

ISLE OF WIGHT COUNCIL

**GUIDANCE ON THE  
CALL-IN PROCESS**

## **SCRUTINY COMMITTEE MEMBERS GUIDANCE NOTES ON THE PROCEDURES FOR CALL-IN**

The procedure for calling in decisions made by the Cabinet, Cabinet Member, a committee of the Cabinet and any key decisions taken by an officer is part of the Council's constitutional arrangements.

The procedure is as follows :

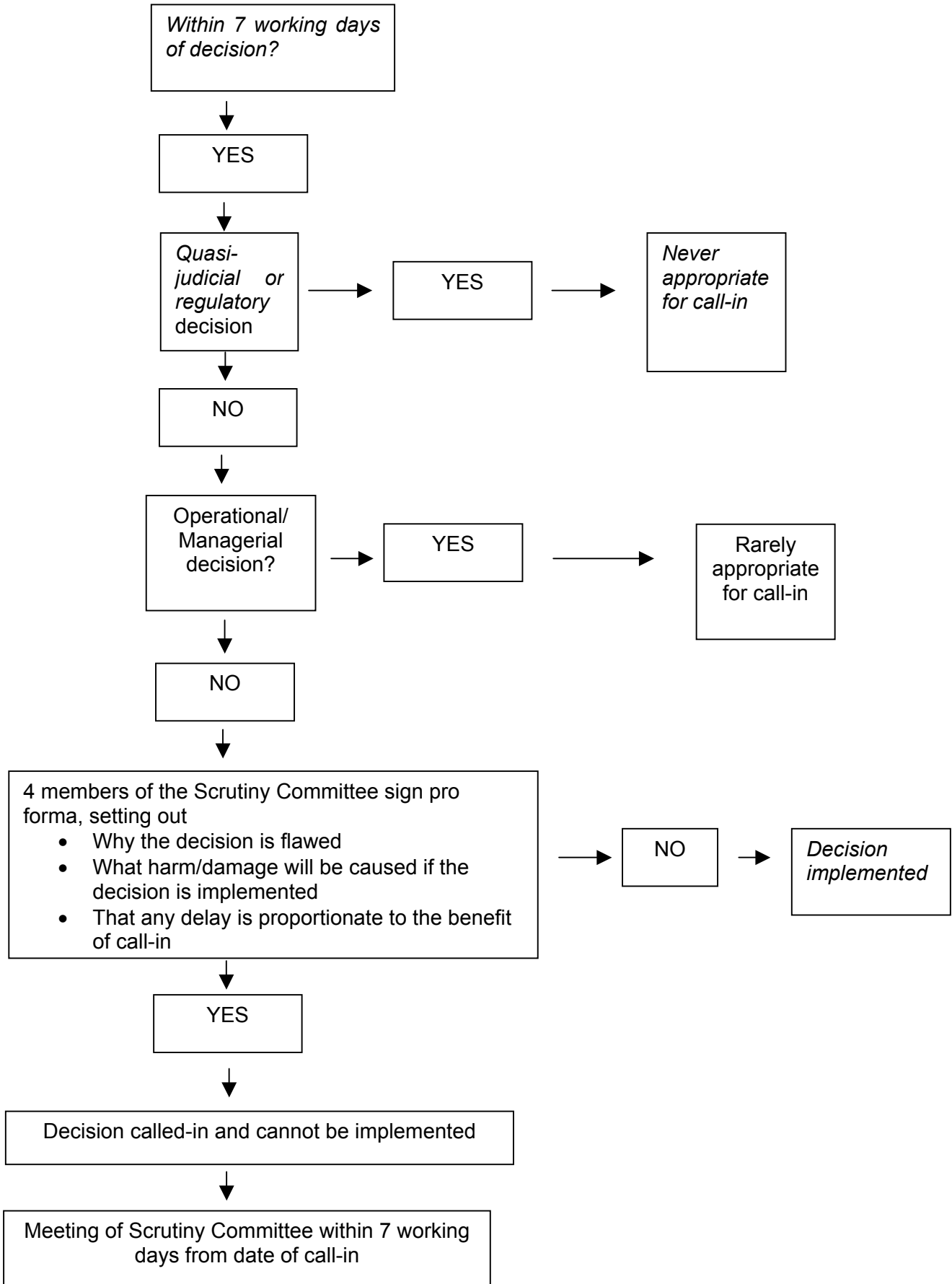
- a) A call-in can be made on any decision of a Cabinet Member or the Cabinet. These decisions are normally published each Friday.
- b) A request for a call-in must be made within seven clear days of the decision being published. A decision that is not called-in becomes effective after this time.
- c) A request for a call-in should be made to the Monitoring Officer who shall notify the Cabinet member, Leader and Chair of the Scrutiny Committee together with the relevant lead officer for the item.
- d) Four members of the Scrutiny Committee must support a call-in. This can be done by the four members signing the call-in form or by submission of the appropriate details/form by way of e-mail.
- e) Members who agree to a call-in must satisfy themselves that the reasons for this course of action are valid and consistent with the requirements outlined in the Constitution.
- f) On a call-in, sufficient information should be given to the Cabinet Member to allow him/her to understand the concerns of the members who have requested the call-in. This will allow the Cabinet Member to ensure that relevant information is available for the Scrutiny Committee to consider.
- g) A meeting of the Scrutiny Committee to consider the call-in will take place within seven working days from the date of the call-in.
- h) The meeting will be in public unless information, which is confidential or exempt under the access to information provisions, is to be discussed.
- i) At least one of the members signing the call-in form must attend the meeting.
- j) The relevant item should start with the reasons why the decision had been called-in being outlined by one of the members who had signed the call-in.
- k) The person who made the decision should then be invited to outline how and why the decision was made and the factors considered in making this decision.
- l) Members of the Scrutiny Committee should keep in mind that the focus of the call-in is to determine whether to refer the original decision back for further consideration and, if so, to prepare written observations for the Cabinet to take into account. Questions should be aimed at obtaining information, which will help in these tasks.
- m) The Scrutiny Committee may :
  - (i) Accept the decision, which has been made. In this case the decision takes effect immediately.
  - (ii) Refer the decision back to the decision maker with recommendations. When making such a referral the Scrutiny Committee must set out in writing the

