



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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# Call-in operation in England and Wales

The Environment Committee requested information on the use of call-in by local authorities in England, with interest in examples of its operation. The following paper refers to reviews of call-in powers conducted for both England and Wales.

## 1 Introduction

Review of council executive decisions and the use of call-in is provided for in the Local Government Act 2000 for both England and Wales and consolidated in the Localism Act 2011. The process is the same in England and Wales in that overview and scrutiny committees of local authorities monitor the decisions of the executive. They can 'call-in' a decision which has been made by the executive but not yet implemented.

Reconsideration of a decision is based purely on the fact that a decision was not reached due to failure of the process; however, there is no similar element in relation to the 'disproportionate impact on a section of the community' that is provided under the Local Government Bill.

It should be noted that the *Local Government (Wales) Measure 2011* introduced a number of provisions aimed at strengthening the role of councils' overview and scrutiny committees; however it did not change the remit for call-in.<sup>1</sup>

In general the use of call-in throughout England and Wales has been described as relatively limited since it was introduced.

This paper explores the utilisation of call-in across local authorities in England and Wales. The information derives from reviews of the use of the mechanism conducted by the Centre for Public Scrutiny (CFPS) for England, and the Welsh Local Government Association (WLGA). However it was made clear through discussions with the CFPS that obtaining information on actual worked examples from local authorities may prove to be difficult due to the fact that this information is not publically available and councils may be reluctant to share it for confidentiality reasons.

## 2 England

A research report specifically on '*The call-in procedure*' was produced by the Centre for Public Scrutiny in 2006.<sup>2</sup> The report considered the following:

- the length of initial call-in period
- the persons who are able to call-in a decision
- the post call-in procedure: including time allowed for consideration of the issue by OSCs and reconsideration by decision-makers.

In summary of the findings of the survey, the Centre for Public Scrutiny stated that "*call-in has not made the impact we might have anticipated.*" The whole study included information from 378 of the 388 local authorities in England. However part of the study included a Scrutiny Survey of which 166 local authorities were surveyed. Out of the 166, only 91 authorities (55%) reported any decisions being called-in. Out of these only 38 reported any amendments as a result. In the Centre's opinion the low take up of the procedure is probably due to the proactive nature of scrutiny activity rather than an unwillingness to hold decision makers to account.<sup>3</sup>

The key findings of the entire study include:

### **Time limits:**

- 70% allow 5 working days in which a decision may be called in before it is implemented

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<sup>1</sup> The provisions are summarised in the Explanatory Notes to the Measure here: <http://www.legislation.gov.uk/mwa/2011/4/notes/division/2/8>

<sup>2</sup> Centre for Public Scrutiny (2006) *The call-in procedure* <http://cfps.org.uk/publications?item=234&offset=20>

<sup>3</sup> *ibid*

**Criteria for call-in:**

- 47% allow only OSC members to call-in a decision
- 37% allow the Chair of an OSC Committee to call-in a decision alone
- 51% allow non-executive councillors who are not members of an OSC to call-in a decision
- 35% require at least 3 authorised signatories to call-in a decision
- 14% require cross, or multi-party support for a decision to be called-in e.g. District (15%), Unitary (17%) and Metropolitan authorities (18%)
- 2% allow the public to call-in a decision

**Restrictions:**

- 8% impose financial restrictions on the decision eligible for call-in, with £25,000 being the most common amount
- 9% limit the number of decisions that may be called-in per annum, with 12 being the most prevalent amount
- 4% limit the number of decision that a single member may call-in, or be party to calling-in, per annum, with 4 being the most likely restriction

## 2014 Review

The Centre for Public Scrutiny (CFPS) have completed a more recent review of the use of call-in across local authorities in England, however the report has not been published yet. Having said this through correspondence<sup>4</sup> with CFPS, they were able to provide an overview of the key points from the study.

