

**OSR17**

**What is Call in and How Does it Operate?**

Where non-executive Councillors have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making) of part 2 of the Constitution, they may ask the Proper Officer to “call in” the decision for scrutiny.

- (a) When a decision is made by the executive or a key decision is made by an officer with delegated authority from the executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at City Hall normally within two clear working days of the decision being made. Chairs and Members of the relevant Overview and Scrutiny Committee will be sent copies of the records of all such decisions within two clear working days, by the Proper Officer responsible for publishing the decision.
- (b) That notice will bear the date on which it was published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days from the date the decision was taken, unless the decision is ‘called in’.
- (c) During that period, at least five non-executive Members may ask the Proper Officer to call in a decision for scrutiny using the appropriate pro forma. The Proper Officer will first satisfy themselves that the following requirements have been met:
  - (i) the call in notice has been received within the prescribed time scales;
  - (ii) the decision taker’s decision has been properly identified and described;
  - (iii) the Members seeking the call in have identified those principles of Article 14 of the Constitution which they believe have been breached.
- (d) If the requirements are met the Proper Officer will call in the item and within five working days of the request, give notice as to the date on which the call in will be considered by the Call in Sub Committee, which will be held within 10 days of the request for call in being approved by the Proper Officer. If a debate at Full Council is decided by the Call in Sub Committee then this will be held within ten days at an extraordinary meeting of Full Council or at the Lord Mayor’s discretion
- (e) The Call in Sub Committee will decide either:
  - (i) to take no further action in relation to the call in; or
  - (ii) to refer the decision back to the decision taker, setting out in writing the nature of its concerns; or

(iii) to refer the matter for debate at Full Council.

(f) If the Call In Sub Committee:

(i) meets on the date specified in the notice in (d) above but does not either refer the matter back to the decision maker or refer the matter to the Full Council, then the decision will take effect on the date of the Call in Sub Committee's meeting; or

(ii) does not meet on the date specified in the notice in (d) above, then the decision will take effect on the first working day after that specified date.

If it is agreed that the matter be referred back to the decision maker they shall then reconsider at their next scheduled meeting (or sooner in the event of urgency), amending the decision or not, before adopting a final decision.

(g) If the matter is referred to the Full Council and the Full Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Full Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy and Budget Framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Full Council will refer any decision to which it objects back to the decision maker, together with the Full Council's views on the decision. The decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Mayor / Cabinet / Executive or under joint arrangements, then within seven clear working days of the Full Council request, notice must be given of the date of the meeting to reconsider the decision.

(h) If the Full Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Full Council meeting or expiry of the period in which the Full Council meeting should have been held, whichever is the earlier.

(i) Decisions taken by an Area Committee shall not be subject to call in.