

# North Yorkshire Council

## Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee

Wednesday 26 July 2023

### Chair's Introduction

#### 1.0 PURPOSE OF REPORT

1.1 To advise the Committee of the purpose and format for the call in.

#### 2.0 PURPOSE OF CALL IN

2.1 Call-in is the process by which non-executive members of the Council can have executive decisions of the Executive/Portfolio Holders/area committees (or key decisions by senior officers with delegated responsibility) considered by a scrutiny committee. Call-in should only be used in exceptional circumstances.

2.2 A request to call in a decision must give reasons, but no guidelines have been developed in relation to the appropriate reasons for call-in because councillors need to have the freedom to use the process where they feel it is right. Councillors calling in a matter will be responsible for presenting their own case to the scrutiny committee. The role of officers in this is to advise them on how best to set out their case.

2.3 Via the call-in process, the Committee can review/scrutinise the decision taken and if the Committee has any concerns about the decision it can ask the decision taker to reconsider it (or refer it to Council for it to look at and refer back to the decision taker). Call-in cannot force a change in decision by the decision taker, only a reconsideration of it. In determining whether it has any concerns, the Committee may wish to consider factors such as whether:

- any Council policy has been contravened;
- significant information relating to the issue has not been considered;
- undue or insufficient importance has been attached to some information which has been considered;
- relevant information has not been considered;

However, there is no legal prescription regarding the basis for referring the matter for reconsideration by the decision taker. Call-in can also be used where information has only become available after the decision was made.

2.4 The aim is to facilitate a full and open discussion at the meeting so that the Committee is in the best position to take a view on the decision taken which has prompted the call-in. In order for the participants to be clear about what will happen at the meeting and how they might contribute, committees are recommended to adhere to the order of business set out below.

### **3.0 PROPOSED ORDER OF BUSINESS FOR ITEM 5**

- i. Signatories of call-in invited to explain their position and reasons for request for scrutiny committee to consider the issue. (no longer than 15 minutes)
- ii. Report author to be given opportunity to respond. (no longer than 15 minutes)
- iii. Committee discussion and questioning by Committee Members.
- iv. Summing up by the report author, followed by the spokesperson of call-in request.
- v. Committee agrees its recommendation(s), if any, to the decision taker (Executive).

### **4.0 CONCLUSION**

- 4.1 The Committee must consider the decision taken and called in and determine whether or not it has any concerns in relation to the decision.
- 4.2 The Committee must then determine whether it would wish to:
  - (a) make no referral in relation to the matter; or
  - (b) refer the matter back to the decision taker for reconsideration; or
  - (c) refer the matter to full Council.

<h3><b>5.0 RECOMMENDATION</b></h3>
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| <ol style="list-style-type: none"><li>i) That the Committee notes the contents of this report.</li></ol> |
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Barry Khan  
Assistant Chief Executive – Legal and Democratic Services  
County Hall  
Northallerton  
18 July 2023

Report Author – Will Baines, Principal Democratic Services and Scrutiny Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.