



## CALL-IN PROTOCOL

### 1. Purpose of Call-In and the Protocol

- 1.1. The purpose of the Call-In process is to identify issues, explore them fully and make informed recommendations based upon a proper consideration of all relevant issues.
- 1.2. It is vital that a Call-In is perceived to be not only searching and transparent but also equitable, fair and not oppressive. All stakeholders and parties to the process must feel that they have been fairly treated. If they do not then the process and any recommendations arising from it will be diminished.
- 1.3. A well conducted Call-In process should make everyone feel that they have contributed rather than just been questioned.

### 2. The Decision to Call-In

- 2.1. The right to Call-In applies to a decision made by the Executive or a Key Decision taken by an Officer under delegated authority.

A matter in which the final decision falls to the full Council is not subject to the call-in provisions.

Call-in provides an opportunity for Scrutiny Members to understand the process underlying the making of a decision and consider whether all relevant issues were given due consideration.

**It is not a form of appeal against a decision which has been properly made or a forum for a case to be argued for a different decision.**

- 2.2. Records of Decisions are published, normally within 2 days of the decision being made and they may not to be implemented until the expiry of five working days after the publication of the Decision Notice.

During that five-day period the Chair of the relevant Scrutiny Committee, or five Members of the Council may request a Call-In.

There are urgency exceptions to the right to Call-In. The Chief Executive will endeavour to assist Members of the Committee in requests for information about decisions which could be the subject of a Call-In.

- 2.3. A decision may not be called-in if the Committee has already made recommendations to the Decision Taker and those recommendations have been accepted by the Decision Taker either in whole or without significant addition or modification.

### **3. What is required when a Call In is made?**

- 3.1. The written notification of a Call-In shall specify reason(s) for the Call-In and any specific matters it seeks to see addressed, to assist the Decision Taker and Committee Members in preparing for the Committee Meeting.
- 3.2. Once a decision to Call-In has been properly taken then the item will be placed on the agenda for the next meeting of the relevant Scrutiny Committee.
- 3.3. The relevant Chief Officer and/or Exec Member shall have the right to attend the meeting to explain the reason for the decision and to respond to comments made at the meeting.

### **4. Issues to be addressed before the Scrutiny Committee Meeting**

- 4.1. The Decision Taker will be invited to submit a written statement for consideration by the Committee. The written statement will specify the decision, the reasons for it and all matters/factors taken into account in making the decision.
- 4.2. The Decision Taker must be able to call in support whomsoever they feel appropriate. The Decision Taker shall notify the Chair as soon as reasonably possible of the witnesses they wish to be called in support of the decision and any such persons shall be called as witnesses, if the Chair considers it appropriate to do so.
- 4.3. In addition to that the Scrutiny Committee will have a view about who they wish to interview.

When a decision to Call-In is taken at Committee then the Committee can indicate simultaneously who they wish to interview.

Where the decision is taken outside the Committee it might not be realistic to have another Committee meeting to decide who to interview. In these circumstances the Chair shall consult with those Members who were party to the Call-In as to whether any additional witnesses are to be called and any nominations made by Members on that consultation may be called as witnesses, if the Chair considers it appropriate to do so.

- 4.4. Where any person called to be a witness is unable or unwilling to attend on the required date, then the Chair of the Scrutiny Committee shall either:
  - if the person is a Member of the Executive or an Officer, insist on the Member/Officer's attendance on the required date; or
  - if the Member or Officer is willing to attend on an alternative date, amend the original request to attend by deciding to arrange an alternative date for attendance; or
  - amend the original request to attend by deciding to accept a substitute Member, Officer or other person to attend on the original required date; or
  - revoke the original request to attend and decide that the Scrutiny Committee shall proceed with the review of the decision in the absence of the Member, Officer or other person or a substitute.

- 4.5. The Decision Taker's statement should be published with the agenda of the meeting at which interviews are to take place. It should be an open item unless there are valid press exclusion reasons. Where a decision has been treated as a press excluded item previously then advice will be given upon the relevant issues for the Committee to consider as to whether there are valid press exclusion reasons.
- 4.6. If the Chief Executive or the City Solicitor believes that dealing with a Call-In as an open item could cause any Officer to publicly disclose any matter which would be prejudicial to the Council, or prejudicial to a third party or in breach of a duty of confidentiality, then either of them may instruct the Officer to give such evidence only in the press and public excluded part of the meeting.

## 5. Process

- 5.1. All those to be interviewed should be present throughout but seated away from the Committee.

It is important that when someone is interviewed they have a full understanding of the Committee's concerns and what other interviewees have said. If someone is not present throughout then they will be disadvantaged in this regard. The process will not have been fair to them and their contribution will be diminished as will any decision of the Committee. There may be some interviewees whose involvement is peripheral and who may leave after interview if they wish and the Committee agrees.

- 5.2. If appropriate legal and financial advice should be given and considered.
- 5.3. The proposer of the Call-In may if he/she wishes make a presentation outlining his/her main concerns to help focus issues.

This should concentrate on any perceived deficiencies in the process by which the decision was made, and whether all relevant issues were taken into account and given due weight; **it should not be simply be an argument for an alternative decision to be made.**

- 5.4. Interviewees are to be called to the Committee table one at a time and allowed to make a presentation of up to 5 minutes without interruption. Thereafter Members of the Committee may ask questions.

The questions must be courteous and relevant. If an interviewee does not possess knowledge or information to answer a question then he or she must not be pressed.

- 5.5. At the conclusion of each interview the interviewee should be asked if there is anything he/she wishes to add/clarify and should be allowed so to do.
- 5.6. At the conclusion of all interviews all interviewees should be asked if they wish to add or clarify anything and should be allowed so to do.
- 5.7. The Committee will consider all relevant matters, debate the issues and decide which of the resolutions it wishes to adopt set out in paragraphs 13.7, 13.8 and 13.9 of the Scrutiny Procedure Rules, those being:-

- i. To support the original decision;
- ii. To refer back to Decision Taker (with or without recommendations); or
- iii. To refer to Council (this is only applicable if the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget).

5.8 If referred back to the Decision Taker they shall then reconsider and may amend the decision or not, before adopting a final decision which will come into effect immediately.

5.9 If the Scrutiny Committee does not refer the decision back to the Decision Taker, the decision shall take effect on the date of the scrutiny meeting.

## **6. Call in and Urgency**

6.1 The call-in procedure shall not apply where the decision being taken is considered urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the legal or financial position of the Council or the interests of the residents of Manchester.

6.2 The record of the decision, and the notice by which it is made public shall state whether in the opinion of the decision making person or body (having considered the advice of the Head of the Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer), the decision is an urgent one, and therefore not subject to call-in.

6.3 The Chair of a relevant scrutiny committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.