

APPENDIX 3

[the words recommended for deletion are struck through and the words recommended for addition or insertion are shown in italics and underlined]

Part 1.3

Call-in Procedure Rules

1. When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Civic Centre 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 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 Proper Officer by 10 a.m. 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 ~~section~~ *paragraph* 18 below.

4. The Proper Officer 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 Executive Members including the decision taker and the relevant Chief Officer.
5. A 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's ~~receipt of a call-in request~~, unless a meeting of the Overview and Scrutiny Committee takes place during the 10-day period.
6. If a call-in request ~~claims that a decision is contrary to the policy or budget framework,~~ is deemed valid, the Proper Officer 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 decision is designated "urgent" pursuant to section 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 ~~valid~~ request for call-in is ~~received,~~ deemed valid, all action to implement the 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. ~~If a~~ The Committee shall consider any report of the Monitoring Officer / Chief Financial Officer ~~confirms that~~ as to whether a called-in decision is ~~within~~ inside or outside the policy / budget framework. ~~or if there is no such report, or if~~ The Overview and Scrutiny Committee is of the view that ~~shall have regard to that report and any advice but Members shall determine whether~~ the

decision is ~~within~~ inside or outside the policy / budget framework. ~~regardless of any advice to the contrary, If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has four~~ three options:

~~(a) The Overview and Scrutiny Committee may fail to take any action, in which case the decision is implemented at the expiry of the 10-day period from the Chair of the Overview and Scrutiny Committee's receipt of a valid request for call-in.~~

- (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the decision is implemented immediately.
- (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision taker, in which case the decision taker **has 5 working days** to reconsider the 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 ~~three~~ two options:

~~(a) The Council may fail to take any action, in which case the decision is implemented immediately.~~

- (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 taker, in which case the decision taker **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 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 a report of the Monitoring Officer / Chief Financial Officer confirms the Overview and Scrutiny Committee determines~~ that the decision is outside the policy / budget framework, the ~~Overview and Scrutiny Committee~~ shall refer the decision to the decision taker and ~~ask the decision taker~~ with a request to reconsider ~~the decision~~ it on the grounds that it is incompatible with the policy / budget framework. The decision taker **shall have 5 working days** in which to reconsider the decision.
15. **The decision taker has two options:**
 - (a) Amend the decision in line with the Overview and Scrutiny Committee's determination ~~Monitoring Officer's / Chief Financial Officer's advice~~, 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 taker fails to amend a decision in line with the Overview and Scrutiny Committee's determination ~~Monitoring Officer's / Chief Financial Officer's advice~~, 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 taker to reconsider the decision again and refer it to a meeting of the Executive to be held within **5 working days** of the Council meeting. The Executive's decision is final.
17. **Abuse of Call-in**
 - (a) Members are expect to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Executive.
 - (b) The call-in procedure is to be reviewed annually (see ~~section~~ paragraph 18 f), 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 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) If a decision is urgent and therefore not subject to call-in in, this will be stated on the record.
- (d) In order for a 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 ~~Vice Chair of the Overview and Scrutiny Committee~~ the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.
- (e) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (f) 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 Executive 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 decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a 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 decision from the Forward Plan before its 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 proper officer, and a report submitted to Council annually with proposals for review if necessary.







