

## **GUIDANCE NOTE FOR CALL INS**

The following procedure shall be used by overview and scrutiny committees when meeting to hear a call in.

1. *Chair of the Committee hearing the Call In welcomes those present.*
2. *Chair asks if everyone has a copy of the reasons why the decision had been called in along with a copy of the Call In procedure.*
3. *Chair asks for apologies/substitutes.*
4. *Chair asks whether there are any Declarations of Interest.*
5. *Chair asks the Legal Adviser to explain the process to be followed.*
6. *Chair asks the representative of those Members who requested the Call In and the Executive Member to take their places at the table.*
7. *Chair asks representative of those Members who requested the Call In to speak to explain the reasons for the call in. He/she may do so alone or may do so with another person.*
8. *The Executive Member may seek clarification of any issues from the Member representing those responsible for the Call In.*
9. *Members of the Committee may ask questions of that Member.*
10. *Chair asks the Executive Member to explain the reasons for the decision made by the Board. He/she may do so alone or may do so with the relevant Chief Officer.*
11. *The Member representing those who requested the Call In may ask questions.*
12. *Members of the Committee may ask questions of the Executive Member/Chief Officer.*
13. *The Member who requested the Call In and then the Executive Member may sum up.*
14. *The Chair asks the representative of those Members who requested the Call In and the Executive Member to leave the table and sit in the public area. They may remain in the room if they wish.*
15. *Chair requests any final contributions from Members before deciding how to proceed.*
16. *Chair indicates that Members of the Committee will now consider what they have heard and decide how to proceed. He asks the legal adviser to go through the options which are:*

### **To accept the decision**

*If Members do this then they need not do any more. The decision will take effect straight away. It could be that some minor issues arise during the debate which the Executive Member will agree to take on board. These might be dealt with as part of the Minute. As an example when a land sale was called in the Chief Executive gave assurances about how it would proceed and these were simply recorded in the minutes.*

### **To refer the decision back to the decision making person or body**

*If Members do this they need to agree what their concerns are. These will be recorded in writing and presented to the decision making person or body who will then make a final decision. The decision will not take effect until it is reconsidered by the decision making person or body. (This decision may not be Called In)*

### **To refer the decision to Council**

*Statutory Guidance from the DTLR (formerly ODPM, now DCLG) states overview and scrutiny committees should only use the power to refer matters to the full council if they consider that the decision is contrary to the budget and policy framework or contrary to or not wholly in accordance with the budget. The Committee ought to identify those parts of the policy framework which are not being followed.*

*This situation has so far not arisen. Therefore the authority would be learning as it goes along. Guidance suggests that the correct approach in these circumstances would be for the Committee to refer the issue to the Monitoring Officer and Strategic Director Resources who would have to report on whether the issue is within the framework. A report would then go to the next meeting of the relevant Scrutiny Committee as well as to the Executive Board. If the view was that the decision fell outside the policy framework then the Scrutiny Committee could refer the issue to Council Forum. That may require a special Council meeting.*

17. Move to Named Vote and recording of reasons for reaching such a decision.

18. Inform Executive Member of decision reached as soon as possible.

- (e) Having considered the decision, the Overview and Scrutiny Committee may
- (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - (ii) refer the matter to full Council. Such a referral should, in accordance with the Budget and Policy Framework Rules, only be made where the Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (f) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.
- (g) If following a call in, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny

Committee meeting. If the Overview and Scrutiny Committee does not meet the decision shall take effect from the date when the Committee should have met.

- (h) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (i) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.

(Extract from the revised constitution issues to all Members on 27<sup>th</sup> July 2010.)