

Appendix 3c

Part Four - Procedure Rules Section E - Call In Procedure Rules

A 'call-in' is the process whereby Councillors who are not members of the Cabinet can request that executive decisions are considered by the Scrutiny Panel.

Scope of the rules

- 1.1 All Councillors have the ability to call-in the majority of "executive decisions", and this is a fundamental aspect of the Council's scrutiny processes. This includes decisions taken by the Elected Mayor and Cabinet, or Officers acting under powers delegated to them.
- 1.2 The power should only be used in exceptional circumstances where the Councillors calling-in the decision have evidence to suggest that:
 - (a) the decision maker did not take the decision in accordance with the principles of decision making, namely
 - proportionality (i.e. the action 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.
 - relevant matters have not been ignored.
 - consideration and evaluation of alternatives and reasons for decisions.
 - due regard to the statutory framework, guidance and Codes of Conduct.
 - (b) the decision maker did not act in accordance with the policy framework.
 - (c) the decision maker did not act in accordance with the Council's budget.
 - (d) the decision maker failed to consider relevant evidence when making the decision.
 - (e) the decision would not be in the interests of the borough's residents and a preferable alternative decision could be adopted.

Requirements for call-in

- 2.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for call-in:
- (a) At least five Councillors who are not members of the Council's executive (one of which will be the named signatory) must request a call-in of the decision. The Councillors requesting the call-in will decide who will be the 'lead requestor'.
 - (b) The request for call-in must specify the reason for the call-in based upon paragraph 1.2 above and provide sufficient detail to enable the decision to be scrutinised.
 - (c) The request for call-in must be received by the Monitoring Officer within 5 working days of the decision being published. The request for Call-In should be submitted electronically to [EMAIL ADDRESS]. The lead requestor must complete and submit the form below and each of the other Councillors supporting the call-in must send an email in support. All emails must be sent from the Councillors' individual Council email addresses.
 - (d) The decision for which call-in is requested must not have been subject to a prior call-in request.

Suspension and publication of the decision

- 3.1 Decisions taken by the Cabinet, a Cabinet Member or an executive decision taken by an officer under delegated powers, will be published within [x] days of the decision being taken.
- 3.2 The decisions will include the date of publication and will specify that it will come into force, and may then be implemented, on the expiration of 5 days after publication unless the decision is called-in.

Assessing the call-in request

- 4.1 Upon receipt of any call-in request, the Monitoring Officer will assess the call-in form and the information supporting the request to decide whether it meets the requirements set out in these Rules.
- 4.2 The Monitoring Officer will have the final say as to whether the request is a valid call-in, with the presumption in favour of it being valid.

- 4.3. The decision will remain suspended until the Monitoring Officer has completed their assessment of the request. If the call-in request is deemed valid, the decision will remain suspended to enable the consideration of the call-in to take place, as detailed below.

Consideration of the call-in

- 5.1 The Monitoring Officer shall notify the Elected Mayor and Cabinet of any call-in that they determine to be valid.
- 5.2 The call-in shall be placed on the agenda for the next meeting of the Scrutiny Panel. However, if there is no meeting of the Scrutiny Panel scheduled to take place within 10 working days of the Monitoring Officer's decision, the Monitoring Officer shall arrange for a special meeting of the Scrutiny Panel to be held as soon as reasonably practicable, taking into account the existing calendar of Council meetings.
- 5.3 A report for the Scrutiny Panel shall be prepared, which shall include a copy of the decision called-in and a copy of the call-in request form.
- 5.4 The Scrutiny Panel will hear from the lead requestor, the Cabinet member within whose portfolio the decision rests and, in the case of a delegated officer decision, the officer who took the decision. The Chair of the Scrutiny Panel has the discretion to enable other persons to be heard at the meeting.

Outcomes of call-in

- 6.1 When considering the call-in, the Scrutiny Panel has the following options:
- a) Uphold the original decision: In this case, the original decision stands and can be implemented.
 - b) Uphold the call-in: In this case, the decision will be referred to either:
 - (i) The original decision maker for reconsideration.
 - (ii) The Cabinet for its consideration (where the original decision was taken by an officer under delegation).
 - (iii) Full Council, if the Scrutiny Panel concludes that the decision was contrary to the Council's Policy Framework or contrary to (or not wholly in accordance with) the approved Budget.

NB: In relation to (i) and (ii) above, the matter may not be called-in a second time.

Protection from call-in

- 7.1 The call-in procedure shall not apply where the decision being taken has been protected from call-in by the Chief Executive. A decision may only be protected if any delay likely to be caused by the call-in process, would seriously prejudice the interests of the Council or the public interest.
- 7.2 The Chair of the Scrutiny Panel must be consulted before any decision to protect is taken. In the absence of the Chair of the Scrutiny Panel, the Speaker is to be consulted.
- 7.3 To allow the protection to take place the Chief Executive must indicate their reasons for the decision to protect, this should be published online alongside the decision in question.
- 7.4 Any protection from call-in decision must be reported to the next meeting of the Full Council, including the rationale.
- 7.5 The operation of the protection provisions shall be monitored annually and a report submitted to Full Council if it is considered that any review of the provisions is necessary

Referral of decisions contrary to the Policy Framework or the Budget

- 8.1 Where the Scrutiny Panel concludes that the decision called-in is, or if made would be, contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget then as indicated above, the decision will be referred to Full Council.
- 8.2 The Monitoring Officer will prepare a report for Full Council, consulting with the s151 Officer in cases where the Scrutiny Panel concludes that the decision is contrary to or not wholly in accordance with the Budget. That report will include the original decision, the call-in request form and the minutes of the Scrutiny Panel. The Monitoring Officer, and s151 Officer as required, will include their findings as to whether the decision is or is not contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget.
- 8.3 The Monitoring Officer's report will be submitted to the next available meeting of Cabinet for their consideration and to determine what action it wishes to take having regard to the Monitoring Officer's findings.
- 8.4 At that meeting the Cabinet must decide upon the action it wishes to take, if any, with regard to the Monitoring Officer's findings and submit its own report to Full Council

8.5 When Full Council considers the Call-In and associated reports on the matter it has the following options:

- a) Endorse that the decision falls within the existing Policy Framework or the Budget. In this case no further action is required, and the decision of the Full Council will be recorded in its minutes and circulated to all Councillors in the normal way.
- b) Amend the existing Policy Framework or the Budget to encompass the decision of the body or individual responsible for that “Executive” function, and agree to the decision with immediate effect. In this case, no further action is required, and that decision of the Full Council will be recorded in its minutes and circulated to all Councillors in the normal way.
- c) Uphold the view that the decision is contrary to a Policy Framework Document or the Budget and choose not to amend policy to accommodate it, requiring the Cabinet to reconsider the matter further in accordance with the advice of the Monitoring Officer.