

4.5 SCRUTINY PROCEDURE RULES

4.5.14 Call In

- a) When a Key Decision¹ is made by the Executive or a committee of the Executive, or under joint arrangements, or in line with any delegation within the Constitution, the decision shall be published electronically, including where possible by electronic means, and shall be available at the main offices of the Council within two working days of being made.
- b) Copies of the notice of decision will be provided to all members within the same timescale.
- c) All Key Decisions will come into effect five working days ~~(not including the day of the meeting) after the meeting~~ after the publication of the decision unless three scrutiny members give notice in writing to the Governance Manager requesting to call in the decision.
- d) If no notice requesting call-in of a Key Decision is received in this five working day period the decision may be implemented.
- e) The call-in request should be on a completed 'call-in' request form and include the names and signatures of the three signatories, the decision making principles it is believed have been breached and also the reasons for this. The decision making principles are:
 - Proportionality (the decision must be proportionate to the desired outcome)
 - Due consultation and the taking of professional advice from officers
 - Respect for human rights
 - A presumption in favour of openness
 - Clarity of aims and desired outcomes
 - Regard for equal opportunities
 - Options are considered and reasons for the decision given
 - Consideration of all relevant factors
 - Decision is in the best interests of the District as a whole

Upon receipt of the call-in form the Governance Manager will

¹ A Key Decision is an executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that income or expenditure of £50,000 or more is significant.

- f) consider the request to ensure the correct information has been submitted. The Monitoring Officer may reject it if:
- It relates to a non-executive decision or is a decision where a statutory appeal is available
 - Insufficient information has been provided
 - It is vexatious, malicious or politically motivated
 - It contains insufficient evidence as to how the decision-making principles have been breached
 - The decision has been previously called in
 - The reasons given have been addressed in a previous call-in
- g) Reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call-in request prior to the closure of the five working day call-in period.
- h) Upon determining that the call-in request is valid the Monitoring Officer will decide, having regard to the functions of each Scrutiny Committee, which Scrutiny Committee will hear the call-in. The Executive and relevant Council officers will also be notified of the call-in request. The Governance Manager will then call a meeting of the relevant Scrutiny Committee.
- i) The relevant Scrutiny Committee must meet to consider the call-in as soon as reasonably practicable and at the latest within 10 working days of the receipt of the call-in notice. If the meeting does not take place in this period then the decision may be implemented. Special meetings of the Scrutiny Committee will be called if necessary to consider call-ins in this period.
- j) The lead signatory, being the first named member on the call-in, will be invited to attend the relevant Scrutiny Committee to present the call-in, outline the reasons for the request and answer questions from the Committee. They will not be entitled to vote, unless they are a member of the Scrutiny Committee that considers the call-in. The relevant Executive member/decision-making officer will also be entitled to attend the meeting and be invited to address the Scrutiny Committee and answer questions from the Committee. The format for the call-in consideration is set out in the Call In Procedure Rules.
- k) If, having considered the decision, the Scrutiny Committee is still concerned about it, they may refer the matter back to the decision-maker setting out in writing the reasons for its concerns. If the decision is a decision made by the Executive, the Executive shall reconsider it at their next meeting (or a special meeting if necessary), amending the decision or not, before adopting a final decision.

- l) If the Scrutiny Committee decides not to refer the decision back to the decision-maker it may be implemented on the date of the Scrutiny Committee.
- m) If the Scrutiny Committee concludes that the decision is outside the Budget and Policy Framework then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is outside the Framework and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter.
- n) If the matter is referred to Council and the Council does not object to a decision that has been made then the decision may be implemented on the date of the Council meeting.

4.5.15

Call In and Urgency

- a) The call-in procedure set out 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 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 Chairman of the relevant Scrutiny Committee 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 relevant Scrutiny Committee, permission of the Chairman of the Council may be sought and in his absence, the Vice-Chairman'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.
- b) 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.

4.6 CALL IN PROCEDURE

4.6.1 Who Can Call In an Item

Any Member of any of the three Scrutiny Committees with the support of 2 further Scrutiny Committee Members.

4.6.2 Deadline Date for Calling In ~~Decisions~~any Item Contained in the Executive Minutes

The deadline date for any decision eligible for call in will be published on the decision notice produced within 2 working days of the decision being taken. The specific date will be given in the notification accompanying the Executive minutes, but ~~the~~ the time scale for call in is five clear working days from the publication date of the decision notice ~~of Executive.~~

~~4.6.3 Number of Members Required to Call In an Item, Successfully~~

~~Any three Scrutiny Committee members~~

4.6.34 Method by which Items May be Called In

All Call In requests must be received on a Call In Request Form prior to the close of the Call In Period. However, Members may give early notice of Call In writing, in person or over the phone.

- ~~• In writing~~
- ~~• E mail - this may be done using a Members terminal within the Council Offices or where a member has the facility via the internet,~~
- ~~• By fax - as with written notifications, the faxed message may contain the signature of more than one Member,~~

4.6.5 Recording of Called In Items

The Governance Manager shall be responsible for keeping and maintaining a log of called in items. In practice this log will be kept by the Governance Officers who are authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

4.6.6 What may be Called In

Any Key Decision on an Executive agenda other than an agenda item which is part of the Budget and Policy Framework, or any Key Decision made by the Leader or officers under delegated powers.