

## **Proposed call-in procedure – to be included in the Overview and scrutiny procedure rules -part 6.2 of constitution**

### **(19) Call In**

#### **Introduction and Publication of a Decision**

- (a) The Call-in procedure applies to any Key Decision taken by Cabinet collectively or by a single member, a committee of Cabinet or under joint arrangements. It also applies to those officer decisions that are key decisions and which are taken under delegated authority.**
- (b) The procedure also applies to executive decisions taken that are outside of the Council agreed Budget and Policy Framework.**

~~That list will bear the date on which it is published and will specify that the decision will come into force, and take effect at 5pm on the fifth working day (4pm on the fifth working day if that day is a Friday) following such publication of the decision.~~

- (c) (a) When a decision is made by the Cabinet or by an individual member or by a committee of the Cabinet, or a key decision is made by an officer acting under delegated authority, the decision shall be published by the Proper Officer in the form of a decisions list by the end of the next working day and circulated to all Councillors, and in the case of education functions to the co-opted members on the **People Education and Young People** Overview and Scrutiny Committee.**

~~During that period, the Proper Officer shall call in a decision for scrutiny by the appropriate Scrutiny Committee:-~~

- ~~(i) If they receive a joint request from the Chair and Deputy Chair of the relevant Scrutiny Committee; or~~
- ~~(ii) if requested to do so by 5 members of a Scrutiny Committee (whether members of the Council or co-opted non-councillor voting members of the Education and Young People Overview and Scrutiny Committee); or~~
- ~~(iii) if requested to do so by any 10 members of the Council, whether or not they are members of the relevant Scrutiny Committee.~~

~~In all cases, when a request for a call in of a decision is made, this must be accompanied by reasons for the request.~~

~~When the Proper Officer receives a request in accordance with 19(c) above, they shall then notify the decision maker of the call in. They shall then call a meeting of the appropriate Scrutiny Committee on such date as they may determine, where possible after consultation with the Chair and Deputy Chair of that Committee. Subject to the statutory requirements for the calling of meetings, the Scrutiny Committee should~~

~~normally meet within 15 working days of the request being received by the Proper Officer to consider the issue.~~

- (d) ~~(b)~~ That list will bear the date on which it is published and will specify that the decision will come into force, and take effect at 5pm on the ~~fifth~~ **third** working day (4pm on the ~~fifth~~ **third** working day if that day is a Friday) following such publication of the decision.

~~If, having considered the decision, the Scrutiny Committee has material concerns about it, then the Scrutiny Committee may refer it back to the decision making body or officer for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. The views of the Scrutiny Committee will be considered by the decision maker (in the case of recommendations from scrutiny committees following call-in of a decision made by an individual member of the Cabinet these recommendations shall be considered by the Cabinet) or the Council as appropriate within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect. If following a request for a call in made under Rule (19)(c) the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making body or officer, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of the 30 working day period commencing with the date on which the request was received by the Proper Officer, whichever is the earlier.~~

## **Reasons for Call-in**

- (e) **Oxfordshire County Council Call-in procedure is a key check and balance in ensuring that decisions are taken in line with the Constitution. Part 1.3 (2) of the Constitution states that all decisions of the Council or taken by or on behalf of the Council, will be made in accordance with the following principles:**
- i. proportionality (i.e. the action must be proportionate to the desired outcome);**
  - ii. due consultation and the taking of professional advice from officers;**
  - iii. respect for human rights, diversity and equality, and the natural and built environment;**
  - iv. a presumption in favour of openness;**
  - v. clarity of aims and desired outcomes; and**
  - vi. a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.**

~~If the matter was referred to the Council and the Council does not object to a decision which has been made, then no further action will be taken~~

~~and the decision will be effective in accordance with the provision in (h) below. However, if the Council does object then, unless that decision is contrary to the budget and policy framework, the Council will refer that decision together with its views on it back to the decision maker. The Council's views on the decision will be considered by the decision maker within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect.~~

