

## **PROTOCOL FOR THE OPERATION OF THE CALL-IN SUB-COMMITTEE**

1. Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. The Overview and Scrutiny Committee has established the Call-in Sub-Committee to carry out this role. Overview and Scrutiny Procedure Rule 22 sets out the rules governing the call-in process.

### **The Process for Call-in**

2. Any six of the Members of the Council and the co-opted members on the Lifelong Learning Scrutiny Sub-Committee can call in a decision of the Executive which has been taken but not implemented. (NB: Co-opted members of the Lifelong Learning Scrutiny Sub-Committee may only sign up to requests to call in decisions relating to education matters). Only decisions relating to Executive functions, whether delegated or not, may be called in.
3. Decisions of the Executive will not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period (this does not apply to urgent decisions - Overview and Scrutiny Procedure Rule 23 refers). The notice of the decision will state the date on which the decisions may be implemented if not called in.
4. Call-in must be by notification to the Director of Legal Services in writing or by fax, signed by all six Members/co-opted members requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members/co-opted members concerned. A proforma of a notice for call-in has been circulated for the use of Members and co-opted members.
5. In accordance with Overview and Scrutiny Procedure Rule 22.5, a notice by Members/co-opted members to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-
  - (a) inadequate consultation with stakeholders prior to the decision;
  - (b) the absence of adequate evidence on which to base a decision;
  - (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
  - (d) the action is not proportionate to the desired outcome;
  - (e) a potential human rights challenge;
  - (f) insufficient consideration of legal and financial advice.

The call-in notice should also provide details of the evidence to support the grounds for call-in.

6. Requests for call-in which, on investigation by the Director of Legal Services, are found to have been made without the support of the required number of Members or co-opted Members, or without specifying one of the grounds set out under Overview and Scrutiny Committee Rule 22.5, will not be referred to the Call-in Sub-Committee.

### **Referral to the Call-in Sub-Committee**

7. Once a valid notice invoking the call-in procedure has been received, a meeting of the Call-in Sub-Committee will be arranged, in consultation with the Chair and Nominated Member(s) of the Sub-Committee, within seven clear working days of the receipt of the request for call-in. The other Members of the Sub-Committee will be notified of the need for a meeting, and the date thereof, at the earliest possible opportunity.
8. The papers to be considered by the Call-in Sub-Committee will be all those considered by the decision-taker when the decision was taken, the record of the decision and the written details of the call-in request. Where information material to the decision is known to officers and was not available to the decision taker, either because it only became known after the date of the decision or otherwise, such information should be drawn to the attention of Members of the Call-in Sub-Committee.

9. The papers will be sent to all Members and Reserve Members of the Sub-Committee, the Executive, the relevant Chief Officer, and all those who had signed up to the call-in. Relevant Ward Councillors will also be notified of the meeting if the issue in question is specific to a particular Ward or Wards. The Chair of the Sub-Committee may also request that the papers be sent to any other persons that he/she feels is appropriate.
10. Members sitting on the Call-in Sub-Committee should bring to the meeting an open mind and an impartial approach. Where a Member of the Sub-Committee is one of the Members calling in the decision, that Member should send a Reserve Member to the meeting of the Sub-Committee which considers the call-in, unless (for example because they are a co-opted member) they do not have a nominated Reserve.
11. The relevant Portfolio Holder and the relevant Chief Officer (or his/her representative) will be invited to attend the meeting to explain the reasons for the decision and to clarify any aspects associated with the issue in question.
12. The Members initiating the call-in will be invited to nominate one of their number or another Member who is not a Member of the Call-in Sub-Committee to advocate on their behalf and on behalf of others who may oppose the decision. Such a Member will be entitled to speak at the Call-in Sub-Committee on an equal footing with the Portfolio Holder and the relevant Chief Officer (or his/her representative).
13. The Chair of the Call-in Sub-Committee, in consultation with the meeting, may invite any other persons (for example, a legal adviser or other appropriate officer) to assist during the meeting as he/she feels appropriate.
14. The Chair of the Call-in Sub-Committee, in consultation with the meeting, will determine how the call-in will be dealt with. The rules on deputations and petitions shall apply as they apply to the Overview and Scrutiny Committee.
15. Having considered the call-in, the Sub-Committee may come to one of the following conclusions:-
  - (i) that the grounds for the call-in be upheld and
    - (a) in the event that it is upheld that the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework, the decision be referred to the Council. In such a case the Call-in Sub-Committee must set out the nature of its concerns for Council. The nature of such concerns would usually be expected to be significant and well proven in the context of the decision under consideration; or
    - (b) the decision be referred back to the decision taker for reconsideration. In such a case the Call-in Sub-Committee must set out the nature of its concerns for the decision taker. The nature of such concerns need only be sufficient to indicate that reconsideration is warranted, and need not necessarily indicate that the Sub-Committee believes the decision should be reversed, unless so stated by the Sub-Committee.
  - (ii) that the grounds for the call-in be rejected and the decision be implemented.