

Call in Procedure

1. Introduction

- The purpose of the meeting is to discuss whether the Committee should, or should not, exercise its power of Call In – that is: whether to formally request that the Executive reconsiders its decision in relation to Active Travel Fund Tranche 2 – Package 2: Kings Heath Places for People Strategy.
- Where a Committee does decide to Call In a decision the “re-consideration” which is then required must take place at a meeting of the full Cabinet – irrespective of who made the original decision.

2. The Members must make their case justifying their request for Call In

- Chair to ask the two Councillors who requested the call-in to explain the reasons why they have requested that the decision be called in.
- If the members who requested the call-in are not members of the O&S Committee then they should be invited to present their case, but will not be able to vote on the call-in decision.
- Q&A: chance for the Committee to **ask for clarification** or details on the reasons why the request for call in has been made [**Note: it is not for Members to start discussing the merits or otherwise of the call-in at this point**].

3. Presentation by the Cabinet Member on their Decision

- Cabinet Member assisted by officers, to state how/why the decision was made – officers to give any necessary background information.
- Q&A: chance for the Committee to ask for clarification or details on the decision and how it has been made

4. The Cabinet Member and Officers are asked by the Chair to leave the room whilst the Committee discusses its view on whether or not they think there are grounds for the decision to be Called In.

- When the O&S Committee is satisfied that it has fully explored the case for call in and the Cabinet Member’s reasoning for the decision that was taken, then the Cabinet Member, their officers and any councillors who are not members of the committee may be asked to leave the room to allow the Committee to come to its conclusion.
- The meeting, if being held in public, will continue to be public and so livestreaming will continue but asking Cabinet Members, officers and others to leave enables members of the committee to discuss without further contributions from those not on the committee.

5. Discussion by the Committee

- The Overview and Scrutiny Committee will consider the criteria for Call In.
- For clarity, as set out in Part B (11.9) of the Constitution, the Council does not expect an O&S Committee to Call In an Executive decision unless one or more of the criteria (set out at Appendix 1) applies.

NB: the Committee do not have to adhere to the grounds for call-in selected by the two Members requesting the call-in – if other grounds are more appropriate, these can be used.

6. Chair to sum up and asks for vote on whether to call the decision in.

1. Decision not called in

- No need to refer it to Cabinet
- Call In Meeting closed
- (The Committee could agree to inform the Cabinet Member of any concerns of the Committee by letter)

2. Decision called in to be reconsidered by the Executive

- To agree the criteria for the call in
- Committee requests that the Chair of the O&S Committee attends the next Cabinet meeting with a formal report of the Committee ‘referring back’ the decision.
- Call In Meeting closed

THE CABINET MEMBER AND SUPPORTING OFFICERS ARE CALLED BACK IN TO THE ROOM AND NOTIFIED OF THE OUTCOME.

8. After the Meeting if 'called in'

The Scrutiny Office prepares a report setting out the criteria for the Call In, the Committee's concerns and issues and any way forward suggested.

- *The Chairman attends the next Cabinet meeting to formally request that the decision is referred back to the Cabinet.*
- *Cabinet then discusses whether to change the original decision or not. If not, that is the end of the matter.*
- *If yes, then the Cabinet Member will need to revisit the issues and make a new decision.*

Appendix 1 – Call In Criteria (overleaf)

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	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.
	(c) Has the Executive decision been properly taken?
8	the decision appears to give rise to significant governance, legal, financial or propriety issues;
9	the notification of the decision does not appear to have been in accordance with council procedures;

