Part Four, Section H
Call-In Procedure Rules

1. When a key decision is made by the Executive (that is, the Leader, Individual Cabinet Members or the Cabinet) or a committee of the Cabinet, the decision shall be published and shall be available for inspection at the Civic Centre and on the Council's website, normally within 2 working days of being made. The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.

2. The notice of the key decision will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. This does not apply to "urgent" decisions.

3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:

   (a) it is submitted by any five Members of the Council.

   (b) it is received by the Democratic Services Manager by 10am on the fifth day following publication.

   (c) it specifies the decision to which it objects.

   (d) it specifies whether the decision is claimed to be outside the policy or budget framework.

   (e) it gives reasons for the call-in and outlines an alternative course of action.

   (f) it is not made in relation to a decision taken in accordance with the urgency procedures in paragraph 18 below.

4. The Democratic Services Manager will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Cabinet Members including the decision maker and the relevant Chief Officer.

5. A key decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee, unless a meeting of the

Overview and Scrutiny Committee takes place during the 10-day period.

6. If a call-in request is deemed valid, the Democratic Services Manager will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.

7. Unless a key decision is designated "urgent" pursuant to paragraph 18, when it shall be implemented immediately, no action shall be taken to implement the decision until 5 working days have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring Officer has determined the validity of the request.

8. Subject to paragraph 5, when a request for call-in is deemed valid, all action to implement the key decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request.

9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.

10. The Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy / budget framework. If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has three options:

    (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the key decision is implemented immediately.

    (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the key decision before taking a final decision.

    (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.

11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget

framework), any Council meeting must be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.

12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has two options:

    (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.

    (b) The Council may refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the decision before taking a final decision.

13. Once a final decision has been made there is no further right of call-in. This decision or any other key decision having the same effect may not be called-in again for a period of six months following the date at which the final decision was taken.

14. If the Overview and Scrutiny Committee determines that the decision is outside the policy / budget framework, the Committee shall refer the decision to the decision maker and with a request to reconsider it on the grounds that it is incompatible with the policy / budget framework. The decision maker shall have 5 working days in which to reconsider the decision.

15. The decision maker has two options:

    (a) Amend the decision in line with the Overview and Scrutiny Committee's determination, in which case the decision is implemented immediately.

    (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must convene within 10 working days of the reaffirmation of the original decision.

16. When considering a called-in decision where a decision maker fails to amend a decision in line with the Overview and Scrutiny Committee's determination, that it falls outside the policy / budget framework, the Council has two options:

    (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.

    (b) Require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within 5 working days of the Council meeting. The Cabinet's decision is final.

17. Abuse of Call-in

(a) Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Cabinet.

(b) The call-in procedure is to be reviewed annually (see paragraph 18 g), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

18. Call-In and Urgency

(a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.

(b) A key decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.

(c) A key decision which has not been given the requisite publicity for a key decision or a private meeting and which the Chair of Overview and Scrutiny Committee has agreed is ‘urgent and cannot reasonably be deferred’ is not regarded as urgent for the purposes of call-in unless it fulfils the criteria of paragraph (b) above.

(d) If a key decision is urgent and therefore not subject to call-in, this will be stated on the record.

(e) In order for a key decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.

(f) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(g) 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.

19. Call-In and the Forward Plan

(a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Cabinet decisions.