- (f) **A decision can be called in providing that Members can provide reasonable evidence that the decision was not taken in accordance with the Council's principles of decision-making or that is perceived to be outside of the Council's Budget and Policy Framework.**

~~If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.~~

## **Requirements for Call-in Consideration**

- (g) ~~(e)~~ **In order to ensure that Call-In is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for Call-In:**
- i. **The request for a call-in must be submitted through completion and submission of the Council's Call-in request form; and**
  - ii. ~~(i) if s/he receives a joint request from~~ **The request must be supported by** the Chair and Deputy Chair of the relevant Scrutiny Committee; or
  - iii. ~~(ii) if requested to do so by 5 members of a Scrutiny Committee (whether members of the Council or co-opted non-councillor education voting members of the Education and Young People Overview and Scrutiny Committee); or~~
  - iv. ~~(iii) if requested to do so by~~ **any 10 members of the Council, whether or not they are members of the relevant Scrutiny Committee.**

~~The Cabinet Member(s) with responsibility for the subject matter of a request for a call in and the Chair and Deputy Chair of the relevant scrutiny committee may together agree variations of any or all the time limits in Rule (19)(d), (e), (f) and (g) of this Part, to allow consideration of the call-in at the next ordinary meeting of the committee if they are satisfied that the matter is not so urgent as to require compliance with those time limits.~~

- (h) **The request for Call-In must be received by the Monitoring Officer by 12 noon on the third day following publication of the decision. The request for Call-In should either be submitted:**
- i. **In Hard Copy: including the signatures of the Councillor requesting the Call-In and those Councillors supporting the Call-In.**

- ii. **Electronically: to democratic.services@oxfordshire.gov.uk. The Councillor requesting the Call-In must submit the form and each Councillor supporting the Call-In must send an email in support. All emails must be sent from the Councillors' individual Oxfordshire County Council email addresses**

~~The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:~~

- ~~(i) the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is based and the Cabinet has had regard to those observations in taking the decision; or~~
  - ~~(ii) the decision is taken by the Cabinet after taking account of any recommendations or other comments by the Scrutiny Committee following a call in of a decision taken previously by the Cabinet.~~
- (i) **(e) In all cases, when a request for a Call-in of a decision is made, this must be accompanied by reasons for the request which must be detailed in the Call-in request form. The request for Call-In must specify the reason they consider there has been an alleged breach of at least one principle of decision making.**

## **Suspension of the Decision**

- (j) **Upon receipt of a Call-in request the Monitoring Officer will immediately suspend the decision to allow the Call-in process to take place.**
- (k) ~~(e)~~ When the ~~Proper~~ **Monitoring** Officer receives a request in accordance with ~~(e)~~ **(g)** above, ~~s/he~~ **they** shall notify the decision maker of the call-in.
- (l) ~~(e)~~ ~~s/he~~ **They** shall call a meeting of the appropriate Scrutiny Committee on such date as they may determine, where possible after consultation with the Chair and Deputy Chair of that Committee. ~~Subject to the statutory requirements for the calling of meetings~~ **The appropriate Scrutiny Committee shall be identified by the Monitoring Officer in line with the remit identified for each Committee through its terms of reference.**
- (m) ~~(e)~~ Subject to the statutory requirements for the calling of meetings, the Scrutiny Committee should normally meet within 15 working days of the request being received by the ~~Proper~~ **Monitoring** Officer to consider the issue

