Appendix A

Part 5  Overview and Scrutiny Procedure Rules

16.  Call-in

a.  The Call-In procedure applies to any executive decisions made by Cabinet collectively or by a single member, a committee of Cabinet or under joint arrangements. It also applies to those officer decisions that are key decisions and which are taken under delegated authority.

b.  When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of 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. All such decisions and shall be published and made available at the main offices of the Council normally within 2 working days of being made. All members will be able to access copies of the records of all such decisions via the Intranet/Internet within the same timescale.

c.  That notice A decision will bear the date on which it is published made and will specify that the date when it decision will come into force, and may then be implemented. This will be on the expiry of 7 clear working days after the publication of the decision, unless the chair of the Overview and Scrutiny Committee or relevant panel, or any 10 members of the Council, wish to call it in.

d.  A Call-In request must be signed by each member calling in the decision or otherwise be accompanied by an email from such member indicating that he/she wishes to call in the decision. Where possible one member should be identified as the member leading the Call-In request.

e.  The Call-in request must state at least one of the following grounds in support:

1.  A key decision but not treated as such;
2.  Inadequate consultation with stakeholders prior to the decision;
3.  Inadequate evidence on which to base a decision;
4.  Contrary to the budget or policy framework;
5.  The action is not proportionate to the desired outcome;
6.  A potential human rights or equalities challenge;
7.  Insufficient consideration of legal and financial advice.

f.  The request for Call-in must be made to the Scrutiny Office Team and the Scrutiny Office who will notify relevant officers/Cabinet members the same day the request in received or where not reasonably practicable, the morning of the following working day.

g.  At the same time the Scrutiny team will acknowledge the Call-In request and the member leading the Call-In will be offered an opportunity to meet with the relevant officers/Cabinet members to discuss the decision and the grounds for call to identify a resolution. The member leading the Call-In may arrange a substitute from amongst the 8 members who called in the decision to attend in his/her place. Any such meeting must
take place within a maximum of 5 clear working days from the date of receipt of the Call-in request.

h. If following the meeting or reconsideration of the grounds for Call-In the member leading the Call-In indicates that the Call-In is withdrawn, the decision shall take immediate effect.

i. Where the Call-In proceeds, a meeting of the Overview and Scrutiny Committee will be convened within a further 7 clear working days. An extension of time may be agreed between the Chair of Overview and Scrutiny and the Lead Cabinet Member and/or Leader where appropriate. A meeting of the Overview and Scrutiny Committee/relevant panel will be convened within 7 working days of the completed request for call in. The decision may not be implemented until the results of that meeting are known.

c. j. If, having considered the decision, the Overview and Scrutiny Committee/panel is still concerned about it, then it may refer it back to the decision making person or body/individual for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. As a general rule, a decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget Framework, or considers that it was a Key Decision that was not dealt with as such by the Cabinet. If it is referred to the decision maker they shall then reconsider it shall be reconsidered within a further 5 clear working days. Following reconsideration the decision shall take effect immediately and whether or not it is amended, it shall not be subject to any further request for Call-Inamending the decision or not, before adopting a final decision.

d. k. If following Call-In of a decision, the Overview and Scrutiny Committee/panel does not meet within the timescale set out in i above, including any extension of time agreed, or does meet but does not refer the matter back to the decision making person or body/individual or full Council, the decision shall take effect on the date of the Overview and Scrutiny meeting or the expiry of 7 working days from the date of call in the time period in i above.

e. l. If the matter was is referred to full Council an item should be placed on the agenda of the next meeting provided the next scheduled meeting is within 20 clear working days of the decision of the Overview and Scrutiny Committee. If the next scheduled meeting of full Council is more than 20 working days after the decision of the Overview and Scrutiny Committee, the Mayor will decide in consultation with the Leaders of the political parties whether an extraordinary meeting of the Council is expedient.

m. If 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 provisions set out within this paragraph below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision an executive 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 will refer any decision to which it objects back to the decision making person or body/individual, together with the Council’s views on the decision. That decision making body/individual 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 as a whole or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider the decision within 5 working days of the Council request. A decision in such cases shall take immediate effect and shall not be subject to a further call in request.

Call-in and urgency

f. The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent and Call-in has been waived under the procedure in o below.

o. A decision will be urgent and exempt from being called in if any delay likely to be caused by the call in process would seriously prejudice the Council’s or the public’s interests or could lead to an (increased) risk of damage to people or property. 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/individual, the decision is an urgent one, and therefore not subject to call-in. The Head of Paid Service, or his/her nominee, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and exempt from being called in.

p. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency and must follow the procedure set out in Part 15.

g-q. 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.

Operation of “Call-in” within the Council

Decision is taken (by Cabinet, a Cabinet committee, a Cabinet Member or is a key decision taken by an officer under delegated authority)

BOROUGH COUNCIL TO NOTE: FLOWCHART THAT APPEARS HERE TO BE AMENDED SUBJECT TO THE ABOVE BEING AGREED.

NB1. In this instance, “Decision maker” could be full Cabinet, an individual Cabinet Member or an Officer (the latter only if making a Key Decision) or an Area Forum with delegated Cabinet functions.
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NB2. The Council 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 framework.

17. The party whip

When considering any matter in respect of which a member of an Overview and Scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. Procedure at overview and scrutiny committee meetings

a. Overview and Scrutiny committees and panels shall consider the following business:
   1. minutes of the last meeting;
   2. declarations of interest (including whipping declarations);
   3. consideration of any matter referred to the committee for a decision in relation to Call-in of a decision;
   4. responses of the Cabinet to reports of the overview and scrutiny committee; and
   5. the business otherwise set out on the agenda for the meeting.

b. Where the Overview and Scrutiny committee/panel conducts investigations (e.g. with a view to policy development), the committee/panel may also ask people to attend to give evidence at committee meetings, which are to be conducted in accordance with the following principles:
   1. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
   2. that those assisting the committee by giving evidence be treated with respect and courtesy; and
   3. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

c. (c) Following any investigation or review, the committee/panels shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.
d. Deliberation, decisions and findings relating to a Call-In shall take place/be made in public at the meeting.

e. Where the committee is considering a Call-In and where in the opinion of the committee there are exceptional circumstances and it is considered necessary and appropriate, the committee may adjourn the meeting to enable the grounds for Call-In and any oral and/or written representations to be further considered in private. In such a case the committee decision and findings will be made available within 2 clear working days of the meeting. The decision subject to the Call-In may not be implemented until the Committee’s decision is delivered.

19. Matters within the remit of more than one Overview and Scrutiny Panel

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Terms of reference for Overview and Scrutiny Committee and Panels

The Overview and Scrutiny function is common to all panels:

1. To consider and call-in decisions relating to the discharge of executive (cabinet) functions and key decisions made by officers before those are put into effect in accordance with the Overview and Scrutiny Procedure Rules. The Committee and its panels can ask the Cabinet to reconsider any such decision or, exceptionally, refer it to full Council (if the Committee believes it to be contrary to the policy framework/budget or considers it was a Key Decision but not dealt with as such by the Cabinet).

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End