The study suggests that:

- the number of decisions amended, expressed as a percentage of the number of decisions called-in has been falling nationally since 2009. In fact the absolute number of call-ins seems to be falling in general. The study proposes that this may suggest that councillors and Overview and Scrutiny Committees are finding more effective ways of influencing decision-making, such as through pre-decision scrutiny.
- In terms of the impact of the political balance within local authorities it seems that it has little effect on the use of call-ins. There also appears to be no link between the perception of the existence of party politics and the use of call-in.
- High bars on (for example) the number of councillors, or type of councillors, required to be involved for a call-in to be valid may make it difficult for call-ins to be brought by particular councils. These bars may be imposed for political reasons, although this is speculation.

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<sup>4</sup> Telephone conversation with CFPS 4<sup>th</sup> February 2014

## Example

Information is not readily available on direct examples of how local authorities use call-in. According to CFPS, local authorities may be reluctant to share such information for politically sensitive reasons. However, for the purposes of this paper, CFPS have agreed to develop a composite that draws on a number of examples they have come across during their research. It should be noted that this is not a specific example, but is merely fictional by pulling a number of examples together to give an insight of how call-in may work within a typical local authority in England.

Refer to Annex 1: Call-in – Example of Operation provided by CFPS (page8)

## 3 Wales

In 2004 the National Assembly's then Local Government and Public Services (LGPS) Committee produced a report on the new political management structures in local government, which had been introduced by the Local Government Act 2000.<sup>5</sup>

The report was of the opinion that call-in can be a useful indicator of the effectiveness of scrutiny. It explained that if call-in is not used at all, there is concern that committees are wary or reluctant to challenge the executive. However over use of the power could lead to questions of abuse on politically partisan grounds.

The report made reference to an Audit Commission's survey of 10 Welsh councils which found a general under use of the procedure with only four councils calling-in one executive decision. This being said, it highlighted one case where the procedure has been used 25 times.

The variation was suggested to be due to the limits and criteria set to instigate a decision to be reconsidered. It was also felt that the provision which allows committee chairs to veto a decision and block the use of call-in against the wish of the majority of committee members may be impacting its effectiveness.

In 2008, the Welsh Assembly's newly established Health, Wellbeing and Local Government Committee (HWLG) decided to review the progress made since the 2004 report.<sup>6</sup>

It found that guidance had been produced in 2006 in relation to call-in, however it felt it did not substantially address the issues previously presented. Through evidence presented to the HWLG Committee, it found that there is still a considerable variation in practice on the use of the call-in procedure. This was related to the way in which the Act and the guidance can be interpreted, and that there appeared to be a general lack of understanding of the legislation.

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<sup>5</sup> Local Government and Public Services Committee (2004) *The Operation of New Political Management Structures in Local Government* <http://www.assemblywales.org/N000000000000000000000000021314.pdf> (see paras 4.7 and 4.8)

<sup>6</sup> Health, Wellbeing and Local Government Committee (2009) *Inquiry into Local Government Overview and Scrutiny Arrangements* <http://www.assemblywales.org/cr-ld7465-e.pdf> (see paras 3.47 and 3.48)

## WLGA Survey

During its consultation, the HWLG Committee received information from the Welsh Local Government Association (WLGA) who based their evidence on a survey that was conducted in 2008. This was carried out across local authorities in Wales in order to gain an understanding of the different call-in arrangements and uses. The WLGA produced a questionnaire and issued it to Scrutiny Officers from the 22 Unitary Authorities in Wales in May 2008, of which 18 responded. The survey demonstrated that since the 2000 Act, a range of varying approaches to call-in have been adopted across the Welsh local authorities.<sup>7</sup> These include:

### **Time limits for call-in**

Of the 18 authorities that responded, 17 specified a time limit within which decisions must be called-in, only one authority does not impose a specific time limit and simply states that “a decision may be reviewed until it has been implemented.”

- Of the 17 authorities that specified a time limit, the number of days within which a decision must be called-in following publication of decision varied between three and eight working days.
- The most commonly adopted timescale allowed for a decision to be called in following publication of the decision was five working days (nine authorities) followed by three working days (four authorities).
- One authority allows for eight working days, one allows for seven working days and another authority allows for seven working days within the date of the meeting at which the decision was taken.
- Finally, one authority differentiates between officer decisions and Cabinet decisions with regard to the time permitted for call-in - three working days following publication of decision for officer decisions and for Cabinet decisions the call-in period ends at 5.00pm on the Monday following the decisions.