## **Assessing Validity of a Call-in**

- (n) **Upon receipt of any Call-In request, the Monitoring Officer will assess the Call-In form and the information supporting the alleged breach(es) of the principles of decision making, to determine whether the request meets the requirements set out in this procedure.**
- (o) **The Monitoring Officer will have the final say as to whether the request is a valid Call-In, with the presumption in favour of it being valid. A written rationale for this assessment will be provided to i) members of the Cabinet, ii) the Chair and Deputy-Chair of the relevant Scrutiny Committee, and iii) the members named on the call-in request form. If the Call-in request is deemed invalid, the assessment will be reported by the Director of Law and Governance and Monitoring Officer to the next meeting of the relevant Scrutiny Committee.**
- (p) **The decision will remain suspended until the Monitoring Officer has completed their assessment of the request. If the Call-In request is deemed valid, the decision will remain suspended to enable the consideration of the Call-In to take place, as detailed below.**

## **Process of a Call-in Meeting**

- (q) **The Scrutiny Committee identified by the Monitoring Officer for consideration of the Call-in will meet to consider the Call-in request.**
- (r) **The process for consideration of the Call-in will as a minimum include the following:**
  - i. **Chair explains purpose of call-in process (in line with principles of decision-making) and details the decision that has been called-in**
  - ii. **Councillor who submitted call-in request attends and speaks on call-in (5 minutes)**
  - iii. **Other Councillors who supported call-in attend and are provided with opportunity to speak (maximum of 10 minutes in total)**
  - iv. **Local (Division) Councillors may attend and can speak (timing is at Chair's discretion based on number of speakers)**
  - v. **Relevant Cabinet Member(s) and, by invitation, invited supporting officers to respond to the Call-in (maximum of 15 minutes in total)**
  - vi. **Overview and Scrutiny Committee questions to speakers above through direction of Chair**
  - vii. **Overview and Scrutiny Committee deliberations and outcome through direction of the Chair**

## **Outcomes of a Call-in**

- (s) **When considering a call-in, the Overview and Scrutiny Committee has the following options:**

  - i. **Uphold the original decision – the original decision stands and can be implemented.**
  - ii. **Uphold the Call-in – the decision is deemed to have been taken without compliance with the principles of decision-making detailed in the Constitution and is referred for further consideration.**
- (t) **If the Overview and Scrutiny Committee decides to uphold the Call-in then it has the following options:**

  - i. **Refer the decision to the relevant Cabinet member (if the original decision was taken by an officer) for reconsideration**
  - ii. **Refer the decision to Cabinet for reconsideration (if a Cabinet Member decision or a Cabinet decision)**
  - iii. **Refer the decision to Full Council if the decision was contrary to the Council's Budget and Policy Framework**
- (u) **If following a request for a call-in made under Rule (g) the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making body or officer, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of the 20 working day period commencing with the date on which the request was received by the Proper Officer, whichever is the earlier.**
- (v) **The views of the Scrutiny Committee will be considered by the decision maker (in the case of recommendations from Scrutiny Committees following call-in of a decision made by an individual member of the Cabinet these recommendations shall be considered by the Cabinet) or the Council as appropriate within a further 15 working days, and the decision will then be amended or otherwise and take immediate effect.**
- (w) **If the matter was referred to the Council on the basis it was determined by the relevant Scrutiny Committee that the decision taken was contrary to the Council's budget and policy framework, Part 3.2 (6) – Call-in of Decisions Outside the Budget or Policy Framework – will apply.**
- (x) **If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.**

- (y) The Cabinet Member(s) with responsibility for the subject matter of a request for a call-in and the Chair and Deputy Chair of the relevant Scrutiny Committee may together agree variations to the time limit in (m), to allow consideration of the Call-in at the next ordinary meeting of the committee if they are satisfied that the matter is not so urgent as to require compliance with those time limits. Likewise, these members may agree to extend the time limit for decisions which have been referred back to the original decision-maker.

