

## Protocol 3

### Call-In

Review Committees have the power to call in and scrutinise executive and key decisions before they are implemented. The purpose of call-in is to enable a Review Committee to consider whether the Executive should be asked to review its decision. Call-in provides an opportunity to ensure that the Council adheres to the principles of good decision making.

Call-in applies to key decisions taken by the Executive (Cabinet), a Committee of the Executive or an officer under delegated powers. It also applies to any decision which is taken by the Executive which is, or if taken would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

A Review Committee cannot change a decision – but it can refer it back to the decision maker for review and reconsideration.

Call-in acts as a check and balance to the exercise of Executive functions and should only be used in exceptional circumstances. Call-in cannot be used to intervene in day to day management or operational decisions. Nor should it be used to unreasonably or unduly delay the decision making process.

### Principles of Call In

In reaching a decision, the decision maker, whether Cabinet, Committee or an officer acting under delegated powers, should follow the principles of good decision making, and can only take decisions within the budget and policy framework. As with all Local Authority decision making, the decision-maker must have taken account of all relevant facts and issues, and ignored any that are not relevant. The decision taken must be within the range of decisions it is reasonable for the decision-maker to take – in other words it is not a decision that is so unreasonable that no reasonable authority could ever have come to it (called a "Wednesbury reasonable" decision).

Review Committee members may call-in a decision when there is evidence to suggest that a decision has not been taken in accordance with the principles of good decision making as set out in Article 13 (Decision Making) of the Constitution, which expand on the Wednesbury principles described above. A decision may also be called-in if the Committee is of the opinion that it is, or would be, outside the budget and policy framework.

The principles set out in Article 13 are as follows:-

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) Due consultation and the taking of professional advice from officers;
- (c) Respect for human rights;

- (d) A presumption in favour of openness; and
- (e) Clarity of aims and desired outcomes.

### **Procedure for Call-In – Breach of principles of good decisions making**

The Chairman or any three members of the Review Committee with overview of the subject area may call-in a decision. The request for a call-in should be made to the Monitoring Officer.

Those members requesting a call-in should explain the reasons for the call in and why they consider that the principles of good decision-making have not been satisfied.

This should be by completing a call-in request form setting out the reasons why they feel the principles have been not been complied with to allow the Committee to understand the reason for call in. These should be demonstrably well founded having regard to the principles of call-in set out above.

