procedure being seen as a last resort through which Councillors may demand scrutiny of a decision they believe to be contrary to the Council’s policies or budget or the principles of decision making.

Who can call in a decision?

Any councillor who is not a member of the Cabinet can start the call-in procedure. Decisions can be called in by five individual councillors.

What can be called-in?

Call-in powers relate to Executive (Cabinet) functions. Subject to the exceptions listed below, any decision made by the Cabinet or a *key decision* made by an officer with delegated authority from the Cabinet may be called-in.

What can't be called-in?

The following categories of decision cannot be called-in:

- A decision which is not a Key decision, and which has been taken by an Individual Cabinet Member or an officer under delegated powers;
- A decision which the decision-taker has certified as urgent (giving reasons) in accordance with the Council’s Procedure Rules;
- A decision relating to a matter which has already been the subject of a call-in during the previous six months;
- Any decision relating to a non-Executive function, whether taken by a Committee or an officer under delegated powers;
- A decision by, or to be taken by, the full Council; or
- A decision taken at stage 4 of the call-in procedure (see below).

In particular, it should be noted that the Overview and Scrutiny Committee cannot scrutinize individual decisions made by, or on behalf of, the Council’s regulatory committees (e.g. decisions relating to development control, licensing, registration, consents and other permissions). Nor can it scrutinize decisions relating to individual members of staff.

Furthermore, although they may be key decisions (and included in the Forward Plan), decisions taken by the Cabinet when preparing annual budget or new policy proposals for submission to the full Council will not be subject to call-in. In these circumstances the full

Council is responsible for the final decision and, in any event, the Council's Procedure Rules require that the Overview and Scrutiny Committee must be consulted by the Cabinet, even if it has been involved earlier in the process.

When can a decision be called-in?

It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Overview and Scrutiny Committee to improve the delivery of policies and services should be detailed reviews, rather than call-ins.

The Overview and Scrutiny Procedure Rules in Part Four of the Council's Constitution specify formal safeguards for the use of call-in. The Constitution also suggests that call-ins should be reserved for exceptional circumstances.

Broadly, a decision can be called-in when councillors:

- Believe it may be contrary to the normal requirements for decision-making
- Believe it may be contrary to the Council's agreed policy framework and/or budget
- Need further information from the decision-taker to explain why it was taken.

Call-in checklist

The above rules and criteria can be brought together in the checklist of questions which are set out at **Appendix A** to this document. Councillors can use this checklist when they are considering a call-in. Questions 2 - 5 can also be used by report authors to test draft reports for Cabinet.

How does Call-in work?

Every decision which is subject to potential call-in cannot be implemented until the end of the call-in period. The call-in period lasts for **five working days** after notice of the decision is published by the Chief Executive.

Decision notices will normally be published within two working days of the day on which the decision was made.

The call-in procedure itself follows four stages.

STAGE 1

A valid call-in request must be submitted in accordance with the current rules in the Constitution. The request must say who is making the call-in and to which decision it relates. It must also give reasons why the decision is being called in, what action those calling-in the decision would like to see the decision-maker take to address the concerns outlined in the call-in, or how the original decision should be varied, and details of attempts those calling-in the decision made to discuss the issue with the relevant Portfolio Holder or Leader of the Council in advance of calling the decision in. A pro-forma for call-in requests is available.

Requests may also be submitted by electronic mail, fax or by telephone. If the call-in is to be submitted by e-mail, only one councillor need submit the actual form. However,

individual e-mails (or letters) in support of the request must also be submitted by the other councillors specified on the form before the end of the call-in period. Call-ins submitted by fax or telephone must be followed up in writing with the required number of signatures before the end of the call-in period.

STAGE 2

When the officers receive a valid call-in request with respect to a decision, then that decision may not be implemented until that decision has completed the call-in procedure. The officers will refer the call-in to the next available meeting of the Overview and Scrutiny Committee. A special meeting may also be convened if appropriate (e.g. in cases of urgency).

Councillors who have requested the call-in will have the right to address the Committee when it deals with the issue.