### **Call-in triggers**

Responses to this question varied considerably with authorities employing a range of varying criteria. The two most common approaches were:

- In four authorities, a Chair alone can call-in a decision, but a decision can also be called-in by either four or five Members of the Committee (the number varies between authorities) without the support of the Chair.
- In three authorities any single non-executive Member may call-in a decision

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<sup>7</sup> WLGA (2008) Survey of Scrutiny Call-in Arrangements in Wales August 2008

**The following different approaches were each employed by individual authorities:**

- a Chair alone can call-in a decision however a decision can also be called-in by any group leader other than the Leader of the Council or any three councillors from more than one political group from the appropriate committee (one authority);
- any single member can initiative a call-in, however the Chair's approval on the proposed call-in is always required;
- a call-in must be supported by the majority of the membership of a scrutiny committee;
- 5% of the total number of councillors must support the call-in;
- any member of the relevant Overview & Scrutiny Committee can call-in a decision;
- Any five councillors can call-in a decision;
- Any three non-executive members can call-in a decision;
- A decision can be reviewed if the relevant scrutiny committee agrees to undertake the review;
- Any five members of the appropriate committee can call-in a decision; and
- The support of the Chair or the Vice Chair, and two members of the Principal Scrutiny Committee are required to call-in a decision.

None of the authorities that responded allowed local residents, business or voluntary groups to call-in executive decisions. It is worth noting however that there are precedents for the public being able to instigate a call-in procedure in a small number of English authorities.

**Cross Party sign agreement**

- In 12 authorities call-ins do not have to be signed / made by members of more than one political party.
- In one authority call-ins must be made by members of at least two political groups.
- In two authorities call-ins did not need to have cross party support if called in by the Chair of the relevant scrutiny committee, but did need cross party support of called in by members of the Committee as opposed to the Chair.
- In one authority call-ins did not require the support of more than one political group if called-in by the relevant scrutiny chair or any group leader (other than the leader of the Council) regardless of scrutiny committee membership.

## Financial Restrictions

- Two Authorities imposed a financial restriction on the decisions that can be subject to call-in. Decisions involving expenditure or reductions in service under a value of £10,000 in any one financial year may not be called in.
- One authority will not call-in decisions involving expenditure or reduction in service under a value of £25,000.

## Other restrictions

Nine Authorities do not place any form of restriction on decisions of the Executive that can be subject to call-in other than exemptions for items classed as urgent.

Of the remaining 9 that responded, they place the following restrictions:

- A call-in may only be used when it is felt the decision is contrary to the policy framework or budget; a belief that the Cabinet of individual member has failed to follow agreed procedures or legal obligations
- A call in may not be used if:
  - if it is not clear which Executive decision is being called-in
  - the call-in request provides too little information to enable Committee members or the decision taker to adequately prepare for the meeting
  - the decision has previously been called-in
  - the decision had previously been called-in within the previous six months
  - if the call-in would result in an unlawful delay in the making of the budget
  - where the call-in states 'inadequate consultation' as a reason for call-in and paperwork is able to show consultation with the appropriate Executive Member, local members, appropriate officers or the Scrutiny Committee or if the matter is covered in the Service Improvement Plans or Wales Programme for Improvement
  - where the call-in states that the decision "Didn't take something into account", if by reference to the paperwork recording the decision it can be proved that the matter was taken into account
  - if the call-in relates to routine business matters such as the approval of minutes or the creation of or appointment to Cabinet Members to Cabinet Sub-Committees
  - if the call relates to matters that are subject to recommendations by Cabinet to Council

- if the call-in relates to matters that have already been considered by Council or a Scrutiny Committee where the Cabinet have substantially followed the recommendations of the Council or the Scrutiny Committee.
- if the reasons given for call-in are considered to be unreasonable, insufficient, frivolous or vexatious

