

# Birmingham City Council

## Council Business Management Committee

10 May 2021



**Subject:** Amendments to Call-In Form  
**Report of:** Suzanne Dodd, City Solicitor  
**Report author:** Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

### 1 Executive Summary

- 1.1 This report sets out proposed amendments to the form used by members to request a call-in meeting, following the proposals put forward by the Co-ordinating O&S Committee and discussed at Full Council on 13<sup>th</sup> April 2021.

### 2 Recommendations

- 2.1 That Council Business Management Committee agrees the amended call-in form as set out in Appendix 1.

### 3 Background

- 3.1 Over the last year, the Co-ordinating O&S Committee have been considering amendments to the call-in process, to strengthen cross-party engagement in Scrutiny.
- 3.2 Call-in is a statutory right for Members to delay the implementation of an Executive decision that has not yet been implemented to allow a Committee to consider the decision.
- 3.3 An external peer review in 2019 expressed the opinion that the number of call-ins at the Council were disproportionately high; and, separately, Members had raised concerns about their ability to prepare properly for call-in meetings. This led to a cross-party Member review of the call-in criteria, the call-in request form and whether an informal resolution step was needed ahead of a call-in meeting.

## **4 Proposed Changes**

### ***Call-In Criteria***

- 4.1 The first question Members considered was whether the call-in criteria set out in the Constitution were sufficiently robust. After considering an analysis of the criteria used in successful call-in requests, Members concluded that the criteria were on the whole robust, but two recommendations are put forward to the Council Business Management Committee as part of the Annual Review of the Constitution:
1. That criteria 7 “the decision appears to be particularly ‘novel’ and therefore likely to set an important precedent” is deleted as a criteria for call-in, as analysis showed this criteria had not been used in a successful call-in within the last two years;
  2. That criteria 9 is amended to read “the decision appears to give rise to significant *governance*, legal, financial or propriety issues” – reflecting concerns raised in a number of call-ins heard by the Resources O&S Committee.

### ***Further Details for Request for Call-In***

- 4.2 To enable the better management of the call-in process Members also considered whether there was a need for the Members to give more indication of why they were making the request for call-in. The Constitution states that “The “Request for Call In” should state the reason for call-in.” Currently under the procedure, Members are only required to tick one or more of the criteria boxes and not give specific reasons to explain the request for a call-in meeting.
- 4.3 Requesting more detail would allow Committee Members, Cabinet Members and officers to prepare for the call-in more thoroughly. It can be the case that matters are raised in the call-in meetings that cannot be adequately addressed by the Executive, or questioned by other Committee Members, as the criteria used for the call-in requests are insufficiently informative, particularly where specific or technical detail would assist Members in making their decision. Given the time limited nature of call-ins, more information ahead of the meeting would help the process run more smoothly.
- 4.4 Members agreed to make this change to the process, by adding a column to the list of criteria requiring an explanation for the choice of each criteria. This would take the form of a short concise statement of one or two sentences. CBMC are asked to agree this amendment to the form (Appendix 1).

### ***Early Resolution***

- 4.5 A further advantage of the sharing of more detail is that it would give the Cabinet Member and officers the opportunity to respond ahead of the meeting with additional information.

- 4.6 If, in turn, that led to those who have requested the call-in meeting re-considering that request, they would have the option to withdraw the request for call-in, and so the meeting to consider the call-in would not go ahead. In that case, the matter would be reported to the next scheduled meeting of the relevant O&S Committee to ensure full transparency.
- 4.7 Members considered whether any informal resolution mechanism would further improve the process, and agreed that it would not, so no recommendation has been made on that point.

## **5 Appendices**

- 5.1 Appendix 1: Call In Form – proposed changes

## Appendix 1: Request for Call In – Pro-forma – proposed amendments

*Date:*

*Please arrange for a meeting of the*

*O&S Committee*

*to be called to discuss the following executive decision:*

*Title:*

*Taken By:*

*On:*

### Reason for request:

| Criteria   | Yes/No                   | Brief Explanation |
|--|--------------------------|-------------------|
| <b><i>(a) Is the Executive decision within existing policy?</i></b>  |                          |                   |
| 1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies  | <input type="checkbox"/> |                   |
| 2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees                    | <input type="checkbox"/> |                   |
| 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) | <input type="checkbox"/> |                   |
| <b><i>(b) Is the Executive decision well-founded?</i></b>  |                          |                   |
| 4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision                                 | <input type="checkbox"/> |                   |
| 5. the Executive appears to have overlooked some relevant consideration in arriving at its decision  | <input type="checkbox"/> |                   |

| Criteria  | Yes/No                   | Brief Explanation |
|---|--------------------------|-------------------|
| 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   | <input type="checkbox"/> |                   |
| 7. 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 | <input type="checkbox"/> |                   |
| <b><i>(c) Has the Executive decision been properly taken?</i></b>   |                          |                   |
| 8. the decision appears to give rise to significant legal, financial, governance or propriety issue   | <input type="checkbox"/> |                   |
| 9. the notification of the decision does not appear to have been in accordance with council procedures  | <input type="checkbox"/> |                   |