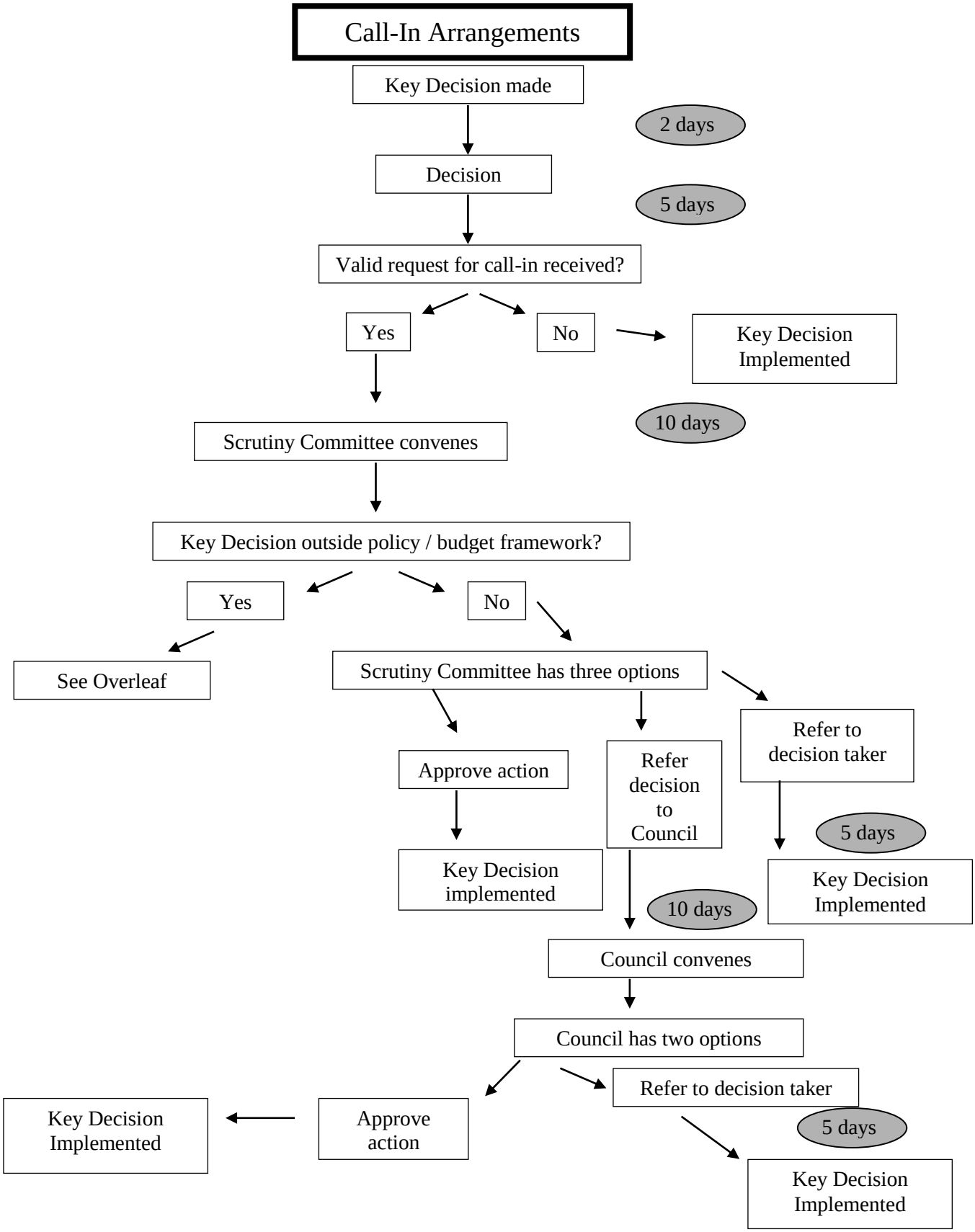
(b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.