nature of its concerns. The decision maker must reconsider the decision in the light of the Scrutiny Committee's concerns before making a final decision and if not accepting any of the recommendations state the reasons for this.

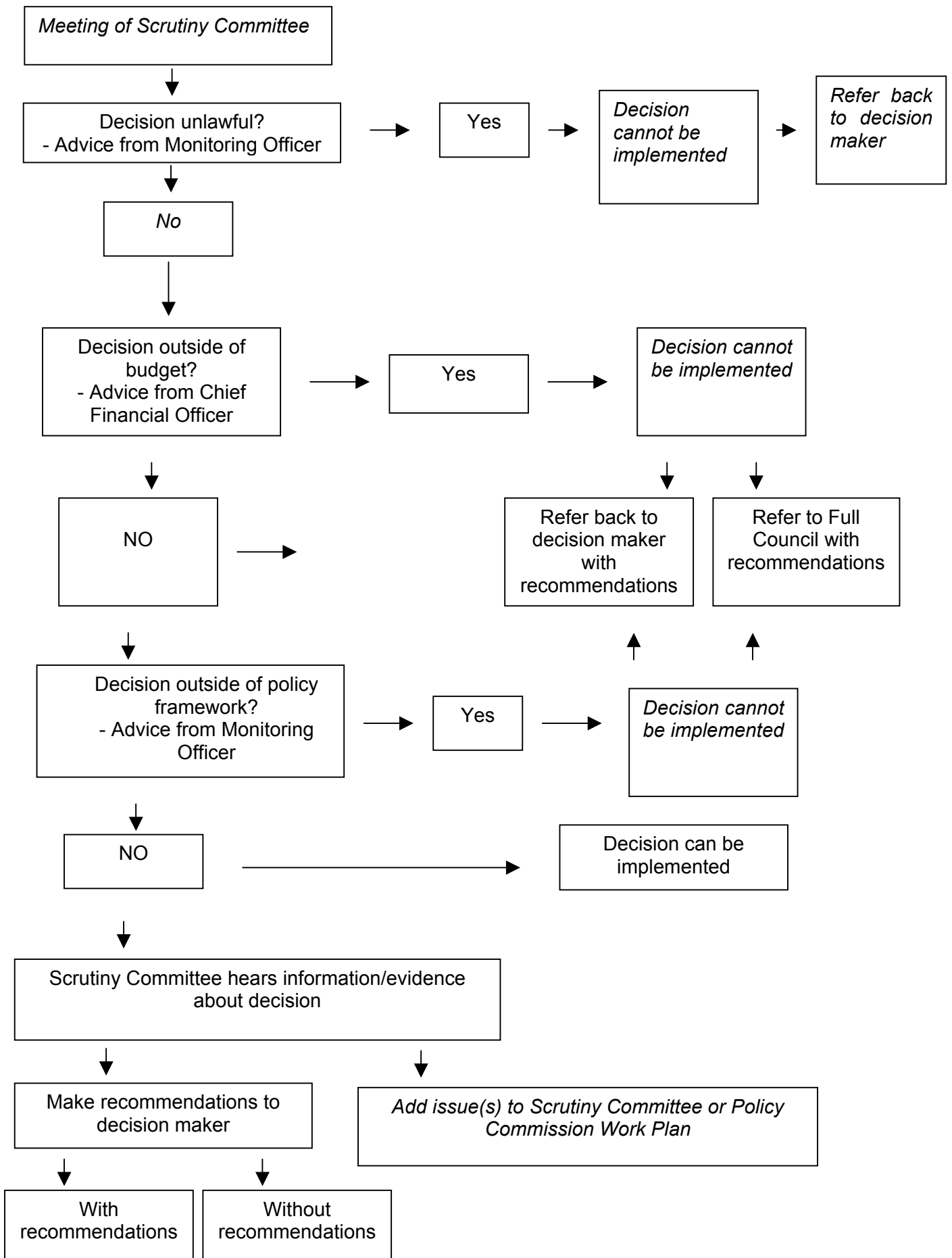
- (iii) Refer the matter to another body, with recommendations.
- (iv) Add an enquiry to its own work programme.
- (v) Refer the matter to full Council, after receiving advice that the decision is outside the budget and policy framework, with a recommendation that the budget and policy framework be amended.