#### **Limit to number of call-ins made per year**

- 14 authorities that responded do not place any limits on the number of items that can be called-in.
- Of the remaining four, they impose some of the following restrictions:
  - each Overview & Scrutiny Committee may only call in a maximum of three decisions in any three month period
  - a maximum of 3 decisions per three month period can be called-in
  - each committee may only call-in 3 issues per 3 month period
  - the Principal Scrutiny Committee is limited to 10 call-ins per annum but this can be exceeded if the Managing Director in consultation with the Leader so determines due to what in the Managing Director's opinion are exceptional circumstances. Also decisions which do not involve expenditure may be called in up to 5 times in any single 12 months period by an individual Scrutiny Committee. Decisions involving expenditure or reductions in service over a value of £10,000 in any one financial year may also be called in up to 5 times in any single 12 months period.

One authority sets a limit on the number of call-ins to which an individual member can be party to, in this authority the limit is one call-in per member per three month period



## Annex 1: CALL-IN – EXAMPLE OF OPERATION

### Introduction

This is a composite example of how call-in works in an “average” English authority. It is based on a number of examples of which CFPS is aware through its previous research, and draws on national research carried out in 2006 and 2013.

This is a fictional composite example because it is not possible to set out a real-world example in sufficient detail without risking that the positions of various players in the call-ins mentioned would feel that their views have been accurately represented. Call-in is a politically contentious issue whose operation rests significantly on the political and organisational culture of the authority involved. This should be borne in mind when reading this composite, and in extracting lessons from it for application in Northern Ireland.

### The background

Ceal Valley Council is about to take a major decision, involving the sale of council-owned playing fields near a railway station of the largest town in the area, Market Horton, for the construction of new homes. The land is being sold with planning permission, based on plans on which the council consulted widely with the local community. Despite this, there is significant local opposition to the proposal. The council expects to earn £3.1 million from the sale towards its capital budget. Developers are to make a community infrastructure levy (CIL) contribution to the council in lieu of the provision of affordable homes on the site.

Councillors on the authority’s Community and Environment Scrutiny Committee were keen to look at the plans before the decision was made, but were advised by officers that it would be inappropriate to do so as the decision related to a planning application.

Call-ins may not be brought in relation to planning or licensing decisions. However, decisions like this – which relate to a land disposal contingent on a planning application – are not caught by that exclusion. Authorities in NI will need to think about how they apply the exceptions to call-in, where they apply.

Pre-decision scrutiny – many councils have systems in place which allow councillors to look at decisions before they are made. This can operate in the committee system, under a streamlined system or with the executive/scrutiny split. Pre-decision scrutiny can involve councillors looking at a decision several months before it is planned to be made (in order to contribute to the development of the decision or the policy underpinning it). Alternatively, it can involve looking at a planning decision a week or so before it is planned to be made (which tends to be a more formal exercise). Both are designed to minimise the likelihood and impact of potential call-ins.

Here, an attempt to carry out pre-decision scrutiny has been prevented by the connection of the work to a live planning application. Officers will need to take great care in advising members on the intersection between local authorities' new planning powers and the call-in arrangements.

The planning application was granted six months ago and the council now needs to make a formal decision to dispose of the land. This is an executive decision which is set out in the council's Forward Plan (see below).

Given the financial implications, the decision is a "key decision" which will be made by a Cabinet member and subject to a call in (however, see below).

The decision is submitted to the Cabinet Member on 10 February. The council's call-in procedures state that, following submission of the decision to the CM for approval, it may be subject to call-in. Accordingly, in line with procedure, the decision notice is circulated to the Chairman of the relevant overview and scrutiny committee at the same time.

The CM makes the decision and sends the signed decision notice back to the officer in Democratic Services responsible for handling member decision-making, who publishes the decision online with a covering note, advising that the decision has five clear working days for a call-in to be made. The notice is published on 17 February.

