

Call-in Procedure

15. Call-in

Call-in should only be used to establish whether a decision was taken in accordance with the principles of decision making set out in Article 14. Call-in is where a minimum of five members of the Council have information which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 14 (Decision Making).

- (a) When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five days of being made. The chairman of the Scrutiny Committee shall be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. That notice shall bear the date on which it is published and specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision. A summary of all such decisions made shall be sent to all other members of the Council, normally within five working days.
- (b) During that period, the Chief Executive (or other designated officer) shall call-in a decision for scrutiny by the committee if so requested by the Scrutiny Committee chairman or in his/her absence, the vice-chairman or any five members of the Council in writing or electronically with a clear reason for the call-in, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chairman or, in their absence, vice-chairman of the committee, and in any case within ten days of the decision to call-in. The relevant Cabinet Member and officer making the decision are to be summoned to attend the meeting to explain the decision and process followed in taking the decision. The members who made the call-in will also be invited to attend the meeting to explain their reasons for making the call-in request.
- (c) If, having considered the decision, the Scrutiny Committee is still concerned 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 refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 14 working days, amending the decision or not, before adopting a final decision.
- (d) If following an objection to the decision, the 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 on the date of the scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- (e) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision shall be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision unless it is contrary

to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council shall 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 Cabinet, a meeting shall be convened to reconsider within ten working days of the Council's request. Where an officer made the decision, the officer shall reconsider within five working days of the Council's request.

- (f) 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 shall 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.

Exceptions

- (g) In order to ensure that call-in is not abused, nor causes unreasonable delay, the following limitations are placed on its use. These are:
 - i) that the Scrutiny Committee Chairman may only call-in 6 decisions per year;
 - ii) that a member may only sign a request for a call-in of 3 decisions per year.

Call-in and urgency

- (h) The call-in procedure set out above shall not apply where the decision being taken by the decision-maker is urgent. A decision shall be considered urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. 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 of the Council 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 consent of the Head of Paid Service or his/her nominee shall be required. All 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 next available meeting of the Scrutiny Committee shall review the process for agreeing the urgent decision and make appropriate recommendations.
- (i) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.