

# Wiltshire Council

## Overview and Scrutiny Call-in Guidance

---

### Introduction

Call-in is a provision of the Local Government Act (2000) that enables councillors to ensure that the principles of decision making set out in the [council's Constitution](#) are adhered to. It allows [overview and scrutiny](#) (O&S) committees to require the council's executive to reconsider certain decisions prior to implementation.

Call-in is only intended to be used in exceptional circumstances when councillors believe that a decision has been taken in a way that is contrary to the council's principles of decision making and when representations to the decision maker about these concerns have not resolved the issue.

This guide supports Part 8 of the council's constitution – [Overview and Scrutiny Procedure Rules](#) – and describes:

- Which decisions can be called in
- Who can call a decision in
- How to request a call-in
- What options overview and scrutiny committees have when considering a decision that has been called in
- What decision makers must do when a decision has been called in and referred back to them for reconsideration

### The call-in process

#### The call-in request

1. An executive decision taken by any of the following can be subject to a call-in request:
  - Cabinet
  - Cabinet member
  - Cabinet committee
  - Area committee with executive powers

- Cabinet committee under joint arrangements
- Officer taking a key decision under delegated authority

NB. Decisions taken by regulatory bodies such as planning and licensing committees are **not** subject to call-in.

2. Decisions taken by Cabinet are recorded in the meeting minutes, published on the council website [here](#).

Decisions taken by individual Cabinet Members are published on the council website [here](#).

Records of key decisions taken by officers under delegated powers are available from the Law & Governance team.

Notice of all executive decisions must bear the date of publication (where appropriate) and the date when it will come into force and be implemented.

3. Such decisions can only come into force and be implemented when **5 clear working days** from the date of publication have elapsed. During this 5-day period, **10 or more non-executive councillors** may ask the Designated Scrutiny Officer to call the decision in, on the grounds that they feel that the principles of decision-making have not been adhered to. This action in effect stops the decision from being implemented until the call-in has been resolved.
4. A request to call a decision in must be received by 5pm on the final working day of the 5 clear working day period.

**The Constitution states that call-in is an exceptional power. It is only intended for use when councillors believe that the principles of decision making as set out in [Article 13 of the Constitution](#) have not been followed. It is not intended for use when councillors simply disagree with the decision taken and wish to appeal it.**

The principles of decision making are:

- to produce action that is proportionate to the desired outcome
- to ensure open, fair and honest administration
- to be clear over desired outcomes and aims
- to record the options considered and discarded
- to state the reasons for the action
- to consult interested parties where appropriate and practicable
- to consult appropriate officers and to seek their professional advice

- to show due respect for human rights, and to provide equality of opportunity
  - to obtain best value and operate efficiently, effectively and economically
  - to serve Wiltshire communities and to work in partnership with other agencies having the same aim
  - to promote the economic, social, and environmental well-being of the county
  - to determine issues at the lowest level commensurate with their importance
  - to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.
5. When requesting a call-in, councillors are asked to complete the O&S Call-in Request form, appended to this guidance, available on the O&S page of the council [website](#), or from any member of the Scrutiny team. The form requests the following information:
- Details of the decision to be called in
  - Which of the principles of decision making have not been followed and in what way(s)
  - The names of the 10 or more councillors requesting the call-in
  - The action already taken to resolve the matter, including representations made to the decision maker

### **The meeting to consider the call-in**

6. O&S Management Committee must then meet **within 5 clear working days** of receipt of the call-in request to consider whether the principles of decision making have, or have not, been followed. If it does not meet within this period the decision will take effect on the expiry of that period.
7. Arrangements for the meeting will be made by the Designated Scrutiny Officer in consultation with the Chairman of the O&S Management Committee, including the time, date, venue and process to be followed for the meeting. The decision maker and appropriate colleagues will be notified of the call-in.
8. Agenda papers for the meeting will depend on the specific case, but may include:
- A report describing the background to the decision and call-in request, the process to be followed for the meeting and the options available to O&S Management Committee
  - The original notice of the decision plus any appendices
  - Any further information considered useful and relevant by the Chairman of the O&S Management Committee

9. The process for the meeting will depend on the specific case, but may include:
- An opportunity for public participation
  - A representative of those councillors who requested the call-in outlining their concerns with reference to the principles of decision making
  - The decision maker (and supporting colleagues) responding to the points raised with reference to the principles of decision making
  - Members of O&S Management Committee discussing the evidence presented and asking the call-in requestor(s) and decision maker questions
  - Call-in requestor(s) and the decision maker making any final comments
  - Members of O&S Management Committee debating the matter and agreeing its resolution.

