

Appendix 4

Call-in procedure

25. A 'call-in' is where the Overview and Scrutiny Committee decides to review a decision made by the Cabinet or one of its members before the decision is implemented. Call-ins should be used only in exceptional circumstances.
26. A decision is made by the Cabinet or one of its members but the decision does not come into effect until a call-In period has elapsed.
27. Within two working days of the decision being made, the Member Services **Manager Team** will notify all council members of the decision, stating the date of the notification, and the date the decision will come into effect if there is no call-in on it. The "effective date" of the decision is normally at 10am on the day after the expiry of three clear working days from the notification to Members, excluding Saturdays, Sundays and Bank Holidays. (For example, in respect of a decision made by the Cabinet on a Tuesday, notification will be given to all members by Thursday of the same week, and the effective date of the decision will be 10am on the following Wednesday.)
28. A request for a call-in of the decision must be received by the Member Services **Manager Team** between the date of notification to members and the effective date of the decision.
29. For the call-in to be valid, the request must satisfy all of the following provisions:-
 - i) Be in writing (on paper or e-mail)
 - ii) Specify the decision which is to be the subject of the call-in.
 - iii) Be supported by at least five members of the **Council** excluding members of the executive.
 - iv) Written confirmation that such members have each considered all of the following matters before requesting a call-in of the decision:-
 - a) Whether the decision is likely to cause distress, harm or significant concern to a local community, or to prejudice individuals within it.
 - b) Whether the matter has been subject to consultation or debate with relevant interested parties.
 - c) Whether the delay in implementing the decision is likely to cause significant harm to the council or others.
 - d) Whether the decision is against an approved policy or budget provision of the council.
 - e) Whether the decision was made against the advice of professional staff.

f) Whether the decision is contrary to a provision in the Sustainable Community Strategy, the Annual Report or the Corporate Plan or other Policy Framework document or the Budget.

g) Whether the decision-maker complied with the decision making principles set out in Article 13 of the constitution.

h) Whether the views of the members requesting the call-in were taken into account in arriving at the decision.

v) State the reasons for the call-in of the decision and specify the evidence which demonstrates the alleged breach of any of the criteria listed in 29 (iv) above.

30. The call-in request will be considered by the chairman of the Overview and Scrutiny Committee to decide whether criteria (a)-(h) above have been met and whether the call-in request should be referred for consideration at a meeting of the Overview and Scrutiny Committee.

31. If having considered the decision, the Overview and Scrutiny Committee is still concerned about it, the committee may:

a) refer it back to the decision-maker for reconsideration, setting out in writing the nature of the committee's concerns; or

b) refer the matter to full Council, setting out in writing the nature of the committee's concerns;

c) decide that neither a) or b) above applies in which case the decision will be effective immediately thereafter.

32. If the matter is referred to the decision-maker, they shall consider the concerns of the committee as soon as practicable, amending the decision or not, before adopting a final decision.

~~33. If within one calendar month from the date of the request for the call-in, the Overview and Scrutiny Committee does not meet, or does meet but does not refer the matter back to the decision-maker, or to full Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or on the expiry of the one month period, whichever is the earlier.~~

~~34.~~ 33. If the matter ~~was~~ referred to ~~full~~ Council, and the Council does not object to the decision, the decision will be effective immediately thereafter.

~~35.~~ 34. However, if the Council does object to the decision, it may:

(a) overrule the decision if it is ~~against~~ contrary to an approved ~~the p~~ Policy Framework or the b Budget provision of the council, or

(b) refer it back to the decision-maker with the views of the Council - in this case the decision-maker shall, as soon as practicable ~~within 14 working days~~, consider the Council's views and make a final decision, and the decision shall

then be implemented.

35. If the Overview and Scrutiny Committee does not meet within one calendar month from the date of the request for the call-in, or does meet but does not refer the matter back to the decision-maker or to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or on the expiry of the one month period, whichever is the earlier.

Urgent Decisions

36. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or one of its members is considered by them to be urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's interests or the public's interests. The record of the decision shall state whether in the opinion of the decision-maker the decision is an urgent one, and therefore not subject to call-in. The consent of the chairman of the Council must be obtained both that the decision is reasonable in all the circumstances and to it being treated as a matter of urgency. (In the absence of the chairman, the vice-chairman's consent shall be required and in the absence of both, the Chief Executive or his/her nominee's consent shall be required.) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The party whip

37. When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip a nominated member of the party must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

References

Section 21 Local Government Act 2000