



Call-In Proposals

Report to the Co-ordinating O&S Committee

1 Purpose

- 1.1 A Peer Review conducted by the LGA in Autumn 2019 looked at scrutiny and other governance issues and made a series of recommendations, including on the call-in process.
- 1.2 This note sets out the reasons for the recommendation and options for the Committee to consider.
- 1.3 A report considered by this Committee in June 2019 (see [Co-ordinating O&S Committee agenda, 14th June 2019](#)) revised aspects of the call-in process, including around attendance at meetings, roles during a call-in and provision for what happens when an Executive decision is withdrawn following a call-in.
- 1.4 The recommendation in relation to call-in was to:
“Tighten up on rules around call-in criteria in line with MHCLG guidance and develop a robust informal resolution process.”
- 1.5 Concerns were raised that the number of call-ins at the Council were disproportionately high, “mainly because the criteria for call-ins are not rigorous enough to ensure that only serious concerns are reviewed. Backbenchers said that they lacked confidence that scrutiny recommendations would be followed up, hence their use of critical motions and call-in.”
- 1.6 Suggestions included that Members should be expected to provide a written explanation for their reasons for call-in as Directors and Cabinet Members often have to attend call-in meetings without knowing exactly why the call-in was instigated. The reasons for the call-in should be better explained.
- 1.7 There are therefore three issues to consider:
 - Are the criteria sufficiently robust?
 - Should members requesting a call-in be required to provide a written explanation of the reasons for the request?
 - Should an informal resolution process be adopted to resolve issues at an earlier stage?

2 Context

- 2.1 Call-in is a statutory right for councillors sitting on scrutiny committees to delay the implementation of a decision which has been made (but has not yet been implemented) to allow a committee to consider the decision (Local Government Act 2000, Sections 9F(2)(a) and 9F(4)).



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- 2.2 The Centre for Public Scrutiny *Practice Guide Key Decisions and Powers of Call-in* sets out why call-in is important:

Call-in provides a mechanism for councillors to intervene when they feel that a decision being made by the executive needs to be revisited (or possibly changed). It provides a key check and balance in the leader/cabinet system of governance – a long-stop that, in theory, prevents the overweening exercise of power by Cabinet.

It should, however, be regarded as a measure that is only needed in exceptional circumstances, rather than day-to-day. It sits in the context of a range of other tools at scrutiny's disposal to influence decision-making.

3 Options to Consider

The Criteria

- 3.1 The criteria for call-in, as in the Constitution, are set out in Appendix 1. A summary of call-ins and call-in requests by criteria are summarised in Appendix 2.
- 3.2 Discussions with members of the Peer Review team suggested that two of the criteria were extremely wide and should be re-considered:
- 6 – the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
 - 7 – the decision appears to be particularly “novel” and therefore likely to set an important precedent;
- 3.3 Analysis of the last 10 decisions that were called-in by the committee shows that although the first of these two criteria were a reason given in four cases, in each of these cases, other criteria were also cited in those decisions. Criteria 7 was not been used to call-in a decision.
- 3.4 Members are asked to consider whether to recommend amending or deleting any of the criteria. This recommendation would then go forward to CBM as part of the Annual Review of the Constitution.

Written Explanation

- 3.5 Currently, members are only required to tick one or more of the criteria (as discussed above) and not give specific reasons to explain the request for a call-in meeting.
- 3.6 Members are asked to consider whether members should be required to set out the main reasons for the call-in. This would allow other Committee members, officers and Cabinet Members to better prepare for the call-in. It can be the case that matters are raised in call-in meetings that cannot be adequately addressed by the Executive, or questioned by other committee members, as the criteria used for call in requests are insufficiently informative, particularly where specific or technical detail



would assist members in making their decision. Plus, given the time limited nature of call-ins, this would help the process run more smoothly. This could be done by adding a column to the list of criteria (in Appendix 1) requiring an explanation for the choice of each criteria.

- 3.7 It is also proposed that the Chair, in consultation with the Head of Scrutiny Services, could ask for further information if they feel the call-in form does not give sufficient information to proceed.
- 3.8 This would not require a change to the Constitution, but if the change is agreed by this Committee and by Cabinet Members, then the procedure note would be updated and members informed of the change. The procedure note would state that call-ins without this information would not proceed.

