

## Call in Protocol

1. The role of the Scrutiny Committees in calling in a decision is:-

- to test the merits of a key decision
- to consider the process by which the decision has been formulated
- to make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider); to come to a view in a relatively short time scale so as not to compromise the speed and efficiency of the decision making process.

The call in mechanism is an important part of a short decision making process and is designed to test the merits of the decision and to ensure that Members have an opportunity to recommend change or reconsideration or deferral. A call in mechanism is not therefore:-

- a public enquiry or quasi judicial process
- an extended examination of areas only remotely connected to the actual decision.
- An open house for anyone to attend and make representations.

Democratic Services may rule that a call in request is not valid only in the limited circumstances below:

- That the call in request has not been made within 5 working days of publication.
- That the call in request has not been made by the Chair or any two or more members of the commission or at least 8 other members of the Council.
- That it not clear which key decision is being called in or that the decision is not a key decision (whether taken by an officer or member under delegated powers).
- That the decision is exempt from call in on account of the urgent nature of the decision (which has been certified by the decision taker)

Notwithstanding that members have properly exercised their right of call in, Democratic Services in consultation with the Chair and the Cabinet member should still give consideration following the call in and prior to the meeting of any scrutiny committee to determining the matter prior to, or without the need to hold, a meeting of the Scrutiny Committee. For example, by clarification of the decision, or by the provision of additional information. The time scale for convening of a meeting should not be affected by such consideration.

A call-in request must say why there is an objection and may present an alternative decision or proposal for consideration.

A decision can only be called in once. If, however the Cabinet substantially amends the original proposal in a way in which the scrutiny committee has not considered nor could reasonably have foreseen, to the extent that in reality it is a different decision, the Scrutiny Committee have the right to call it in.

## **Call in: Arrangements for the Scrutiny Committee**

Democratic Services will confirm attendance and the arrangements with those invited to attend. Papers will be despatched as soon as possible with notice of the date and time when the matter is to be considered.

The agenda should include:

- The proposal and supporting papers submitted to the decision taker.
- The minute of the decision.
- The request for the call in.
- The reasons given by the requestors for the call in.
- Any other papers that members request in the call in.
- Background papers listed in the report to the decision taker will not routinely be included in the Agenda unless those members or the Chair so request.

Any other issues concerning the conduct of the meeting arising between the date of the call in and the date of the scrutiny committee will be dealt with by the Chair of the relevant scrutiny committee in consultation with the lead member requesting the call in with any necessary officer advice/support.

The Chair or members of the committee may feel that it is appropriate to meet informally before the meeting. In those circumstances the Chair will ask the Scrutiny Officer to notify all members of the Committee that there will be an informal meeting at least 30 minutes before the meeting. With Democratic Services and any other representatives. Members will:

- Read any last minute papers
- Consider the identified other relevant issues
- Consider how sensitive issues should be managed.
- Receive a report from the Chair on any issues concerning the conduct of the meeting on which he/she has taken a view
- Consider the questions to be asked

The purpose of the pre-meeting is purely to discuss and arrange procedural matters; not to discuss the merits of the issue.

The Chair shall allow the call in members a maximum period of 15 minutes in total to present their arguments. How the 15 minutes are allocated between the members is a matter for the lead call in member to determine. He/she may speak for the whole period recognising that the other call in members will not then have the opportunity to make any contribution at this stage of the meeting.

The presumption should be that the meeting and all papers submitted to the Committee shall be open to the press and public. It may be necessary however to exclude the press and public to deal with "exempt" or confidential matters. This may be important not only on the day to stop the disclosure to the press and public of exempt material (such as advice affecting the Council's legal position, the commercial affairs of the Council or another body or sensitive information about individual members of staff). Exempt material in reports should be organised if possible into an appendix so that the rest of the report can be available to the press and public.

### **Procedure at meeting:**

- Public Questions (limited to 30 minutes)
- Call-in Members to present their reasons for the Call-in of the decision (max 15 mins).
- Cabinet Member to respond to the issues raised
- Further questions/comments from Committee Members
  
- Summary by the Chair and then moves to forming a decision in accordance with the Council Procedure Rules.

### **Call in – the Scrutiny Committee view, recommendations to the Cabinet**

It will be important for the Scrutiny Committee to balance the need on the one hand for decisions not to be unreasonably delayed and on the other for matters called in to be properly discussed and debated. Normally, consideration of a call in will be dealt with at a single meeting but exceptionally there may be circumstances where this is not possible. If the committee agrees that further investigation or information is required, the Leader or Cabinet Member may agree to extend the time in which a final view may be expressed if, in their opinion, delay would not be prejudicial to the Council's interest.

Where a scrutiny committee refers a matter back to the Cabinet for further consideration and the Cabinet reaffirms its original decision, the Cabinet shall give reasons to the Scrutiny Committee for the decision. Giving of reasons shall not be a ground for the scrutiny committee to refer the matter back to the Cabinet again, either because the Committees disagrees with those reasons, seeks further clarification of the decision or for any other reason.

### **Review of the Protocol**

This protocol shall be kept under review and amended as appropriate from time to time.