## EXEMPTIONS

- (z) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet where either:
- i. the Scrutiny Committee has already made observations to the Cabinet on the basis of substantially the same report and/or other information or advice as that on which the Cabinet's decision is based and the Cabinet has had regard to those observations in taking the decision; or
  - ii. the decision is taken by the Cabinet after taking account of any recommendations or other comments by the Scrutiny Committee following a call-in of a decision taken previously by the Cabinet.
  - iii. The decision is urgent

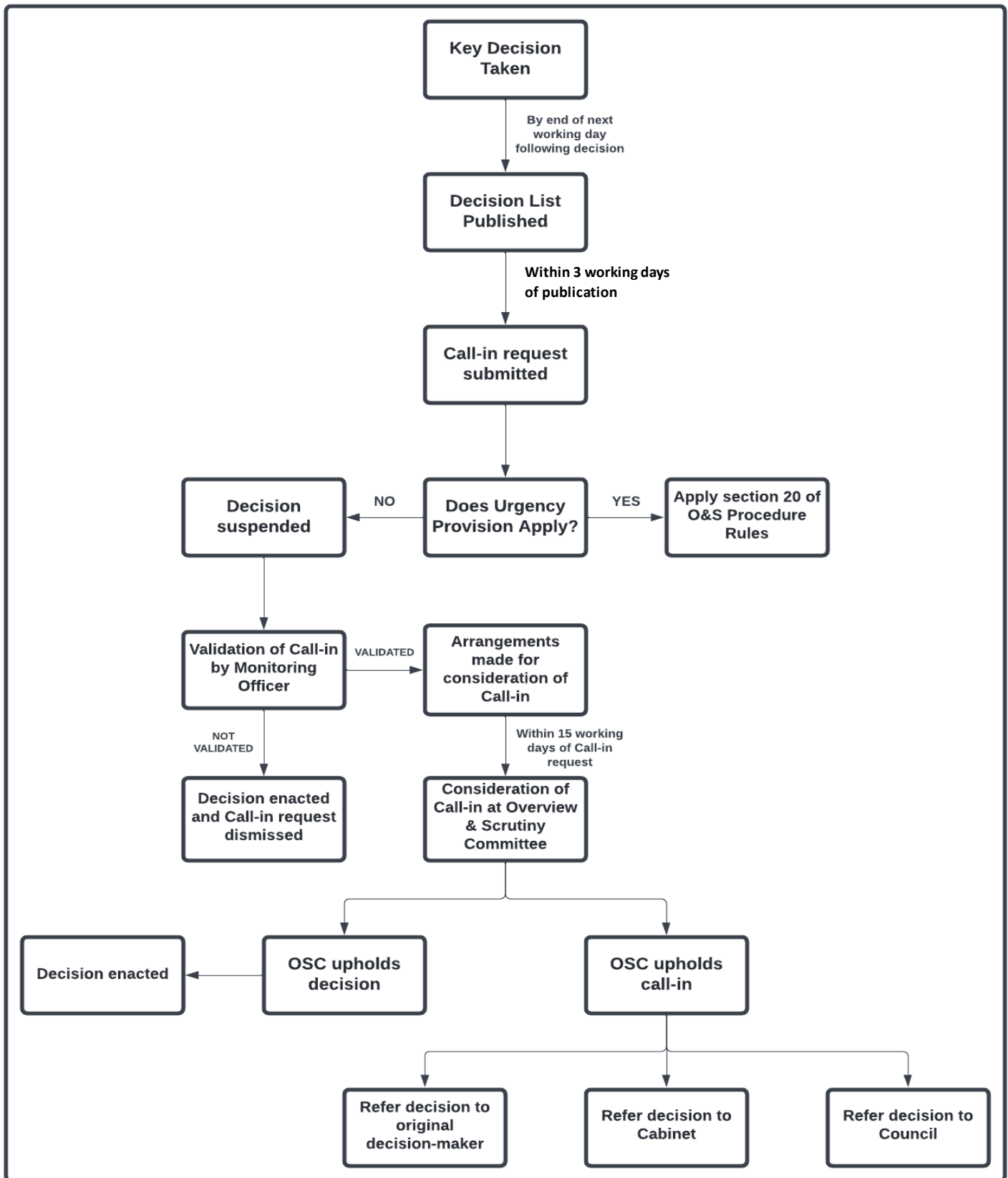
## (20) Call In and Urgency

- (a) ~~(a)~~ A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call in.
- (b) ~~(a)~~ The Chair of the Council must agree that in all the circumstances the decision should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's agreement shall be required. In the absence of both, the **Monitoring** ~~Preper~~ Officer's agreement shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
- (c) ~~(b)~~ The requirement contained in the foregoing provision of this rule to obtain the agreement of the Chair of the Council, Vice-Chair of the Council or ~~Preper~~ **Monitoring** Officer shall not apply to any decision on the letting of a contract arising from termination of an existing contract if the time available is such that allowing for call-in would result in service discontinuity, provided that all members of the relevant Scrutiny Committee have been informed of the circumstances of the decision to be made and have had an opportunity to make representations to the decision maker about it.

- (d) ~~(c)~~ The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.



## ANNEX: PROPOSED CALL-IN PROCEDURE FLOWCHART



## ANNEX: PROPOSED CALL-IN REQUEST FORM



## **OVERVIEW AND SCRUTINY CALL-IN REQUEST FORM**

This is a request to Call-in a key decision or a decision taken that is outside the Council's budget and policy framework.

Decision Title:

Decision Detail:

Date of Decision:

Decision taken by:

*(Cabinet, Cabinet Member, Officer)*

Date of Call-in request:

A Call-in request can only be made if you believe that a decision taken is not in accordance with the Council's Principles of Decision-Making, as detailed in Part 1.3 (2) of the Constitution or is outside of the Budget and Policy Framework as detailed in Part 1.2 (2) of the Constitution.

Which of the Principles of Decision-Making of Oxfordshire County Council do you believe the decision did not take into account? *(please tick)*

