



Association of
Democratic Services
Officers



CALL-IN: DISCUSSION PAPER

As part of its work supporting local authority governance, CfGS is planning to produce a short guide on the effective operation of call-in arrangements, for publication in the autumn. This work is being carried out with the support of ADSO and LLG, and further to the LGA's support contract with CfGS, which is funded by HM Government. The guidance will be informal in nature – councils will be under no legal obligation to have regard to it, but we feel it would be a useful tool for councils grappling with the issue.

The decision to produce this guidance follows a noticeable uptick in requests for support and advice on how call-in might be carried out effectively (in particular, the circumstances in which call-ins should be “accepted”). As things stand, there is no detailed national guidance on this subject.

What is call-in?

Call-in is the process by which key decisions proposed to be made by the executive of a local authority can be referred to an overview and scrutiny committee after those decisions have been legally made, but before they have been implemented. The “making” of a decision will involve it being signed by a Cabinet Member – it will then be placed on public deposit for a period of usually five days, during which a call-in can be triggered.

Where a decision is a “key decision” – and the definition for this is different from council to council, but can always be found in the constitution – the opportunity will exist for that decision to be called in, once made. Call-ins can usually be requested by a certain number of councillors – the number will be set out in the council constitution. A reason for the call-in might be required. Usually the council's Monitoring Officer will be the person to make the judgement on these issues.

Once a valid call-in request is received a meeting of an overview and scrutiny committee will need to be convened, usually within 10 days. The constitution may set out how this meeting should be transacted. Once the call-in has been debated members may take a vote on how the matter is to be taken forward. The committee may recommend that the decision be referred to the council's Cabinet for amendments to be made, or to be withdrawn. Cabinet will then be convened to consider scrutiny's recommendation – which it may reject.

Objectives and level of detail

The guide would:

- Provide authoritative advice on the legal position with regard to call-in, its purpose (particularly in the context of the purpose of scrutiny overall) and the terms under which it should be carried out, and how it should be described in councils' constitutions;
- Provide comparative examples of the thresholds, and procedures, used for call-in by different local authorities;
- Provide worked examples of various difference call-in scenarios, drawing together evidence from a number of authorities;
- Provide general problem-solving advice on the political and organisational dynamics which apply to the operation of call-in.

We anticipate a short, focused product of about 10-12 pages (with a possible additional appendix highlighting examples of different councils' approach to call-in).

It is important that guidance does not inadvertently interfere with successful and effective local practices – that it is proportionate, and accessible to an audience of both members and officers. Our assumption is that guidance will not be prescriptive but will set out issues that members and officers will need to consider in satisfying themselves that their call-in arrangements are fit for purpose.

Subject matter

It is likely that guidance will need to cover the following topics:

- Call-in's overall objectives. What is it for? How is this purpose articulated in the constitution, and in other documentation?
- How rules are written down. In most constitutions rules on call-in are incorporated into either Executive Procedure Rules, or Overview and Scrutiny Procedure Rules. Should rules should in their own separate place? Does it matter? What level of detail is needed in the rules?
- Key decisions. Is there an optimum definition? Usually a fairly arbitrary financial threshold is used to determine whether or not a decision is "key". Will this always be appropriate, and will this always capture the most important decisions?
- How many members should be required to request a call-in for it to be triggered? Should they be members of a specific committee, or should it be required that they be from different parties?
- Should members have to specify a reason for calling a decision in? What criteria might be used, under these conditions, to determine whether a call-in is valid?
- Who should make the decision on validity? Is it the relevant scrutiny chair on the advice of the Monitoring Officer, or should a different formulation be used?
- How should call-ins be discussed in meetings? Presumably extraordinary meetings will need to be convened – of an existing committee or of a special "call-in sub" appointed for this purpose? At the meeting itself who should speak, and how should the debate be structured and organised (if at all)? How should the chair seek to bring proceedings to a conclusion, and how should a vote be taken?
- What options are available to a scrutiny committee to recommend to Cabinet on call-in? What options are there to refer to a body other than Cabinet – for example if the committee considers that a decision has been made outside the budget and policy framework?
- How should Cabinet consider any recommendations, and how should those be reported back to the scrutiny committee?

The above may not be the only considerations, but they are likely to be the main areas on which guidance would touch.