STAGE 3

The Overview and Scrutiny Committee will consider the called-in decision and decide to take one of the following courses of action (the Overview and Scrutiny Committee's decision should not be adjourned or delayed without an exceptional reason):

- To allow the decision to be implemented without further delay.
- To refer the decision back to the Cabinet (irrespective of who the original decision-taker was) together with the observations of the Overview and Scrutiny Committee. The Cabinet will then take the final decision, and that decision may not be called in.
- To request the Cabinet to allow further time for the Overview and Scrutiny Committee to consider the issue and make observations at a later date.
- To seek the advice of the Head of Legal and Policy Development and/or the Chief Finance Officer as to whether the decision is contrary to, or not wholly in accordance with, the policy framework or the budget and, if applicable, to refer the matter to the full Council for a final decision.

STAGE 4

Reference back to Cabinet

Where the Overview and Scrutiny Committee decides to refer the decision back, the Cabinet must reconsider the decision in the light of any observations of the Committee.

Where the Overview and Scrutiny Committee has requested more time to consider an issue, the Cabinet must have regard to the urgency, and to the Budget and Policy Framework Rules, when deciding whether to implement the decision.

Reference to Head of Legal and Policy Development and/or Chief Finance Officer

The Overview and Scrutiny Committee may refer any called-in decision to the Head of Legal and Policy Development and/or the Chief Finance Officer if it considers it to be contrary to the policy framework or budget. The officer(s) will then submit a report on the matter to the next meeting of the Cabinet. A copy of this report will be sent to all members of the Council. No action may be taken in respect of the decision or its implementation pending that meeting.

If, in that report, the Head of Legal and Policy Development and/or the Chief Finance Officer is of the view that a decision referred to him/her by the Overview and Scrutiny Committee is not a departure from the policy framework or budget, the decision may be implemented immediately. A report to this effect will be submitted to the Overview and Scrutiny Committee for information. If, however, a referred matter is deemed to be a departure from the policy framework or the budget by the Head of Legal and Policy Development and/or the Chief Finance Officer the Cabinet has two options.

Firstly, it may choose to adjust its decision to bring it within the policy framework or budget, in which case it can then be implemented. In these circumstances, the Cabinet would submit a report to the next meeting of the Overview and Scrutiny Committee explaining its actions.

Secondly, if the Cabinet does not wish to adjust its original decision, it must prepare a report to the full Council. This report must include the views of the Overview and Scrutiny Committee. No action may be taken in respect of the decision or its implementation until the Council has met to consider the matter.

Reference to Full Council

Subject to the provisions above, the Overview and Scrutiny Committee may require that any called-in matter which has been deemed to be (and remains) contrary to the policy framework or budget is referred to the full Council. The report to the full Council will set out the views of the Cabinet and the Overview and Scrutiny Committee and the advice of the Head of Legal and Policy Development and/or the Chief Finance Officer. The Council may:

- Decide that the decision is within the existing policy framework and/or budget (in which case it can be implemented); or
- Amend the financial regulations or policy concerned to encompass the decision (in which case it can be implemented); or
- Agree that the decision is contrary to the policy framework or budget and require the Cabinet to reconsider the matter in accordance with the advice of the officer(s).