Only in (v) is implementation of the decision prevented until after the meeting of the Scrutiny Committee has disposed of the call-in.

# CALLING-IN DECISIONS



## DISPOSAL OF CALLED-IN DECISIONS



**NOTIFICATION OF A CALL-IN UNDER THE PROTOCOL ON THE COUNCIL'S  
DECISION MAKING PROCESS**

We the undersigned being members of the Scrutiny Committee wish to apply the Call-In procedure in respect of the following decision

The Cabinet held on (date)

.....

Minute number and heading:-

.....  
.....  
.....

Resolution:-

.....  
.....  
.....

or the decision taken by the Cabinet Member for

.....

Ref No and Title of Report:-

.....  
.....

Called-in because (mark as appropriate):- Inadequate consultation with stakeholders, partners or the public/ absence of evidence for decision / decision contrary to policy framework / decision not in accordance with the approved budget. Brief statement supporting reason for call-in :-

.....  
.....  
.....  
.....

Desired outcome:

.....  
.....  
.....

Names of members with signatures (minimum of four required)

1 .....

2 .....

3 .....

4 .....

Dated .....

***When all sections have been completed the notification must be passed onto the Monitoring Officer.***

## CALL-IN VIA E-MAIL

A call-in may be submitted by e-mail provided the following procedure has been followed :-

1. The e-mail should be sent to the Monitoring Officer, with a copy to the Overview and Scrutiny Team.
2. The e-mail must either include the call-in form as an attachment or the wording contained in the e-mail should replicate that on the form so all relevant details are submitted.
3. Instead of signatures the notification will be accepted provided it has been transmitted by the member's Council e-mail address. The same attachment, or wording, must be used by all those members submitting notification by way of e-mail for the call-in to be valid. Additionally where one or more members submit a signed paper copy of the call-in this should be in the same format and wording as that sent by any member electronically.

It will be necessary for a lead member for the call-in to be identified where this is submitted by way of e-mail or combination of e-mail and paper copy.

## WITHDRAWAL OF CALL-IN NOTICE

1. A deposited Call-in notice may be withdrawn at any time (subject to paragraph 3 below) before the Scrutiny Committee considers the called-in decision. Withdrawal shall be by written notice deposited with the Monitoring Officer signed by all those members who signed the original call-in notice.
2. If withdrawn the Monitoring Officer shall prepare a report on the circumstances of the withdrawal for inclusion on the agenda for the next scheduled meeting of the Scrutiny Committee. This report shall include details of any delay or financial consequences caused by the decision to call-in the decision.
3. Once the Scrutiny Committee decides to refer a call-in back to the Cabinet Member, Cabinet or Council the call-in may not be withdrawn.

## DISPOSAL OF CALLED-IN DECISIONS

The following circumstances can arise when a decision, that is called-in, is considered by the Scrutiny Committee :-

1. Advice from the Monitoring Officer that the decision is unlawful. The decision cannot be implemented and must be referred back to the decision maker with recommendations.
2. Advice from the Monitoring Officer that the decision is outside the Policy Framework. The decision cannot be implemented and must either be referred back to the decision maker with recommendations *or* the Full Council with recommendations to amend the Policy Framework.
3. Advice from the Chief Financial Officer that the decision is outside of the budget. The decision cannot be implemented and must either be referred back to the decision maker for reconsideration *or* to Full Council, with a recommendation to amend the budget.
4. Advice that the decision is lawful and within the Budget and Policy Framework. It can be implemented but the Scrutiny Committee can :-
  - (a) endorse it, without recommendations, to the decision maker;
  - (b) endorse it, with recommendations, to the decision maker, stating the reasons for these;
  - (c) determine not to endorse the decision, with or without recommendations to the decision maker;
  - (d) add the issue to its work programme for further enquiry.

In the circumstances shown in 3 and 4 the decision may be implemented but the Scrutiny Committee may request a delay for reconsideration. If the Scrutiny Committee decides to take such action it will have to be made aware of any additional cost, or potential service disruption, created through any delay.