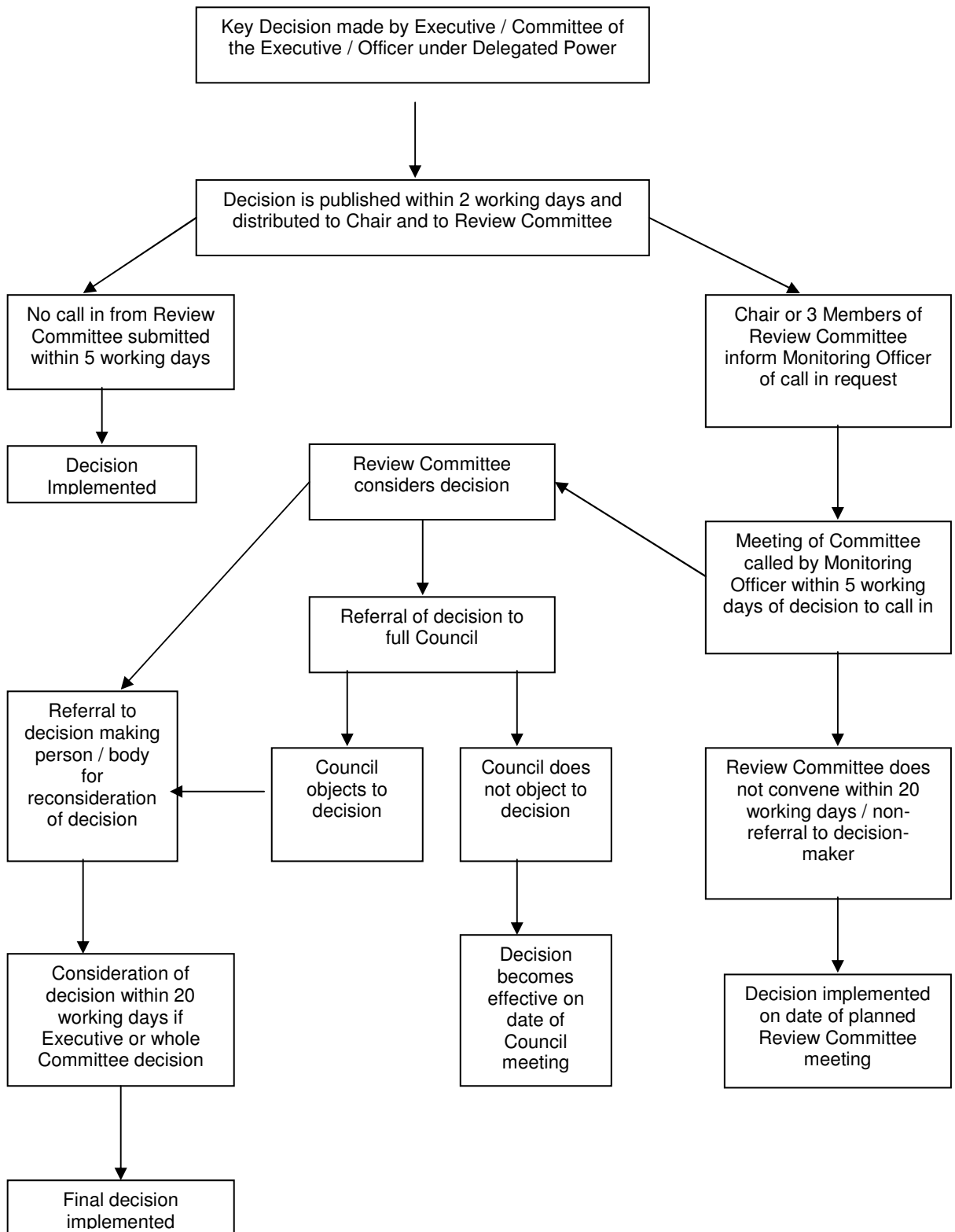
The Monitoring Officer shall call a meeting of the Committee, where possible after consultation with the Chairman, within 5 working days of the decision to call-in and also notify the decision-taker of the call-in. The requirement is to call the meeting, not call and hold the meeting within 5 working days (generally this will be the next ordinary meeting of the Committee). The order of the item on the agenda shall follow the provisions set out in the constitution. The agenda item will include a copy of the report, the minute of the decision and the reasons given for the call-in.

The diagram below sets out each step involved in the process for considering call-in.

Following consideration of the issues, based on a review of the background for the decision against the principles of good decision making the Committee may come to one of three possible conclusions:-

- i. That the decision is appropriate and therefore should be implemented without further delay;
- ii. That the Committee has concerns and considers that the decision should be reviewed by the decision maker for reconsideration. (When referring the decision back the Committee shall set out its concerns in writing for the decision maker to take into account on their reconsideration.)
- iii. That the Committee has concerns and considers that the decision should be referred to full Council.

## CALL-IN OF EXECUTIVE DECISIONS



## **Procedures for Call-in – Decisions outside the Budget or Policy Framework**

The Policy Framework is made up of those plans and strategies, including the budget, identified under Article 4 of the Constitution.

If the Committee forms the opinion that the decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget, the Committee shall call for advice from the Monitoring Officer and/or Chief Finance Officer, or both, as the circumstances require. It is for the Committee to decide whether the issue is one for the Monitoring Officer or Chief Finance Officer or both. If the decision has not been taken or has been taken but not implemented and the Monitoring Officer and/or Chief Finance Officer concludes there is or may be a departure, the Committee may refer the decision to Council. No action is to be taken on the decision, or if it has already been taken, on implementation of the decision, until Council has met and considered the matter.

For Executive functions the Monitoring Officer and /or Chief Financial Officer shall report to the Executive and supply a copy of the report to every Member of the Council.

