

Appendix 1

14. Call-In

(a) All decisions of:

- (i) the Executive Board,
- (ii) an individual member of the Executive Board or
- (iii) a committee of the Executive Board, and
- (iv) key or executive decisions taken by an officer;

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9a.m. on the Thursday following publication of a decision on Friday. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period)

(a) During that period, the Chief Executive shall Call-In a decision for scrutiny if so requested by any six members of the Council who has given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Call In Committee on such date as he/she may determine, where possible after consultation with the Chair of the Call In Committee, and in any case within 7 working days of the decision to call-in.

(NOTE: Signing the call-in request does not prevent that member being a member of the Call In Committee.)

(d) The Chair/Vice Chair of the Call In Committee shall use the following prescribed procedure on every occasion, which includes a named vote and the recording of the reasons for voting in such way. The Chair and or Vice Chair of Policy and Corporate Resources Overview and Scrutiny Committee will also attend Call In meetings wherever possible.

1. *Chair of the Committee hearing the Call In welcomes those present.*
2. *Chair asks if everyone has a copy of the reasons why the decision had been called in along with a copy of the Call In procedure.*
3. *Chair asks for apologies/substitutes.*
4. *Chair asks whether there are any Declarations of Interest.*
5. *Chair asks the Legal Adviser to explain the process to be followed.*
6. *Chair asks the representative of those Members who requested the Call In and the Executive Member to take their places at the table.*

7. *Chair asks representative of those Members who requested the Call In to speak to explain the reasons for the call in. He/she may do so alone or may do so with another person.*
8. *The Executive Member may seek clarification of any issues from the Member representing those responsible for the Call In.*
9. *Members of the Call In Committee may ask questions of that Member.*
10. *Chair asks the Executive Member to explain the reasons for the decision made. He/she may do so alone or may do so with the relevant Chief Officer.*
11. *The Member representing those who requested the Call In may ask questions.*
12. *Members of the Call In Committee may ask questions of the Executive Member/Chief Officer.*
13. *The Member who requested the Call In and then the Executive Member may sum up.*
14. *The Chair asks the representative of those Members who requested the Call In and the Executive Member to leave the table and sit in the public area. They may remain in the room if they wish.*
15. *Chair requests any final contributions from Members before deciding how to proceed.*
16. *Chair indicates that Members of the Committee will now consider what they have heard and decide how to proceed. He asks the legal adviser to go through the options which are:*

To accept the decision.

If Members do this then they need not do any more. The decision will take effect straight away. It could be that some minor issues arise during the debate which the Executive Member will agree to take on board. These might be dealt with as part of the Minute. As an example when a land sale was called in the Chief Executive gave assurances about how it would proceed and these were simply recorded in the minutes.

To refer the decision back to the decision making person or body

If Members do this they need to agree what their concerns are. These will be recorded in writing and presented to the decision making person or body who will then make a final decision. The decision will not take effect until it is reconsidered by the decision making person or body. (This decision may not be Called In)

To refer the decision to Council

Statutory Guidance from the DTLR (formerly ODPM, now DCLG) states overview and scrutiny committees should only use the power to refer matters to the full council if they consider that the decision is contrary to the budget and policy framework or contrary to or not wholly in accordance with the budget. The Committee ought to identify those parts of the policy framework which are not being followed.

In these circumstances the Committee should refer the issue to the Monitoring Officer and Chief Finance Officer who would consider and report on whether the issue is within the framework. Their report would then go to the next meeting of the relevant Overview

and Scrutiny Committee as well as to the Executive Board. If the view then was that the decision fell outside the policy framework then the Overview and Scrutiny Committee could refer the issue to full Council.

17. *Move to Named Vote and recording of reasons for reaching such a decision.*

18. *Inform Executive Member of decision reached as soon as possible.*

(e) Having considered the decision, the Call In Committee may:-

(i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;

(ii) refer the matter to full Council. Such a referral should, in accordance with the Budget and Policy Framework Rules (section 3), only be made where the Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.

(f) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Call In Committee before a final decision is made.

(g) If following a call in, the Call In Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Call In Committee meeting. If the Overview and Scrutiny Committee does not meet the decision shall take effect from the date when the Committee should have met.

(h) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.

(i) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.

15. Call-In and Urgency

(a) The Call-In procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision and 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. The Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee must both agree that the decision is reasonable in all the circumstances and to it being treated as a matter of urgency.

Where agreement cannot be reached the consent of the Chair of the most relevant Overview and Scrutiny Committee as determined by the Chief Executive shall be required.

In the event that any of the above are unavailable one of the following may substitute in the order of priority set out below:

1. The Chair of the most relevant Overview and Scrutiny Committee;
 2. The Vice Chair of the most relevant Overview and Scrutiny Committee.
 3. Any other Overview and Scrutiny Committee Chair.
- (b) The operation of the provisions relating to Call-In and urgency shall be monitored by the Chief Executive and Monitoring Officer and a report submitted to Council with proposals for review if necessary.