### **The outcome of the meeting**

10. Having debated the matter, O&S Management Committee may resolve any of the following:

**a) That the principles of decision making were not breached**

In this case the decision can be implemented immediately.

**b) That the principles of decision making were breached and to refer it back to the decision maker for reconsideration, setting out the nature of its concerns**

In this case the decision maker must reconsider the decision within a further 5 clear working days of the O&S Management Committee meeting, taking into account its concerns, amending the decision or not, before adopting a final decision.

**c) That the principles of decision making were breached and to refer it to Full Council, setting out the nature of its concerns**

This option is appropriate when the O&S Management Committee believes the decision to be either contrary to the council's policy framework, or contrary to, or not wholly consistent with, the council's budget.

In this unlikely event, Full Council will meet to consider the referral, taking into account O&S Management Committee's concerns.

- (i) If Full Council does **not** object to the decision then it can be implemented immediately
- (ii) If Full Council **does** object to the decision it will refer the decision back to the decision maker for reconsideration.

NB. Full Council cannot make decisions regarding a cabinet decision unless it is contrary to the policy framework, or contrary to, or not wholly consistent with, the budget. There are also extra provisions where councils have area committees with executive powers within their governance arrangements.

### **After the meeting**

11. The Designated Scrutiny Officer, in consultation with colleagues and the Chairman of O&S Management Committee, will arrange the circulation and publication of the outcome of the meeting.

### **Call-in and urgent decisions**

The call-in procedure does not apply when a decision being taken by Cabinet is considered urgent. A decision can be considered urgent if the delay likely to be caused by the call-in process would seriously prejudice the council's or the public's interests.

The notice and record of decisions must state if the decision maker considers them urgent and therefore not subject to call-in. The Chairman of the Council must agree that the decision proposed is reasonable in the circumstances and that it can be considered urgent. In the absence of the Chairman, the Vice-Chairman's consent is required. In the absence of both, the Head of Paid Service or his or her nominee's consent is required. Decisions taken as a matter of urgency must be reported to the next available meeting of Full Council, together with the reasons why it was considered urgent.

---

**If you have any questions about the call-in process please contact the Designated Scrutiny Officer or another member of the Scrutiny team via 01225 713335 or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)**

# Wiltshire Council

## Overview and Scrutiny Call-in Request Form

---

**1. Decision to be called in:**

Decision title:

Decision reference no. (cabinet member decisions):

Or

Decision minute no. and meeting date (cabinet committee decisions):

**2. Name of councillor requesting the call-in:**

**Signed (not required if sent by email):**

**3. Names of at least 9 co-signatories:**

1. Required

7. Required

2. Required

8. Required

3. Required

9. Required

4. Required

10. Optional

5. Required

11. Optional

6. Required

12. Optional

4. Which of the principles of decision making in [Part 8 of the Constitution – Overview and Scrutiny Procedure Rules](#) have not been applied?

NB. Call-in is an extraordinary power intended for use only when the principles of decision making have not been followed. It is not intended to be used to appeal a decision that is simply disagreed with. It is therefore important that as much information as possible is included in the table below.

<b>Principle of decision making</b>	<b>Comments describing how this principle has not been followed by the decision maker (as appropriate)</b>
to produce action that is proportionate to the desired outcome	
to ensure open, fair and honest administration	
to be clear over desired outcomes and aims	
to record the options considered and discarded	
to state the reasons for the action	
to consult interested parties where appropriate and practicable	
to consult appropriate officers and to seek their professional advice	
to show due respect for human rights, and to provide equality of	

opportunity	
to obtain best value and operate efficiently, effectively and economically	
to serve Wiltshire communities and to work in partnership with other agencies having the same aim	
to promote the economic, social, and environmental well-being of the county	
to determine issues at the lowest level commensurate with their importance	
to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.	

**5. Please use the space below to describe the action already taken to resolve the matter, including representations made to the decision maker**

**6. Please use the space below to add any further comments. You may wish to consider:**

- The outcome you would like to see as a result of this decision being called in
- Any further information that O&S Management Committee might consider when assessing this call-in. NB. This will be at the discretion of the Chairman.

**7. Notes**

The call-in request must be sent either by email or as a signed paper copy to the Designated Scrutiny Officer: Paul Kelly, Scrutiny Manager, [paul.kelly@wiltshire.gov.uk](mailto:paul.kelly@wiltshire.gov.uk), Corporate Office, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

For further information or advice please contact a member of the Scrutiny team via 01225 713335 or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)