

## CfGS – The use of call-in: guidance for English authorities

The CfGS released this guidance in late April, the following extracts key points alongside commentary as it relates to Sandwell.

<b>CfGS guidance</b>	<b>Comments</b>
Where call-in rules should sit: there is no 'right place'. (most authorities include them in the Scrutiny Procedure Rules)	Contained within the Scrutiny Procedure Rules.
CfGS considers best practice to be that all cabinet or cabinet member decisions are potentially subject to call-in, as are those key decisions made by an officer of the authority.	16(a) – 'may refer for scrutiny any key decision made under Part 4 of the Executive Procedure Rules'.  <b>Budget and Corporate Scrutiny Management Board's view is sought on if this should be extended to include what CfGS considers best practice?</b>
2 clear working days for the decision notice/minutes to be published and then 5 clear working days from publication to allow for a call-in.	Scrutiny Procedure Rule 16(b) addresses this, although "beginning the day after the decision is published".
Hurdle 1: Requiring a certain number of members to request a call-in for it to be valid.  There is no overall consensus on numbers, which committees members should sit on, cross/same party etc.	16(a) – three members of a scrutiny board (including co-opted members with voting rights relevant to the subject matter), or six members of the Council.
Hurdle 2: Requiring that the call-in request meets specific criteria, in terms of its substance  CfGS view is that there should be a requirement to give reasons for call-ins.	16(b) – requests referral in writing, via the Notice of Call-In (which is where reasons are captured).
Hurdle 3: Taking into account prior opportunities to "feed in" to a decision	Only call-ins "substantially the same as...one previously considered within the preceding 6

<p>CfGS view is that pre-decision scrutiny “should not automatically remove the need for call-in later in the process.”</p>	<p>months” are precluded (16(d).</p>
<p>Using a form – to request a call-in. CfGS view is these are useful but validity should not rest on councillors’ using the form correctly to call-in.</p>	<p>16(b) requires the use of a form to refer an item for call-in.</p>
<p>Who should determine that a call-in is valid?</p> <p>CfGS view is that the decision on validity should be made by the Monitoring Officer.</p>	<p>16(d) – Monitoring Officer may reject</p>
<p>Some councils include a step between a valid request being made and the Scrutiny meeting to hear it. This can include a mediation process or round-table discussion between the lead requestor(s)/decision maker/scrutiny chair.</p>	<p>Not practice in Sandwell.</p>
<p>Where there is more than one call-in on the same issue, the CfGS view is that the proper officer should liaise with requestors/scrutiny chair to ensure the matters can be considered together, without prejudicing any individual request.</p>	<p>Addressed in supplementary <a href="#">Overview and Scrutiny – Call-In guide</a>.</p>
<p>10 working day period in which to hear the call-in is considered ‘standard and applied wherever practicable’.</p>	<p>16(e) – ‘meet within 15 working days of the receipt of the (call-in)’</p>
<p>An agenda for the reviewing overview and scrutiny committee should be fronted by a report(s) by officers and should, at the least, reflect the same material that has gone to decisionmakers,</p>	<p>A meeting procedure is set out in supplementary <a href="#">Overview and Scrutiny – Call-In guide</a>.</p>

<p>but those requesting call-ins may reasonable expect additional information to be provided. The report and agenda should also set out the procedure to be followed at the meeting.</p>	
<p>Who is invited to participate?</p> <p>Requestor(s), decision maker, relevant senior officer</p>	<p>16(h) requires at least one requesting member to be present.</p> <p>It further states that the relevant Cabinet Member and officers shall also be expected to attend the meeting.</p>
<p>Common for there to be a process document/protocol for how call-in meetings operate.</p>	<p>A meeting procedure is set out in supplementary <a href="#">Overview and Scrutiny – Call-In guide</a>.</p>
<p>Referral to full Council – only around whether the decision maker ‘ever held the lawful authority to purport to make that decision or not’.</p>	<p>Not addressed in Scrutiny Procedure Rules.</p>
<p>Where decision is by an individual (Cabinet Member or officer), it could be that Scrutiny recommendations arising from a call-in are referred up to Cabinet.</p>	<p>Not current practice in Sandwell.</p>
<p>CfGS view is that decision maker should give reasons for their final decision to ‘help ensure that call-in is taken seriously’.</p>	<p>Not specified.</p>