Call in: A Guide for Members

The statutory requirement for call in is contained in Section 21 of the Local Government Act 2000 and allows Elected Members to call in a decision made by the Executive that has yet to be implemented.

Three or more Non Executive Members can call in decisions made by the Authority’s Cabinet that they believe to be inappropriate.

Calling in the decision prevents the decision taking immediate effect to ensure that Overview and Scrutiny has an opportunity to question the Cabinet Member(s) and relevant Officers to find out more about the rationale behind the decision taken to assess alternative options. The deadline for call in requests is 12 noon on the Monday following the publication of the decisions.

What is call in?

‘Call-in’ is one of the tools available for non-executive councillors to hold the Executive Members to account for the decisions they make.

Who can call in a decision?

Any Non Executive Elected Member – The signatures of three or more Non Executive Members is required to Call In a decision which Members believe was not taken in accordance with the principles of decision making.

On what grounds can a decision be called in?

A decision can be called in providing that Members can provide reasonable evidence that the decision was not taken in accordance with the following principles of decision making: -

- Due consultation and the taking of professional advice from officers;
- Respect for human rights and equalities;
- A presumption in favour of openness; and
- Consideration and evaluation of alternatives

How is the Call In validated?

The Monitoring Officer will consider the validity of the Call In.

Who will hear the Call In?

- Overview and Scrutiny Panel - The relevant Overview and Scrutiny Panel for which the decision falls within their area of responsibility will consider the Call In. Members that called-in the decision are invited to explain their reasons for calling in the decision and to outline areas where they need more information, the Cabinet Member(s)/officer(s) respond to
the concerns raised and a question and answer session involving all Members of the Panel and the witnesses is held.

- **Overview and Scrutiny Commission** - If the decision is subject to pre decision scrutiny and the Panel has commented upon the decision to be taken by Cabinet, the Call in is heard by the Overview and Scrutiny Commission. The Members of the relevant Overview and Scrutiny Panel that undertook pre decision scrutiny would be invited to attend the meeting to comment.

**What is the process for hearing a Call In?**

Please see [Appendix 1 Process Schedule (Pre Decision)](#) – when a Panel has commented on the item that has been called in) and [Appendix 2 Process Schedule (Post Decision)](#) – when scrutiny did not comment upon the item before a decision was taken.

**What are the outcomes of Call In?**

Further to hearing the reasons for and evidence regarding the decision called in, Members can: -

- Refer the decision back to Cabinet for reconsideration;
- Refer the decision to Council if they believe the decision is contrary to the Budget and/or Policy Framework;
- Decide that upon hearing evidence Members concerns have been addressed and the matter does not need to be referred back, in which case the decision shall take effect immediately

**Call In and urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Executive is 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 Merton.

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 the decision is an urgent one, and therefore not subject to call-in. You can refer to Part 4-E, 16 of the Constitution for further details.
## Appendix 1 Process Schedule (Pre Decision)

<table>
<thead>
<tr>
<th>Process</th>
<th>People</th>
<th>Timings</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first three members who called in the decision (but are not members of the <strong>Overview and Scrutiny Panel</strong> to attend and speak (but not vote)</td>
<td></td>
<td>10 Minutes</td>
</tr>
<tr>
<td>Local members with an interest to attend and speak (but not vote) -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chairman or their nominated representative of the <strong>Overview and Scrutiny Panel</strong> to attend and speak at the invitation of the Overview and Scrutiny Commission Chairman</td>
<td></td>
<td>5 Minutes</td>
</tr>
<tr>
<td>Cabinet Member/Support Member and any supporting Directorate Officer/s to respond at the invitation of the Overview and Scrutiny Commission Chairman</td>
<td></td>
<td>15 Minutes</td>
</tr>
<tr>
<td>Overview and Scrutiny Commission deliberation and outcome (i.e. do they wish to refer the decision back to Cabinet for reconsideration or Council if the decision is contrary to the Policy and/or Budget Framework or decide not to refer the matter back to the decision making body, in which case the decision shall take effect immediately - Constitution Part 4-E, 16f)</td>
<td></td>
<td>Remainder of meeting</td>
</tr>
</tbody>
</table>
### Appendix 2 Process Schedule (Post Decision)

<table>
<thead>
<tr>
<th>Process</th>
<th>People</th>
<th>Timings</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first three members who called in the decision (but are not members of the <strong>Overview and Scrutiny Panel/Commission</strong> to attend and speak (but not vote)</td>
<td></td>
<td>10 Minutes</td>
</tr>
<tr>
<td>Local members with an interest to attend and speak (but not vote) -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinet Member/Support Member and any supporting Directorate Officer/s to respond at the invitation of the <strong>Overview and Scrutiny Panel/Commission Chairman</strong></td>
<td></td>
<td>15 Minutes</td>
</tr>
<tr>
<td><strong>Overview and Scrutiny Panel/Commission</strong> deliberation and outcome (i.e. do they wish to refer the decision back to Cabinet for reconsideration or Council if the decision is contrary to the Policy and/or Budget Framework or decide not to refer the matter back to the decision making body, in which case the decision shall take effect immediately - Constitution Part 4-E, 16f)</td>
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