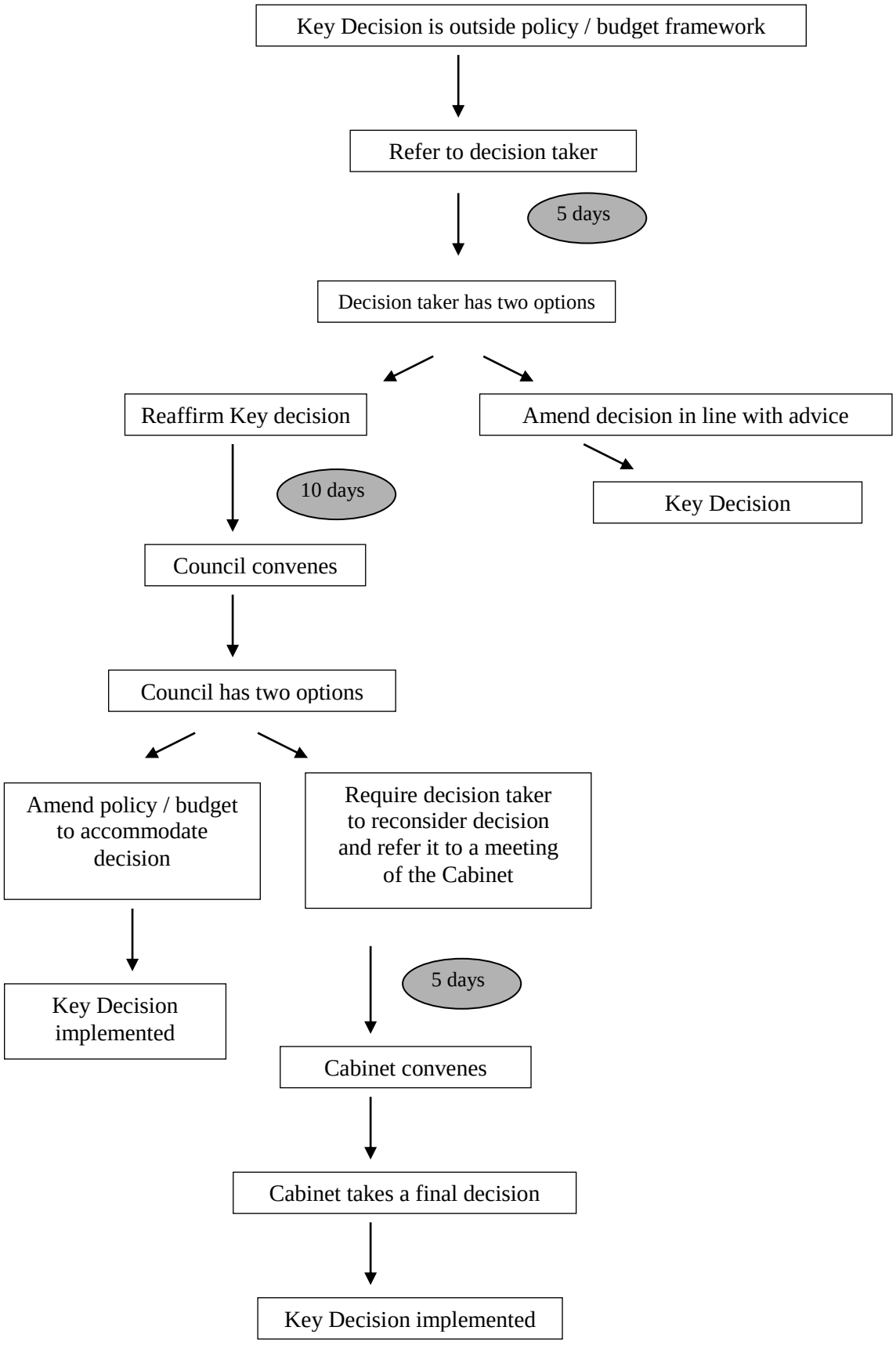
(c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a key decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the Overview and Scrutiny Committee not called it in.

(d) Where the Overview and Scrutiny Committee has called-in a key decision from the Forward Plan before it due date, the decision cannot be called-in again after the final decision has been taken.

20. Monitoring Arrangements

The operation of the provisions relating to call-in and urgency shall be monitored by the Democratic Services Manager, and a report submitted to Council annually with proposals for review if necessary.


Call-In Arrangements
Key Decision made
2 days
Decision
5 days
Valid request for call-in received?
Yes
No
Key Decision Implemented
10 days
Scrutiny Committee convenes
Key Decision outside policy / budget framework?
Yes
No
See Overleaf
Scrutiny Committee has three options
Approve action
Refer decision to Council
Refer to decision taker
5 days
Key Decision implemented
Key Decision Implemented
10 days
Council convenes
Council has two options
Refer to decision taker
Approve action
Key Decision Implemented
5 days
Key Decision Implemented


Key Decision is outside policy / budget framework
Refer to decision taker
5 days
Decision taker has two options
Reaffirm Key decision
Amend decision in line with advice
10 days
Key Decision
Council convenes
Council has two options
Amend policy / budget to accommodate decision
Require decision taker to reconsider decision and refer it to a meeting of the Cabinet
Key Decision implemented
5 days
Cabinet convenes
Cabinet takes a final decision
Key Decision implemented