## The call-in itself

The Chair of the Community and Environment Scrutiny Committee, Cllr Mokal, is a member of the opposition party. He wishes to call the decision in because his party are politically opposed to the leadership's plans, and because he feels that this opposition has not yet been expressed formally (other than through a motion at a council meeting a few months ago when the proposals first emerged).

Cllr Mokal looks at the council's requirements for a call-in to be valid, which can be found in the overview and scrutiny procedure rules in the council's constitution. They state the following.

### Article 4.4: Call-in

a) A key decision made but not implemented may be called-in by councillors under 4.4(c) below.

b) i) If a call-in request is valid, a meeting of the relevant Overview and Scrutiny Committee must be convened to meet within ten working days of the request being accepted as valid. The committee will consider the request at the meeting, taking evidence as necessary, and make recommendations to the Cabinet Member or Executive advising whether the decisions should be amended or withdrawn entirely.

ii) The Executive must respond to the committee's recommendations within a timescale set by the Committee.

### Definitions:

**Key decision made but not implemented.** Under the English local government regime councils until recently were obliged to prepare a Forward Plan setting out all forthcoming decisions on a rolling basis. The requirement has since changed but most councils still prepare a Forward Plan of sorts. When a key decision is made by an

individual Cabinet member or Cabinet as a whole, there is a period of five working days before the decision is formally implemented. This is the available window in which a call-in request may be made. The detailed definition of “key decision” is set out in the section below.

**Convening to meet within ten working days.** The nature of call-in is such that most authorities place a timescale within which a call-in meeting must be held. This requires a committee to be convened at short notice and papers to be prepared and circulated very quickly. For this reason most councils have a standardised approach for the conduct of call-in meetings, and for the information circulated to those meetings in advance, although the chair does usually have discretion.

**Taking evidence as necessary.** Most constitutions are not so explicit, but the committee is not limited just to looking at the decision itself. Usually, the Cabinet Member will be invited to give evidence to the committee. Sometimes the chair may seek to invite other witnesses as well (see below)

**Making recommendations.** The committee has three principal options – to recommend that a decision be upheld, to recommend that it be amended or to recommend that it be withdrawn entirely.

**Executive response.** Under the legislation operative in England when an overview and scrutiny committee makes a recommendation it defines how it wants the executive to respond to it, including the timescale for response. Usually, in the case of a call-in the response will be submitted quite quickly. The response does not need to be considered by the committee for the decision to be implemented, or for the executive to take any other related action.

Cllr Mokal firstly needs to ascertain that the decision is a key decision that may be called in. Not all decisions made by Cabinet members are automatically key decisions – which are, and which are not, will depend on the council's scheme of delegation for Cabinet member decisions and its general definition of what a key decision is. The definition of “key decision” used by Ceal Valley Council is fairly standard. It is:

An executive decision which is likely:

- a) to result in expenditure or savings which are significant with regard to the service to which the decision relates or,
- b) to have a significant impact on people living and working within at least two council wards.

The judgment about whether this decision is, or is not, a key decision was one reached by the Monitoring Officer some months ago. The council's economic development department, which is managing the land disposal, argued that it was not, because it results in a capital receipt which is neither an "expenditure" or "savings" in the technical sense of the term. Furthermore, it only affects one ward, so cannot be classified as a key decision on that ground either. The Monitoring Officer however disagreed. He realised that a decision to classify the decision as not being a "key decision" would cause political and legal difficulties for the authority; he was aware that opposition councillors would be likely to want to call the decision in and that call-in could provide a framework for this disagreement to play itself out in a more constructive manner. He advised the Cabinet Member and the department that, although it was possible to interpret the rules either way (given a certain degree of latitude) he was inclined to come down on the side of it being a "key decision" under either definition, because:

- a) A capital receipt for the council of this value still constituted a significant financial implication for the authority, even though it may technically be neither expenditure or a saving;
- b) The sale of the land with planning permission would have a direct and significant impact on the centre of Market Horton; the site abuts a ward boundary and this impact would hence be felt across two wards at least.

