

Briefing note for Overview and Scrutiny Committee meeting on 10 June 2024

Call-in Procedure Review

1 Background

Call-in is the function of an O&S Committee which provides for the scrutiny of decisions once they have been made but before they have been implemented. Call-in is a safety valve to delay and interrogate important executive decisions.

“Call-in” is not a term that is used in legislation, but it is covered by the Local Government Act 2000 which provides the general power for overview and scrutiny committees to review or scrutinise executive decisions. Statutory Guidance followed.

The Centre for Governance and Scrutiny has produced some useful guidance for English authorities on the use of call-in, which also includes some practical examples, some of which are quoted in this briefing.

2 Criteria

Although the Statutory Guidance is restrictive in certain respects (the length of time within which the call-in needs to be called, for example) there is flexibility built into the call-in process, and many councils have taken advantage of that to tailor the procedure to their own political environment, culture and preference.

There are three main criteria that are applied to ensure a call-in’s validity, and these also have a degree of flexibility. They are:

- Requiring a certain number of members to request a call-in,
- Requiring that the call-in request meets specific criteria, and
- Considering prior opportunities to contribute to the decision (particularly relevant to local authorities that regularly practice pre-decision scrutiny).

3 Examples

Different councils apply different criteria and use different processes, according to local preferences, there being no regulation.

Blackpool Council, for example, take the view that the simpler the process the more transparent it is. Consequently, they permit any councillor to call in a decision.

South Oxfordshire and Vale of White Horse District Councils take a more complicated approach, only permitting key decisions to be called in at the request of the Chair of the Scrutiny Committee or any three members of the council, at least one of whom must be a member of the Scrutiny Committee. Additionally, their constitution states that call-ins must only be used where members have evidence which suggests the decision was taken where the decision maker did not follow the principles of decision making (for which examples are provided). Public speaking is permitted, as with other committees, each speaker getting up to three minutes, the total public speaking slot being limited to fifteen minutes.

Walsall Metropolitan Borough Council is a little closer to the 'norm' (although there is no such thing, of course), where the following members can call a decision in:

1. Chairman of relevant scrutiny committee.
2. Any five members of a relevant scrutiny committee.
3. Any five members of the council.

Blackburn and Darwen

The following criteria are applied:

- Any six members of the council.
- Detailed reasons to be provided by Lead Member.
- There is a presumption of allowing the call-in to be heard.
- Signing the call-in request does not prevent that member being a member of the committee hearing the call-in.

Burnley

The following criterion is applied:

- Any five members of the council.

Lancaster

The following criteria are applied:

- Any five members of the council.
- The five members must not be all from the same political group.
- Two members must be on the Overview and Scrutiny Committee.
- The decision shall be considered by the Overview and Scrutiny Committee within ten working days of the decision to call in. If this does not happen the decision shall take effect on expiry of the ten-day period.

Ribble Valley

The following criterion is applied:

- Any five members of the council.

Rossendale

The Monitoring Officer plays the key role in determining the validity of and the arrangements for the call in, including carrying out an assessment of the councillors who are ineligible to sit on the Overview and Scrutiny Committee by virtue of conflict of interest if they have already been part of decision-making process.

A Panel of five councillors, politically balanced, taken from the Overview and Scrutiny Committee and usually including the Chair, will consider each call-in.

South Lakes

The following criteria are applied:

- The Chairman of the Overview and Scrutiny Committee or any three members of the council, who are not Cabinet members.
- The reason for the call-in to be provided at that time.
- Within ten days, issue a summons for a meeting to be held as soon as practicable but, in any event, within one calendar month of the date of receipt of the call-in request.

South Ribble

The following criteria are applied:

- The Scrutiny Chairman, or in their absence the Vice Chairman, or any five members of the council can call in a decision.
- Call-in meeting to be held within ten working days of call-in being made. If this does not happen the decision shall take effect on expiry of the ten-day period.

4 Summary

The best summary that I can provide is that call-in criteria and procedures should be agreed to fit with the culture and priorities of the organisation. There are relatively few rights and wrongs.

Different numbers of councillors are required to sign up to the call-in in different authorities, with as few as one required at Blackpool, for example. Sometimes there are requirements that the Chair or other members of Overview and Scrutiny Committees are signatories.

On occasions, it is explicitly stated that those members calling in a decision should not all be from the same party (Lancaster) but most councils do not stipulate this requirement.

Sometimes public speaking is permitted but more often it is not.

In some councils signing the call-in request prevents a member from being a member of the committee hearing the call-in (as in Wyre, currently) and sometimes it does not.

The requirement to hear the call-in within ten working days of it having been submitted is quite common, but one council (South Lakes) extends that period to one month.

Peter Foulsham
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