Appendix A to the Call-in Procedure Rules

<p>1. Can the decision actually be called-in?</p>	<p>If the answer to any of questions 1(a)-(g) is “yes” then the decision can NOT be called-in.</p> <p>a) Does it relate to a non-executive function?</p> <p>b) Was it a non-key decision taken by an officer under delegated powers?</p> <p>c) Was it classified as an urgent decision?</p> <p>d) Has this issue been called-in in the last 6 months?</p> <p>e) Does the decision relate to an existing call-in (i.e. decisions taken in relation to a reference back)?</p> <p>f) Does the decision relate to the formulation of a policy or budget matter which requires full Council approval?</p> <p>g) Was it a decision taken by, or to be taken by, full Council?</p>
<p>2. Was the decision in accordance with the Council’s policy framework?</p>	<p>a) What is the relevant policy or strategy?</p> <p>b) Is the decision contrary to that policy?</p> <p>c) If yes, how?</p>
<p>3. Was the decision in accordance with the agreed budget or budget procedures?</p>	<p>a) Is there funding for the proposal in an agreed budget/capital programme?</p> <p>b) If no, have the rules for virement and supplementary estimates been observed?</p>
<p>4. Was the decision taken in accordance with the principles of good decision-making (Article 12 of the Constitution)?</p>	<p>a) Does the decision comply with the Council’s Constitution, i.e?</p> <ul style="list-style-type: none"> • Articles of Constitution • Scheme of Delegation • Rules of Procedure • Codes and Protocols <p>b) Was the decision reasonable within the common sense of the word, i.e. rational, based on sound judgement?</p> <p>c) Was the decision reasonable within the legal definition of “reasonableness”, i.e. was everything relevant taken into account, and was everything irrelevant disregarded?</p> <p>d) Was the decision proportionate, i.e. is the action proportionate to the desired outcome?</p> <p>e) Was the decision taken on the basis of due consultation?</p> <p>f) Was the decision taken on the basis of professional advice from officers?</p> <p>g) Were human rights respected and/or will the decision give rise to any human rights implications, i.e. without discrimination, the right of an individual to:</p> <ul style="list-style-type: none"> • Liberty and security • The enjoyment of their property • A fair trial • Respect for private and family life • Freedom of thought, conscience and religion • Freedom of expression • Freedom of assembly and association, etc. <p>h) When the decision was taken, was there a presumption in favour of openness?</p>

5. Has the decision been well explained, i.e. do you need more information?	a) Was it clear what the reasons for the decision were?
	b) Was it clear what the desired outcomes were?
	c) Was it clear what alternative options (if any) were considered?
	d) Was it clear why the alternative options were not chosen?
	e) Do you need any more information/clarification?

Call-in Protocol

The following protocol is intended to formalise the conduct of call-in hearings and the preparation work carried out in the run-up to such a hearing. It should be noted, however, that the protocol may be varied by the Chairman of the Overview and Scrutiny Committee to meet the requirements of any particular circumstances.

Prior to the Call-in

1. A meeting will take place between the Chairman and Vice Chairman of the Overview and Scrutiny Committee, the first-named Member requesting the call-in, relevant officers, and the Head of Legal and Policy Development, at which a definitive list of speakers for the call-in hearing will be drawn up.
2. A decision-taker's statement may be published with the agenda for the meeting.
3. A statement from the first-named Member on the call-in request will be published with the agenda for the meeting, should this person wish to provide such a statement.
4. The first named Member on the call-in request and the decision-taker will be invited to the meeting, together with any other parties relevant to the decision-making process, for example Chairmen of other Committees or Panels, Portfolio Holders or officers.
5. Any other relevant internal or external speakers will be invited to the meeting.
6. Seven days' notice of a request to attend the meeting will be given to all speakers.
7. Prior to the meeting any Member who may have a conflict of interest, for example scrutiny members who may be scrutinizing a decision they were involved in taking, will be given relevant advice by the Monitoring Officer.

The Call-in meeting

1. The call-in will be the first item of business on the agenda, in order that speakers are not kept waiting.
2. Speakers will be placed around the table with the Committee if the space permits, but if there are a large number of speakers or other attendees at the meeting, they may be required to wait in a separate seating area or the public gallery

Reasons for the Call-in

3. The Members who called-in the decision will be invited to make a presentation outlining his or her main reasons for calling in the decision and what they feel should be reviewed. **They shall be allowed up to 15 minutes in total to present their case.** It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit. A question and answer session will follow.

Decision-taker's response

4. The decision-taker will be invited to make a presentation outlining his or her main reasons for making the decision. **15 minutes shall be allowed to respond on behalf of the decision-maker(s).** It shall be up to them to decide how to use this allocation. The relevant Cabinet Member may make the presentation or they may divide the time between several speakers as they see fit. A question and answer session will follow.

