

6.3.29 Call-In

Call-in should only be used in exceptional circumstances. These are where non-Executive Members have evidence that suggests that the Executive did not take the decision in accordance with the principles set out in Chapter 1.4 (Decision Making).

These are:

All decisions of the Council will be made in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

6.3.30 Publication of Executive Decisions and Procedure for Call-In

- a) When a decision is made by the Executive, an individual Member of the Executive or a Committee of the Executive, or a Key Decision is made by an Officer with delegated authority from the Executive or under joint arrangements, as soon as reasonably practicable the decision shall be published and shall be available at the Council Offices and on the website. The Chairman of the Overview and Scrutiny Management Committee will be sent copies of the records of all such decisions, within the same timescale, by the person responsible for publishing the decision.
- b) That notice will bear the date on which it is published and will specify the date that the decision will come into force, and may then be implemented. The decision will come into force on the expiry of five working days after the publication of the decision, unless the decision is 'called in'.
- c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Management Committee if so requested in writing by any five non-Executive Members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Overview and Scrutiny Management Committee ~~on such date as he/she may determine, where possible~~ after consultation with the Chairman of the Committee (or Vice Chairman should the Chairman be unavailable). In any case the meeting shall be ~~called (but not necessarily held)~~ within five-20 working days of the decision to call-in an item unless the agreement of the Chairman of the Management Committee has been received that there are exceptional circumstances which meant that this cannot be achieved-

Chapter updated May 2013

- d) If after consultation with the Proper Officer and Lead Opposition Group Member, the Chairman of the Overview and Scrutiny Management Committee determines that it would be more appropriate for a 'call-in' to be considered directly by an Overview and Scrutiny Committee he/she may direct that the relevant Committee consider the issue.
- e) If, having considered a decision, the Overview and Scrutiny Management Committee or a Scrutiny Committee still holds concerns about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, and only if the matter is contrary to the Policy Framework or contrary or not wholly in accordance with the Budget, it may refer the matter to the Council. If referred to the decision maker, they shall then reconsider within a further ~~10-20~~ working days, amending the decision or not, before adopting a final decision.
- f) The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees cannot overturn the decision which it is reviewing but may either concur with the decision in which case it will take immediate effect or refer it back to the Executive for further consideration, including any recommendations that the Management Committee or Committee had agreed.
- g) If following an objection to the decision, the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect either on the date of the relevant Scrutiny meeting, or the expiry of that further ~~240~~ working day period, whichever is the earlier.
- h) If the matter was contrary to the Budget and Policy Framework and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object then 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 as a whole or a Committee of it, a special meeting will be convened to reconsider within ~~10-20~~ working days of the Council request.
- Where the decision was made by an individual, the individual will reconsider within ~~10-20~~ working days of the Council request.
- i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

6.3.31 Process for Requests for Information from Members of the Overview and Scrutiny Management Committee to Officers After a Decision Has Been Called-In

In the period between the call-in of an Executive decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee taking place, all members of the Management Committee or Overview and Scrutiny Committee shall

Chapter updated May 2013

only submit questions to the author of the report being called in through Democratic Services. Prior to the meeting to consider the call-in, copies of all information requested will be circulated to the Members of the Management Committee or Overview and Scrutiny Committees by Democratic Services to ensure all Members have the same information before them when considering the call-in.

The same process shall apply in the event of an adjournment.

Requests for information from non-Committee members will be actioned at the discretion of the Chairman of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee.

6.3.32 Contact with Witnesses After a Decision Has Been Called In

In the period between the call-in of an Executive Decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee there should not be any communication between Members of the Management Committee or Committees with those individuals called as witnesses. Any contact shall only be through Democratic Services.

The same process shall apply in the event of an adjournment.

6.3.33 Communicating Views After a Decision Has been Called In

In the period between the call-in of an Executive Decision and the conclusion of the Scrutiny call-in process members of the ~~relevant~~ Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee should not communicate their views, either to the press or members of the public, about the matter so as not to prejudice the outcome of the review by appearing to have already made up their mind. The scrutiny call-in process shall be deemed to have concluded once a resolution from the ~~relevant~~ Management Committee or relevant Overview and Scrutiny Committees has been forwarded to the maker of the Executive Decision for consideration.

6.3.34 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:

- a) five non-Executive Members of the Council are needed for a decision to be called in;
- b) once a Member has signed a request for call-in under [Rule 6.3.30](#) (Call-in) above, he/she may not do so again until a period of two calendar months has expired;
- c) no matter which involves information or a decision relating to an individual may be called in;
- d) no decision taken by the Council or due to be referred to Council for final approval e.g. Budget may be called in;
- e) no decision taken by the Planning Committee, the Licensing and Appeals Committee, the Audit Committee or the Standards Committee may be called in;

Chapter updated May 2013

- f) in relation to decisions taken by Officers under delegated powers, only Key Decisions are subject to the call-in process; and
- g) no item that has been previously considered by the Overview and Scrutiny Committees or Committees, or has been the subject of a review undertaken by a Task and Finish Group, within the preceding six months may be called in.

6.3.35 Call-in and Urgency

The call-in procedure set out in [6.3.30](#) 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:

- a) have serious financial implications for the Council as assessed by the Chief Finance Officer; or
- b) 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 Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service 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.

6.3.36 Dispute

The Council's Monitoring Officer or Section 151 Officer will be the final arbiter of whether an item does not qualify for 'Call-in' because of an exception or on the grounds of urgency.