

## Call In Briefing Paper

Date: 3 January 2024

Report of: Head of Democratic Services

Report to: Scrutiny Board (Infrastructure, Investment & Inclusive Growth)

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

In accordance with the Council's Constitution, a key decision has been Called In. The background papers to this decision are set out as a separate agenda item and appropriate witnesses have been invited to give supporting evidence.

This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

In particular, the Board is advised that the Call In is specific to the key decision in question and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### Recommendations

- a) The Scrutiny Board is asked to note the contents of this report and to adopt the procedure as detailed within it.

## **What is this report about?**

- 1 In accordance with the Council's Constitution, a key decision has been Called In. This report advises the Scrutiny Board on the procedural aspects of Calling In the decision.

## **What impact will this proposal have?**

- 2 The Call-In process provides the facility for the Scrutiny Board to require a decision taker to reconsider a decision within a specified time period. This is a separate function from the Scrutiny Board's ability to review decisions already taken and implemented. The eligibility of a key decision for Call In is indicated on the Delegated Decision Notice.
- 3 The Board is advised that the Call In is specific to the decision taken and issues outside of this decision, including other related decisions, may not be considered as part of the Board's decision regarding the outcome of the Call In.

### Reviewing the decision

- 4 Due to the unique nature of Call In, which includes the requirement to conclude the meeting with a recommendation in one sitting, it is important that the meeting has a managed framework. The Scrutiny Board is therefore recommended to adopt the following process:
  - The lead signatory of the Call-In request will outline their reasons for calling in the decision, defining their concerns and explaining what remedial action they wish to see. If the Chair has agreed in advance that they may be accompanied by other witnesses, these witnesses will also be given the opportunity to briefly outline their concerns in relation to the decision in question.
  - Members of the Scrutiny Board will ask any questions and points of clarification.
  - At this point, the Members who signed the Call-In request and any accompanying witnesses will leave the witness table.
  - The Executive Member(s) and/or officer(s) who are representing the decision maker will be invited to join the witness table.
  - The representatives of the decision maker will respond to the issues raised by the Call-In request.
  - Members of the Scrutiny Board will ask any questions and points of clarification.
  - If necessary, this stage may involve further questioning by Board members of the witnesses in support of the Call-In request. For the avoidance of doubt, there is no provision for the witnesses to cross-question one another.
  - Once Members of the Scrutiny Board have completed their questioning of witnesses, the representatives of the decision maker will leave the witness table.
  - A representative on behalf of each of the parties to the Call In will be invited to join the witness table to sum up. The representative of the decision maker will be invited to sum up first if they wish to do so. Following this, the representative of the signatories to the Call-In request will be invited to sum up having heard the discussion.
  - The Scrutiny Board will then proceed to make its decision in relation to the Call In.

- 5 Having reviewed the decision, the Scrutiny Board will need to agree what action it wishes to take. In doing so, it may pursue one of two courses of action as set out below:

#### Option 1- Release the decision for implementation

- 6 Having reviewed this decision, the Scrutiny Board may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be Called In again.

#### Option 2 - Recommend that the decision be reconsidered

- 7 The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.
- 8 Where the decision was taken by an officer the report will be submitted to the relevant director.
- 9 A decision can either be varied as a result of reconsideration or the original decision can be confirmed. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

#### Failure to agree one of the above options

- 10 If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

#### Formulating the Board's report

- 11 If the Scrutiny Board decides to release the decision for implementation (Option 1), then the Scrutiny Support Unit will process the necessary notifications and no further action is required by the Board.
- 12 If the Scrutiny Board wishes to recommend that the decision be reconsidered (Option 2), then it will be necessary for the Scrutiny Board to agree a report setting out its recommendation together with any supporting commentary.
- 13 Due to the tight timescales within which a decision Call In must operate, it is important that the principles of the Scrutiny Board's report be agreed at the meeting.
- 14 If the Scrutiny Board decides to pursue Option 2, it is proposed that there be a short adjournment during which the Chair, in conjunction with the Scrutiny Support Service, should prepare a brief statement proposing the Scrutiny Board's draft recommendations and supporting commentary. Upon reconvening, the Scrutiny Board will be invited to amend/agree this statement as appropriate.

- 15 This statement will then form the basis of the Scrutiny Board’s report (together with factual information as to details of the Called In decision, lists of witnesses, evidence considered, Members involved in the Call-In process etc).
- 16 The Scrutiny Board is advised that there is no provision within the Call-In procedure for the submission of a Minority Report.

**How does this proposal impact the three pillars of the Best City Ambition?**

- Health and Wellbeing       Inclusive Growth       Zero Carbon

- 17 The background papers to the decision under consideration will make any relevant references to the council’s three Key Pillars.

**What consultation and engagement has taken place?**

Wards affected:
Have ward members been consulted? <input type="checkbox"/> Yes <input type="checkbox"/> No

- 18 Prior to submitting a Call In, a nominated signatory must first contact the relevant Director/report author or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. Part of this discussion must include the Member ascertaining the financial implications of requesting a Call In. The details of this discussion should be referenced on the Call-In Request Form.
- 19 The background papers to this decision will make reference to any internal or external consultation processes that have been undertaken in relation to the decision.

**What are the resource implications?**

- 20 The additional papers appended to later items on this agenda detail any significant resource and financial implications linked to the decision

**What are the key risks and how are they being managed?**

- 21 The additional papers appended to later items on this agenda detail any significant risks linked to the decision

**What are the legal implications?**

- 22 This report does not contain any exempt or confidential information.
- 23 The additional papers appended to later items on this agenda detail any significant legal implications linked to the decision

**Options, timescales and measuring success**

**What other options were considered?**

- 24 A Call In is progressed in line with the procedures set out in section 4B of the Council Constitution - [Executive Decision-Making Procedures](#).

**What is the timetable and who will be responsible for implementation?**

- 25 Where a decision is released, a call in release form is sent to the relevant director to confirm that the decision can be implemented.

- 26 Where a decision is referred for reconsideration the Scrutiny Officer is required to prepare a report within three working days of the Scrutiny Board meeting, which will be submitted to the Executive Board, Health and Well-Being Board or senior Officer as appropriate.
- 27 In the case of the Executive Board the report will then be taken to the next public meeting. This will be considered alongside the original decision – with that decision either re-confirmed or a new decision taken. The outcome of that process – be it a re-confirmation or a new decision – cannot be subject to future call-in.
- 28 In the case of an officer decision, if the Decision Taker wishes to confirm the original decision, that decision shall be submitted to the next Executive Board meeting.
- 29 If the original decision was taken by the Health and Wellbeing Board or an officer, and the relevant Director is of the view that the original decision should be confirmed, but that urgency prevents them from submitting the decision to Executive Board;
- The Director shall obtain the approval of the relevant Executive Board Member before implementation;
  - Details of the Executive Member approval, together with reasons of urgency will be included in the new delegated decision form; and
  - The Director and relevant Executive Board Member will also be required to attend and give their reasoning to the next available meeting of the relevant Scrutiny Board

### **Appendices**

- None

### **Background papers**

- None