

## **Part 4.5    Annexe 3    Overview and Scrutiny Procedure Rules**

### **Overview and Scrutiny Call-in Procedure**

1. The instigator of the call-in will consult with officers about the criteria and consult and inform the relevant Overview and Scrutiny Committee Chair before proceeding with the call-in.

#### **Reason**

To ensure clarity of intention in the work and for inclusion purposes.

2. The Overview and Scrutiny Chair shall give consideration to relinquishing the Chair for an item of call-in where to do otherwise might lead to an impression of partiality.

#### **Reason**

To demonstrate the impartiality of the Chair, particularly where an individual Chair had strong interests in relation to the debate.

3. Ideally, reports should not be circulated on the night (unless in extremely urgent circumstances) but in advance of the meeting at the same time as the agenda.

#### **Reason**

In order to allow committee members sufficient time to assimilate information and for its integrity to be checked by the officers if necessary.

4. Order of Debate

- (a) Lead Officer to be called to introduce the report.
- (b) Chair of the relevant Overview and Scrutiny Committee or a spokesperson for the 5 councillors who have signed the call-in form to have the opportunity to introduce the subject and explain their reasons for call-in, within a time limit of 10 minutes.
- (c) Portfolio Holder (if present) to present decision of Executive and to call any witnesses in support of that decision.
- (d) General debate by the committee members.
- (e) Committee makes decision regarding the call-in.

#### **Reason**

To promote the smooth running of the debate and for clarification purposes.

5. Rights of Portfolio Holders

Any Portfolio Holder who is called as a witness shall have the right to be accompanied by an officer or other person of their choosing to assist them at the meeting.

6. Schedule of Meetings

Following the announcement of the date of the meeting within six working days of the call-in, where possible at least three to five working days expire between the call-in meeting and the reconsideration of the decision at the Executive.

**Reason**

To allow proper reconsideration of the decision.

## CALL-IN FORM

**TO: Executive Head of Legal and Democratic Services**

**FROM:** .....

### 1. What decision is being called-in?

### 2. Why is the decision being called-in?

The Constitution states that call-in should only be used as a last resort when the principles set out under Article 13 of the constitution have not been adhered to. These principles are also set out at the bottom of this form.

I / We call-in this decision because:

### 3. Who is calling-in the decision? (Please note: Each member noted below must have written/emailed/phoned the Executive Head of Legal and Democratic Services to confirm that they support the call-in)

Councillor (Main contact)  
Councillor  
Councillor  
Councillor  
Councillor

### 4. What information do you want to be available at the call-in meeting?

*(Please tick any of the following options that you would like to see being provided at this meeting)*

Portfolio Holder to be present at the meeting

Portfolio Holder to make a presentation at the meeting

Relevant Officer to make a presentation

Expert witness or interested party to be present

Site visit

Comparative research

Additional written information

Other - please specify

**Date of Call in Request:**

Date received (Office use only) .....

Received by .....

**NOTES**

The Constitution suggests that call-in should only be used in exceptional circumstances. Call-in may occur if councillors consider that a decision has not been made in accordance with the following principles:

- Proportionality – i.e. the decision must be proportionate to the desired outcome
- Due consultation with the relevant parties and Officers
- Human rights have been respected
- There has been a presumption in favour of openness
- Clear aims and desirable outcomes have been identified
- An explanation has been given for what options were considered in arriving at a decision and a reason given for the decision reached

If councillors are uncertain whether any of the above criteria would apply to a decision that they are concerned about, they may wish to contact the Executive Head of Legal and Democratic Services for advice.