This is an expansive reading of the "key decision" definition. It would be equally possible to interpret them more narrowly and to state that the decision was not, in fact, key. However, given the marginality of the arguments on both sides, the Monitoring Officer has decided to come down on this side of the fence. This reflects the argument that a call-in will allow political argument to be given an airing in a formal way. Not to provide that opportunity could have risked unpredictable political consequences for the council, given the high profile of the decision. Planning for a call-in delay earlier in the process means that such an issue can be predicted and planned for – particularly when any unexpected delays could have had implications for the sale itself.

Article 4.4(b)(i) of the constitution (see above) makes reference to the call-in being “valid”. Now that Cllr Mokal is satisfied that the decision is indeed a key decision he must ensure that he makes the request in the right way.

Validity of call-in is covered elsewhere in the council’s constitution.

c) A call-in is valid when it is notified to the Head of Legal and Democratic Services using the appropriate form, after the decision has been made and before it is implemented, with the request signed by the Chairman of an Overview and Scrutiny Committee and at least two other councillors on that committee.

This, again, is a fairly standard call-in validity requirement. However, in planning how validity will be defined, it is important to consider the political balance of the authority and the parties which hold chairs. In an authority where the majority party hold all the committee chairs, and where the majority is such that there are (for example) only two opposition members on each committee, the requirements set out above would make it essentially impossible for a call-in to be brought (assuming that call-ins will not be brought by members of the majority group).

In this instance, there are three opposition members on the committee other than Cllr Mokal himself and they decide to request a call-in, in the way set out in the constitution. They do this on 19 February.

The request is received and approval (on 20 February) by the Head of Legal and Democratic Services. An officer in the council’s Democratic Services team convenes the meeting, agreeing a date with members and preparing the agenda. Ceal Valley convenes special meetings for call-ins.

Some councils have separate call-in committees, which convene as and when to hear call-ins. Some councils (such as Ceal Valley) convenes special meetings of the relevant overview and scrutiny committee to hear call-ins. Some others place call-ins on the agenda of normal committee meetings. These councils usually have a provision in their rules of procedure for a call-in – when valid – to be considered at the “next available” meeting of the relevant committee. However, this can produce lengthy delays.

Cllr Mokal advises that he wants the decision report to be submitted to the committee, along with relevant background papers. He asks that the Cabinet Member be present, the council's Director of Economic Development and Regeneration and the developer to whom the land is being sold. He has also asked that the council's Director of Children's Services, the Director of Public Health and the Director of Transport and Infrastructure be present. He advises that the attendance of these people is necessary in order to explore in full the implications around the sale of the land and the likely social and environmental impact of the development itself.

Councils in England have broader areas of responsibility than those in NI. Some of the functions exercised by the Directors above would, in NI, be carried out by regional bodies or by the NIE.

The Council's Monitoring Officer speaks to Cllr Mokal. He advises that it is important to separate out the two connected issues – the sale of the land, and the development covered by the planning application. He advises that the social and environmental impact of the development itself has been dealt with by the planning committee, and that as such there is no power to revisit that decision. The focus of the call-in must be on the decision to sell the land itself. Cllr Mokal disagrees – he considers it impossible to separate out the two issues. Eventually they agree on a compromise. The committee will focus on the council's duty to obtain "best consideration" for the land in the sale (ie, for the council to ensure that it raises the maximum possible amount of money, in the context of its wider legal obligations). This will allow the committee to look in brief at the impact that the planning permission, already obtained, has had on the value of the land, and whether that means that "best consideration" has been achieved.

It is not uncommon that call-ins will be requested and brought on issues which will provoke committees to wish to explore issues beyond the decision itself. Monitoring Officers and others advising members generally use their judgment to discuss how call-in meetings should be focus so as to reduce the risk that the committee will look at issues beyond their legal purview.

Cllr Mokal also agrees that he will accept a written summary of the opinions and evidence of the wide range of officers that he wished to invite to the meeting. This is to ensure that evidence focuses on the point of “best consideration” (in terms of the extent to which the likely social impacts of the development affected the way that the planning permission was granted, which itself affected the value of the land). This suggestion was put to Cllr Mokal for two reasons – firstly, to reduce the risk that officers will be drawn into a situation where they are expected to comment on the planning application itself, and secondly to ensure that the meeting has the opportunity to conduct its work within the time available.

