

Section 17 Part 8 of the Constitution: Procedure for Call-Ins

17. Call-in

17.1 Call-in should only be used in exceptional circumstances when members ~~of the Scrutiny Board~~ have evidence which suggests that the Cabinet did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;

~~h.~~—clear explanations of the options considered and the reasons for the decision reached.

l. Additionally, Members may exercise their right to Call-in a decision if they have evidence which suggests that the Cabinet did not have the power to make the decision in question. This may be because the decision was one the Cabinet could not take in law, or which was reserved to Council or which was contrary to or not wholly in accordance with the Budget and Policy Framework.

17.2 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, 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 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the

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decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix B) giving the reasons for the request for call-in and must be:-

- signed by the Chairman of Scrutiny Board;
- signed by any other 3 members of the Scrutiny Board;
- signed by any 5 members of the Council who are not members of the Cabinet

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Chairman of Scrutiny Board. The final decision shall rest with the Monitoring Officer. If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Scrutiny Board.

17.6 The call-in will be considered by the Scrutiny Board at either:

- a. the next scheduled meeting of the Scrutiny Board; or
- b. a special meeting of the Scrutiny Board to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Chairman of Scrutiny Board.

17.7 The Scrutiny Board will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a

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- maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Scrutiny Board. If more detailed evidence or consideration of the issues is required to determine the call-in, the Scrutiny Board may during that period hold one or more additional meetings to determine the call-in.
- 17.8 The Scrutiny Board may require the relevant Cabinet member with responsibility or another member of the Cabinet, if appropriate, to attend any meeting and explain the decision taken by Cabinet.
- 17.9 Having considered the decision subject to the call-in the Scrutiny Board will either:
- a. accept the decision without qualification or comment; or
 - b. require reconsideration of the decision setting out its reasons as recorded in the Minutes of the Call-in meeting or in a report of the Scrutiny Board; or
 - c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.
- 17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Scrutiny Board considers:-
- a. the Cabinet cannot in law take; or
 - b. is reserved to the Council; or
 - c. is contrary or not wholly in accordance with the Budget and Policy Framework.
- 17.11 If the Scrutiny Board accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.
- 17.12 If the Scrutiny Board refers the decision to the Cabinet for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Cabinet at which it is reconsidered.
- 17.13 If the Scrutiny Board refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the

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Cabinet to reconsider the decision, implementation of the decision remains deferred until the Cabinet has reconsidered the matter.

- 17.14 Any report of the Scrutiny Board or Council pursuant to paragraph 17.9b or c will be submitted to the Cabinet which will consider that report within 10 working days and either:-
- a. confirm the decision without modification; or
 - b. confirm the decision with modification; or
 - c. rescind the decision and if considered appropriate take a new one.

In each case the Cabinet must give reasons for its decision. The decision taken by the Cabinet following consideration of the report of the Scrutiny Board or Council on the call-in is final.

- 17.15 The Chairman or Vice-Chairman of the Scrutiny Board may attend any meeting of the Cabinet at which a report of the Scrutiny Board is being considered and may speak but not vote.
- 17.16 Any decision may be called in only once in respect any decision.
- 17.17 The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. 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 Chairman of the Scrutiny Board 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 Chairman of the Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' 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
- 17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Scrutiny Board, and a report submitted to Council with proposals for review if necessary.