

GUIDANCE NOTE 3

CALLING IN OF DECISIONS

1.0 INTRODUCTION

- 1.1 The Local Government Act 2000 requires that Overview and Scrutiny Committees *be given the power to recommend that a decision made but not implemented, be reconsidered*. The Act gives local authorities considerable discretion over the detailed operation of such a “Call In” mechanism.
- 1.2 This guidance note defines the decisions which will be eligible for Calling In together with details of the allied procedures which are to be followed.

2.0 GENERAL

- 2.1 The Council’s Scrutiny Boards have wide ranging powers enabling them to review decisions which have been taken and implemented by the Executive, and to generate reports and recommendations on the basis of “lessons learned”.
- 2.2 In addition the Council’s Overview and Scrutiny Committee has been allocated the power to Call In a range of decisions prior to implementation and, where it considers it appropriate, to recommend that particular decisions be reconsidered. If the Overview and Scrutiny Committee considers that a decision falls outside the agreed Budget and Policy Framework, (and this view is endorsed by the Council’s Monitoring Officer or Section 151 Officer as appropriate) Overview and Scrutiny Committee may refer that decision to Council for consideration.
- 2.3 The Calling In of a decision will inevitably give rise to a period of delay before the decision can be implemented; in the interests of efficiency, therefore, it is envisaged that the mechanism will be used sparingly.

3.0 DECISIONS AVAILABLE FOR CALLING IN

- 3.1 The following decisions are available for Calling In:
- All decisions of the Executive Board taken on or after 13th February 2002 and all decisions taken by Area Committees.
 - All Key Decisions taken by Officers and published on or after 13th February 2002.

- All Major Decisions taken by Officers and published on or after 13th February 2002.

3.2 A Key Decision is as defined in Article 13 of the Constitution.

3.3 A Major Decision is as defined in the guidance notes to the Officer Delegation Scheme contained within Part 3 of the Constitution.

3.4 In accordance with the general arrangements relating to Scrutiny Boards, decisions made under regulatory arrangements are not eligible for Calling In.

3.5 The Calling In mechanism does not extend to decisions taken by Joint Committees.

4.0 EXCEPTIONS

4.1 The decision taker may declare a decision as being exempt from Calling In if they consider that any delay would seriously prejudice the Council's or the public's interests; or where the decision has been the subject of a previous Call In.

4.2 Records of decisions taken will indicate where a decision has been declared exempt from Calling In.

4.3 Where a decision has been declared exempt on the grounds that any delay would seriously prejudice the Council's or the public's interests, records of the decision will indicate:

- what the implications would be if the decision were to be delayed by the operation of the Calling In mechanism; and
- why the decision could not have been taken earlier so as to have been eligible for Calling In.

4.4 Where a decision has been declared exempt on the grounds that it has previously been the subject of a Call In records of the decision will indicate:

- the date on which the original decision was taken; and
- the outcome of the Calling In.

4.5 There will be no appeal mechanism against a decision to exempt a decision from Calling In. However, where it considers appropriate, the Overview and Scrutiny Committee may submit reports and recommendations arising from the exemption from Calling In of individual decisions.

4.6 To avoid abuses of the provisions for exemption, it is incumbent upon officers to place great emphasis on forward planning, for example by reporting decisions at as early a stage as is practicable, by advance consultation and by

ensuring that decisions are scheduled well in advance within the Executive's forward programme of Key Decisions.

- 4.7 In addition, the Overview and Scrutiny Committee may request periodic audits of the exemption arrangements.

5.0 OPERATION OF THE CALLING IN MECHANISM

- 5.1 To initiate a Call In, a request must be submitted to the Proper Officer¹ by 5 p.m. of the fifth working day after a decision has been published.
- 5.2 The request must be made on a pro forma and be signed by two Members of the Overview and Scrutiny Committee representing two political groups. An Elected Member who is not a member of a political group may be a signatory but co-opted members of the Overview and Scrutiny Committee may not sign a Call In request.

All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 (Decision Making) (Principles of Decision Making)

- 5.3 Upon receipt of a request for a Call In, the Proper Officer **will ensure that sufficient reason has been given in accordance with the above. If the criteria are met the Proper Officer** will immediately notify the decision taker and, for officer decisions, arrange for the Corporate Information System to indicate that the decision is the subject of a Call In. In addition the Proper Officer will, by noon on the sixth day following publication of the decision, deliver to the decision taker, written confirmation which will be receipted by an authorised contact within the Department. Any decisions which have not been the subject of a Call In may then be implemented.
- 5.4 Also upon receipt of the request, the Proper Officer will, in consultation with the Chair, convene a special meeting of the Overview and Scrutiny Committee, to take place within seven days of the Call In request being received.
- 5.5 The Overview and Scrutiny Committee will consider the notification, review the background papers and may question the relevant parties before determining whether it wishes to refer the decision back for reconsideration.
- 5.6 Any decisions which have been subject to scrutiny and do not require further consideration by the decision taker will be released for implementation.

¹ This Officer is the Head of Scrutiny and Member Development.

- 5.7 If any decisions are to be referred back for consideration, then a report will be prepared to the relevant decision making body within three days of the Overview and Scrutiny Committee meeting.
- 5.8 A revised record of the decision, indicating the outcome of decision taker's further deliberations, will be published on the Corporate Information System.
- 5.9 The Call In mechanism may only be used once in relation to any particular decision.

6.0 ANNUAL REPORTS TO COUNCIL

- 6.1 The Overview and Scrutiny Committee is required to submit an Annual Report to Council. These reports will include details of the operation of the Call In arrangements.

7.0 ADMINISTRATION

- 7.1 The detailed operation of the Call In mechanism is as described in the following appendices to this document:

- Appendix A Call In of Executive Board Decisions (Protocols and Conventions)
- Appendix B Call In of Executive Board Decisions (flow diagram)
- Appendix C Call In of Director Delegated Decisions (Protocols and Conventions)
- Appendix D Call In of Director Delegated Decisions (flow diagram)
- Appendix E Call In of Area Committee Decisions (Protocols and Conventions)
- Appendix F Call In of Area Committee Decisions (flow diagram)

- 7.2 In order to work efficiently, the proposed Calling In mechanism requires strict discipline with regard to administration and, in particular:

- The prompt publication of Key and Major Decisions by officers (normally within two days).
- The prompt publication of Executive Board minutes (again, normally within two days).
- The prompt publication of Area Committee decisions notifications.

- 7.3 In addition, Departments will maintain a list of authorised contacts [within Departments] in order to ensure that information with regard to decisions which have/have not been Called In can be communicated effectively.
- 7.4 Three broadly similar procedures are documented; one relates to decisions of Executive Board, one which relates to decisions of Area Committees (both of which are taken within a fixed cycle of meetings) and one relating to Key decisions and Major Decisions by officers (which are not).