Cllr Mokal suggests that the meeting be held in a community hall adjacent to the development site to garner more public interest.

Members requesting a call-in will often see the meeting as an opportunity – rightly – to have a wide-ranging public debate, involving taking evidence from a number of interested parties. However, because call-in meetings are often convened at short notice and because they have to result in a clear recommendation for the executive, there is a limit to how much they can consider.

Call-in meetings are frequently held outside the town hall, particularly where the subject in question relates to an issue of specific local interest.

The agenda for the meeting, with the papers, is sent out on 26 February, with the meeting itself scheduled to take place on 5 March. This is within the 10 working day limit which the council has set for holding call-in meetings.

### **The meeting itself**

There has been wide public interest in the decision and around fifty members of the public attend. There is a standard item on the committee agenda for public questions to be put to the committee.

Using a form of words agreed by the Monitoring Officer, Cllr Mokal opens the meeting and advises that the focus must sit on the council’s sale of the land – not specifically on the planning application. He explains the position around planning appeals and why the committee cannot legally explore this aspect of the decision. He does however explain



the point around “best consideration” and asks that any public questions focus on this issue. He advises that questions from the public will be put to officers at the meeting (rather than being immediately answered by him or other committee members).

Inevitably many questions refer to the rights and wrongs of the planning decision itself. Cllr Mokal passes a note to the Monitoring Officer asking that officers attending to give evidence try to provide answers to those questions in such a way that ensures that the focus remains on the question of the land disposal rather than the planning decision.

The meeting proceeds. Before the meeting, Cllr Mokal and the committee held a short pre-meeting to ensure that the limited time available would be used effectively. There is obviously political disagreement about the call-in but because Cllr Mokal knows about this, and knows how it will be expressed, he can plan for it and ensure that discussions don't get too heated. Consequently, questioning remains fairly sharp and focused – although the meeting is tense. There is some heckling from the public gallery and some political argument amongst the committee themselves. However, the pre-meeting means that there has been at least some discussion about these issues beforehand.

When all the evidence has been received from the witnesses, and members have considered the papers, Cllr Mokal sums up. He does not have a majority on the committee and knows that if he suggests that the decision be withdrawn/overturned, he will be voted down. Equally, he knows that at this late stage, it is unlikely that the council will seek to renegotiate terms with the developer. He also knows that despite this, there is political capital to be made in leading a vote that will see the committee pass a motion criticising the executive decision on a cross-party basis.

He therefore proposes two motions. The first is that the decision be overturned. This fails, as he expected. The second motion is that the decision stands, but that the committee criticises the way that the council has gone about the land disposal decision, and in particular its failure to consider wider social economic, and environmental impacts when deciding what constituted “best consideration”. The motion suggests that the council reviews and overhauls its methodologies for making these decisions in future. The motion is couched in such a way that means it is carried by the committee.

Cllr Mokal was minded to make the second motion before the meeting, and broached it in the pre-meeting. He suggested separately to the Cabinet Member that a scrutiny review looking at “best consideration” and social value issues could help the council to manage these large-scale disposals better in future.

Therefore he was relatively confident that he would succeed in getting it past.

There is a political dimension to call-in that will require chairs to think strategically about what they wish to get out of the process and how it will be achieved. It's important that officers are aware of this dimension and that they acknowledge it in how

they approach their engagement with the process.

### **After the meeting**

The decision is implemented and the land sold. The executive responds to the call-in recommendations the following day, noting the criticisms made and suggesting that the issue of “best consideration”, and wider issues around social value, be considered by a scrutiny task and finish group.

Call-ins are not always as productive as this example. This example rests on a relatively open executive who accept the need to make some kind of constructive response to call-in recommendations. The need to broker this response (highlighted above) highlights again the importance of political astuteness – on the part of members and officers – in order to ensure that call-in can be a constructive process.