Other relevant speakers

5. Any other parties relevant to the decision-making process, for example Chairmen of other Committees or Panels, Portfolio Holders or officers, will be invited to make presentations outlining their reasons for any recommendations to Cabinet or individual Cabinet Members on the issue concerned, or in the case of officers, their reasons for any recommendations or advice to Councillors. Question and answer sessions will follow.
6. Any other relevant internal or external speakers will be invited to make a presentation to the Committee without interruption, for up to **3 minutes** each, following which there will be a question and answer session.

Consideration by the Committee

7. The Overview and Scrutiny Committee will then discuss the matter. Members may ask further questions of the Members who submitted the Call-in or the decision-makers during the debate. The Members making the call in and the decision-maker will not normally speak during the debate, except to answer questions.

Summing-Up

8. When the Chair considers that the matter has been debated for a reasonable length of time, both the decision-maker and one of the Members making the Call-in will be offered the opportunity to make any final comments on the matter and to sum up. The decision-

maker will be invited to speak first, followed by one of the Members making the Call-in. **Each side will be allowed five minutes for this purpose.**

The Vote

9. Members will then be invited to move any amendments or additions to the reasons specified in the call-in request. Members may also move any specific recommendations or issues they would like the original decision-maker or Council to consider. Members must agree on the factors the decision-maker (or Council) is to be asked to consider. The matter may not be referred for reconsideration without reasons being given.
10. The matter will then move to the vote. The Overview and Scrutiny Committee can decide to take one of the following courses of action:
 - To refer the matter back to **Cabinet**
 - To refer the matter to the **Head of Legal and Policy Development and/or Chief Finance Officer** where it considers the decision to be contrary to the policy framework or budget
 - To refer the matter to **Full Council** where any called-in matter is deemed to be (and remains) contrary to the policy framework or budget

Advising the Overview and Scrutiny Committee of Action taken

11. Where a decision has been referred back to the decision-maker (or Council), a report of actions taken as a result of the referral back will be presented to a future meeting of the Overview and Scrutiny Committee.

CALL-IN REQUEST PRO-FORMA

Attention: Head of Legal and Policy Development

REQUEST FOR CALL-IN

Dated

I would like to call in the decision as detailed below:

Decision making body or individual

Date decision made

What decision do you want the Overview and Scrutiny Committee to consider?

If the reason for the call-in is that the decision was outside the policy or budget framework, please give an explanation

What action would you like to see the decision-maker take to address the concerns outlined in the call-in, or how should the original decision be varied?

At what stage did you inform the Portfolio Holder or the Leader of the Council that you had concerns over this planned decision? If not a planned decision (i.e. if the decision did not appear on the Forward Plan), what attempts did you make to speak to the Portfolio Holder before calling in the decision?

Please state which principles of decision making has / have been breached (please tick)

		Tick
1.	The decision was not reasonable within the common meaning of the word, i.e. it was not a rational decision based on sound judgement	
2.	The decision was not reasonable within the legal meaning of "reasonableness", i.e. all relevant considerations were not fully taken into account in reaching the decision and all irrelevant ones disregarded	
3.	The decision was not proportionate (i.e. the action was not proportionate to the desired outcome)	
4.	The decision was not taken on the basis of due consultation and professional advice from officers	
5.	Human rights were not respected and consideration was not given as to whether the decision would give rise to any implications under the Human Rights Act 1998 and the European Convention on Human Rights	
6.	The decision was not taken in compliance with Council's schemes of delegation, financial regulations and contract procedure rules	
7.	Careful consideration was not given as to whether there was a personal interest that should have been declared	
8.	In the case of an executive decision taken by the Cabinet, or an individual Member of the Cabinet, or an Officer (where the decision is a key decision), a proper record of the decision was not made together with a record of the reasons for the decision, details of any alternative options considered and rejected and any conflicts of interest	

Reason for calling in the decision – please explain how the principle/s ticked above has/have not been adhered to.

Suggested speakers and documentation (please note that the final decision on speakers to be invited and documentation to be considered at the call-in meeting will rest with the Chairman of the Overview and Scrutiny Committee):

Members calling in the decision*

1	Signed.....
2	Signed.....
3	Signed.....
4	Signed.....
5	Signed.....

*NB Call-in can be requested by any 5 Members of the Council