Cabinet will meet to decide what action to take, and will report on the following basis, either:

- Where the Monitoring Officer/Chief Finance Officer conclude that there was a departure from the budget or from the policy framework – Executive reports to Council
- Where the Monitoring Officer/Chief Finance Officer conclude there was no departure from the budget or from the policy framework - Executive reports back to the Review Committee,

Where appropriate the Council will meet within 28 days of receiving the Review Committee's request.

The Council will receive

- Executive report of the decisions/proposals
- Advice of Monitoring Officer and/or Chief Finance Officer

The Council may choose to

- Endorse the decision as within Budget and Policy framework;
- Find the decision contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, but make amendments to the financial regulations or policy concerned and agree the decision with immediate effect;
- Find the decision contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and require the decision maker to reconsider the decision in accordance with Monitoring Officer/ Chief Finance advice.

## **Limits of Call In**

There are certain limitations placed on the use of call in. This is to ensure call in works as a check and balance on Executive decisions but is not abused or allowed to cause undue or unreasonable delay. These are that:-

- i. An overview and scrutiny committee may only call-in 4 decisions a year.
- ii. Only key decisions may be called in
- iii. Once a member has signed a request for a call-in he/she may not do so again for three months.

A decision that will be referred to be taken by Council itself cannot be called in.

## **Committee Approach to Call in**

At all times Members of the Review Committee will be conscious that call-in is designed to act, not as a brake, but as a check and balance within the decision making process under Executive arrangements. Members will wish to make measured use of the call-in function, to achieve this, while ensuring that the day to day business of delivering Council services can be carried on efficiently and effectively.

A Review Committee considering a decision called-in will have regard to the usual principles for operation of the Review Committees, which is that Committees operate in a way that is inclusive, transparent, non-partisan, democratic and deliberative.

## **Call-in and Urgency**

The call in procedure does not apply to a decision which the Chairman of the relevant Review Committee has properly certified an urgent decision.

A decision is considered urgent if any delay would seriously prejudice the Council's or the public interests.

As a safeguard to prevent any misuse, the Chairman of the Review Committee must agree that the decision proposed is reasonable and to it being treated as a matter of urgency. In the absence of the Chairman, the vice chair and in the absence of consent, the consent of the Monitoring Officer shall be required.

## **Call-in Request Form**

The form requires those calling in a decision to set out which decision they wish to call in and the reasons for the call.

The form bring clarity to the process, focusing the minds of Members on the purpose of call-in and making clear that the call-in should be based on the decision making process rather than personal or political beliefs.

It can also allow the decision maker a greater opportunity to prepare in advance of the meeting.

## CALL-IN REQUEST FORM

1.	<b>Decision to be called in:</b>	
2.	<b>Decision made by :</b>  (Tick the choice which applies)	<input type="checkbox"/> The Cabinet  <input type="checkbox"/> Committee of Cabinet  <input type="checkbox"/> A Delegated Officer  Name of Committee or Delegated Officer:  _____
3.	<b>Date decision was made:</b>	
4.	<b>Relevant Review Committee</b>  (Tick the choice which applies)	<input type="checkbox"/> Children's Services  <input type="checkbox"/> Culture and Leisure  <input type="checkbox"/> Environmental and Planning  <input type="checkbox"/> Health and Well-Being  <input type="checkbox"/> Policy and Co-ordination  <input type="checkbox"/> Regeneration and Community
5.	<b>Are you calling in the decision because you believe it to be outside the Budget or Policy Framework?</b>   <p style="text-align: center;">Yes / No</p>	<b>Are you calling in the decision because you believe it is contrary to the principles of good decision making?</b>   <p style="text-align: center;">Yes / No</p>

6.	<b>Reasons for the call-in:</b>
----	---------------------------------

**Signatures** To be valid the request must be supported by either the Chairman or by three members of the relevant Review Committee. This can be demonstrated by having the members sign the form (they can sign separate copies if this is easier).

**Signature of the Chairman**

	Name	Signature
Chairman		

**Signatures of three Members**

Name	Signature
1.	
2.	
3.	

<b>Contact Details:</b>	
Name of person to be contacted if there are any difficulties or questions	