

## **4.6 CALL-IN PROCEDURE**

### **4.6.1 Who Can Call-In an Item**

Any Member of any of the four Scrutiny Committees, with the support of two further Scrutiny Committee Members from within the membership of the four Committees.

### **4.6.2 Deadline Date for Calling In Decisions**

The deadline date for any decision eligible for call-in will be published on the decision notice produced within two working days of the decision being taken. The time scale for call-in is five clear working days from the publication date of the decision notice.

### **4.6.3 Method by which Items May be Called-In**

All Call-in requests must be received on a Call-in Request Form prior to the close of the Call-in Period. However, Members may give early notice of Call-in, in writing, in person or over the phone.

### **4.6.4 Recording of Called-In Items**

The Governance Manager shall be responsible for keeping and maintaining a log of called-in items. In practice, this log will be kept by the Governance officers who are authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

### **4.6.5 What may be Called-In**

Any Key Decision on an Executive agenda other than an agenda item which is part of the Budget and Policy Framework, or any Key Decision made by the Leader/Portfolio Holder or officers under delegated powers.

### **4.6.6 Call-in Process**

- (1) The process for considering the Call In is set out below:
  - (a) Lead signatory submission – The lead signatory to the Call-in will be invited to address the Scrutiny Committee and make a statement of explanation in respect of the decision called-in. They should aim to explain how the decision is in breach of the decision-making principles. The address should be limited to 20 minutes. The lead signatory may

share the 20 minutes with other signatories. The Scrutiny Committee may ask questions of the lead signatory. The three signatories to the Call In are asked to set out their reasons for calling in the item.

- (b) Portfolio Holder/Decision-Maker submission – The lead Portfolio Holder (or the Decision-maker if a delegated decision) will be invited to address the Scrutiny Committee. Relevant officers can be called upon to support the submission. The address should be limited to 20 minutes and should address the reasons given by the lead signatory for the call-in. They should also aim to explain why the decision has not breached the principles of decision-making. The Scrutiny Committee may ask questions of the portfolio-holder/decision-maker.
- (c) Scrutiny Committee deliberations – The Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no submissions from the Portfolio Holder/Decision-Maker or lead signatory (or any other signatory if they have already spoken) will be heard whilst the Committee deliberates. The Call-in signatories, Portfolio Holder and Officers may remain in the room while this happens.
- (d) Right of Reply – The Portfolio Holder/Decision-Maker followed by the lead signatory may exercise a right of reply responding to the submissions and questions previously heard. No questions may be asked after the Rights of Reply. Closing statements should last no longer than 5 minutes.
- (e) Scrutiny Committee decision – The Scrutiny Committee may decide to:
  - Take no further action.
  - Refer the matter back to Executive, or to the Decision-maker for delegated decisions, setting out the reasons for its concerns within the resolutions agreed in the Call-in meeting.
  - Refer to the statutory officers if deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework.

All Members of the Scrutiny Committee designated to hear the Call-in may participate in the vote, including any

signatories to the Call-In, providing they are Members of the Committee

- (2) If the Committee decides on the evidence considered to take no further action and endorses the decision, then the original decision may be implemented immediately after the meeting.
- (3) If the Committee decides to refer the matter back to the Executive/Decision-maker then it will be reconsidered by them subsequent to the Scrutiny Committee meeting, with the outcome of the reconsideration reported back to the next available Scrutiny Committee.

If the matter is to be reconsidered by Executive, the onus is on the original report author/Portfolio Holder to re-submit the matter to Executive, with the inclusion of Scrutiny's findings from the Call-in and recommendations in relation to the original decision.

Having reconsidered the original decision, the Executive/Decision-maker may decide to affirm their original decision, withdraw the decision or to take a different decision.

While reasons do not need to be given as part of the final response to Scrutiny's resolutions, doing so is considered good practice.

- (4) The Committee may not refer the matter to Council unless, supported with reasons and evidence and advice from the 3 statutory officers, it is deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework. The Executive must be involved in the process before Council considers the matter, as per the flowchart at 4.5.14.

## Notice of Call-in Request

In accordance with Rule 4.5.14 of the Scrutiny Rules that are contained within the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following Key Decision:

Decision (please include minute / delegated decision no.)	
Title of item / decision	
Date of Decision Publication	

We believe that the following principles of decision-making have been breached by the making of this decision (tick only those that apply):

Principle	Tick	Reason why breached
Proportionality		
Due consultation and the taking of professional advice from officers		
Respect for human rights		
A presumption in favour of openness		
Clarity of aims and desired outcomes		
Regard for equal opportunities		
Options are considered and reasons given for the decision		
Consideration of all relevant factors		
Decision is in the best interests of the District as a whole		

As signatories to the form, we confirm we have read and understand the guidance on Call-in.

Lead signatory: .....

Name: ..... Date:.....

Signed: .....

Name: ..... Date:.....

Signed: .....

Name: ..... Date:.....

## Completion of Call-In Request Form – Guidance Note

- (1) Only Key Decisions not already implemented can be called-in.
- (2) Once a Call-in of a decision has taken place that decision cannot be called-in again for the same issues. However, if a revised decision has been made, following previous call-in, and Members believe there is evidence of a different breach, this can be called-in.
- (3) You should only submit evidence against the decision-making principles you believe have been breached. Evidence is NOT required against all the principles.
- (4) When providing reasons of why a principle has been breached, include clear evidence:
  - a. You can make reference to the reports presented as part of the decision.
  - b. You can provide additional documentary evidence e.g. evidence of local opinion/correspondence.

### Examples:

Where a decision is called-in due to a perceived breach of 'Due consultation' and Members believe there is evidence of local opinion that has not been considered, the Members completing the Call-In Request should include evidence of correspondence received that supports the view of the local area. This is particularly important where this could contradict consultation evidence already considered by the decision-maker.

Ensure that the issue being challenged as part of the Call-in is within the boundary of what Scrutiny can address. Scrutiny cannot challenge an issue that should be addressed by a Regulatory Committee such as Planning or Licensing. For example, where reference is made to the impact of a proposed development on the biodiversity of the area, this is a planning consideration to be considered by Planning Committee as part of any planning application – not an issue Scrutiny can impact.

Reference to issues that are beyond the decision in question and that have been dealt with by other processes will not add weight to the Call-in. For example, reference to the impact on highways is in fact a planning consideration which requires a response from DCC Highways in relation to any planning applications impacting the area of the District in question. This is beyond the remit of Scrutiny.