<input type="checkbox"/>	proportionality (i.e. the action must be proportionate to the desired outcome);
<input type="checkbox"/>	due consultation and the taking of professional advice from officers;
<input type="checkbox"/>	respect for human rights, diversity and equality, and the natural and built environment;
<input type="checkbox"/>	a presumption in favour of openness;
<input type="checkbox"/>	clarity of aims and desired outcomes; and
<input type="checkbox"/>	a record of decisions which explains what options were considered and giving the reasons for the decision as set out in the Access to Information Procedure Rules in this Constitution.
<input type="checkbox"/>	<b>OR</b> The decision is outside of the Budget and Policy Framework

Please provide an explanation of why you believe the identified principle(s) above have not been taken into account:

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Please provide any evidence which demonstrates and/or supports your Call-in request:

Do you request provision of any documentation for consideration at a subsequent Call-in hearing? If so please provide details below:

YES	
NO	

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Do you request any particular witnesses attend consideration at a subsequent Call-in hearing? If so please provide details below:

YES	
NO	

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Call-in Request submitted by: (Print name)	Councillor
Signed:	

A Call-in must be submitted by the required number of Councillors as identified in section (g) of the Call-in procedure. Please tick which group is supporting this Call-in:

Chair and Deputy Chair of OSC:		5 Members of a OSC:		10 Members of the Council:	
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Please provide names of supporting individuals below. Please note that each supporting individual must submit confirmation of support for this Call-in to the Monitoring Officer via email or in hard copy.

Name:

The request for Call-In must be received by the Monitoring Officer by 12 noon on the third day following publication of the decision. The request for Call-In should either be submitted:

- ☐ **In Hard Copy:** including the signatures of the Councillor requesting the Call-In and those Councillors supporting the Call-In.
- ☐ **Electronically:** to [democratic.services@oxfordshire.gov.uk](mailto:democratic.services@oxfordshire.gov.uk). The Councillor requesting the Call-In must submit the form and each Councillor supporting the Call-In must send an email in support. All emails must be sent from the Councillors' individual Oxfordshire County Council email addresses