Informal Resolution

- 3.9 Leeds City Council have a “call in resolution process”, which is set out below:
- Prior to submitting a Call In, the nominated signatory must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact must be detailed on the Call In request proforma.
- 3.10 This would introduce an additional step that would have implications for the timing of call-in meetings but would also help resolve matters without the need for a call-in in some cases.
- 3.11 Members are asked to consider whether such a mechanism should be introduced in Birmingham.
- 3.12 This would require a change to the Constitution, and so the recommendation of the Committee would go forward to CBM as part of the Annual Review of the Constitution.

4 Recommendations

- 4.1 That:
- Members consider whether to recommend amending or deleting any of the call-in criteria – in particular criteria 7. This recommendation would go forward to CBM as part of the Annual Review of the Constitution.
 - Members consider whether members should be required to give a written explanation for the call-in request, and that the Chair, in consultation with officers, could have the final say on whether a call-in form gives sufficient information to proceed.
 - Members consider introducing an informal resolution mechanism in Birmingham. This recommendation would go forward to CBM as part of the Annual Review of the Constitution.



Appendix 1: Call-In Criteria

	(a) Is the Executive decision within existing policy?
1	the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies;
2	the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;
3	the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);
	(b) Is the Executive Decision well-founded?
4	the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
5	the Executive appears to have overlooked some relevant consideration in arriving at its decision;
6	the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;
7	the decision appears to be particularly "novel" and therefore likely to set an important precedent;
8	there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.
	Has the Executive decision been properly taken?
9	the decision appears to give rise to significant legal, financial or propriety issues;
10	the notification of the decision does not appear to have been in accordance with council procedures;



Appendix 2: Call-In Criteria Used

Call-In Criteria Used for Decisions Called In

Call-in Criteria:	1	2	3	4	5	6	7	8	9	10
10 February, Resources, Single Contract Negotiations - Clean Air								✓	✓	
25 October, Sustainability and Transport, A34 Perry Barr Highway Improvement Scheme Full Business Case									✓	
12 June 2019, Resources, Disposal of Surplus Properties (Brindley place)				✓	✓			✓		
02 May 2019, Children's Social Care, Travel Assist Policy for 0-25 Year Olds					✓	✓			✓	
08 April 2019, Resources, Driving Housing Growth - Land Appropriation Report				✓		✓		✓		
15 February, Co-ordinating, Waste Management - Industrial Action Update					✓	✓		✓		
05 February 2019, Health and Social Care, Enablement Service					✓	✓		✓		
10 January, Resources, Waste Disposal Contract Interim Arrangement Agreement	✓	✓	✓	✓	✓	✓		✓	✓	
16 August, Health & Social Care, Younger Adults Day Care Consolidation				✓	✓					
17 April 2018, Housing and Homes, Birmingham Council Housing Investment Programme 2017/18 to 2019/20					✓					
17 May 2017, Corporate Resources & Governance, Implementation of Charging Scheme for Car Parking in Cannon Hill Park				✓						



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Call-In Criteria Used for Requests for Call-In (Decisions Not Called In)

	1	2	3	4	5	6	7	8	9	10
18 February 2020, Draft Day opportunities Strategy				✓	✓	✓		✓	✓	
25 October 2019, Workplace Parking Levy				✓	✓	✓	✓	✓		
18 July 2019, Resources, Procurement Strategy to Support the Fleet Replacement Strategy for Waste Management Service				✓	✓	✓			✓	
10 July 2019, Sustainability and Transport, Clean Air Zone: Charging Order				✓		✓				
12 April 2019, Co-ordinating, Waste Management – Commission of an Independent Review of Waste Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
22 February 2019, Sustainability and Transport, CWG Perry Barr Highway Infrastructure - Options Appraisal Report Call-in					✓	✓	✓	✓	✓	
09 January 2019, Children's Social Care, Travel Assist Service					✓	✓		✓	✓	
08 January 2019, Sustainability and Transport, Birmingham Clean Air Zone Submission					✓	✓		✓	✓	
13 December 2018, Resources, Equal Pay Strategy 2018								✓	✓	✓
13 September 2018, Sustainability and Transport, Birmingham Clean Air Zone Submission of Preferred Option Business Case to Government					✓	✓	✓	✓	✓	
06 June 2018, Economy and Skills, Phoenix Business Park, Brickfield Road, Tyseley - Proposed CPO					✓			✓	✓	
10 January 2018, Corporate Resources & Governance, Redirection of Corporate Capital Resources to Support the Community Libraries Strategy				✓	✓	✓		✓		