

Call-in should only be used in exceptional circumstances. 'Exceptional circumstances' are where Members of the Overview and Scrutiny Committee have evidence which suggests that the decision in question will not be, or has not been made, in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Cabinet or a Committee of the Cabinet, or a Key Decision is made by an Officer with delegated authority from the Cabinet, or an Area Forum/Committee or under joint arrangements, the decision shall be published, by electronic means and shall be available on the Council website and at the main Offices of the Council normally within 2 days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published 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 there are objections to it and it is Called in.
- (c) During that period, the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in writing or by e-mail from a known or recognised source, by exactly 5 non-Cabinet Councillors, not all of the same political group, of which two must be members of the Overview and Scrutiny Committee and shall then notify the decision-maker of the Call-in. This can be a collective notification from two or more Councillors of the same political group. The decision shall be considered by the Overview and Scrutiny Committee within 10 days of the decision to Call-in, and, if necessary, this may be dealt with as an item of urgent business at a scheduled meeting of the Overview and Scrutiny Committee within that period.
- (c) If following a request to Call-in, the Overview and Scrutiny Committee does not meet within 10 working days, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of the 10 day period, whichever is the earlier.
- (d) If, having considered the decision, a majority of the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for further consideration, setting out in writing the nature of its concerns, or refer the matter to Council.
- (e) In the case of Individual Cabinet Member and officer delegated decisions these will be referred to full Cabinet for reconsideration.
- (f) If the matter is referred by the Overview and Scrutiny Committee to Council and 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 provision in paragraph (h) below. However, if the Council does object, it 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. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. In the case of Individual Cabinet Member and officer delegated decisions these will be referred to full Cabinet for reconsideration. Cabinet shall then choose whether to amend the decision or not before reaching a final decision and implementing it. The matter will be re-considered no later than the next scheduled meeting of the Cabinet after the referral from Council. Following the re-consideration of the decision, the outcome must be publicised within 2 days and can be implemented with immediate effect.

- (g) If the Council does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting at which the Overview and Scrutiny Committee referral was considered.
- (h) The only exception to these Call-in arrangements is that contained in Rule 17 below.

## **17. Call-in and Urgency**

- (a) The Call-in procedure, set out above, shall not apply where the decision being taken 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 Overview and Scrutiny Committee must be consulted and the Chief Executive 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, the Vice-Chairman shall be consulted and in their absence the Mayor. In the absence of all three, the Deputy Mayor, or in their absence, the Chief Executive's consent shall suffice. 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 improvement if necessary.

## **18. Call-in Procedure**

In considering a Call-in decision the following procedure will be followed:

- The Councillors who have made the Call-in request (who shall be seated together) will outline the reasons for the Call-in;
- The relevant decision-maker(s), with support from the appropriate officer(s) (who shall be seated together), will outline the reasons for their decision and the issues that they took into account;
- Councillors who are signatories to the Call-in request will have the opportunity to question the decision-maker;
- Other Members of the Overview and Scrutiny Committee will have the opportunity to question the decision-maker;
- At the discretion of the Chairman, other Members present may have the opportunity to question the decision-maker;
- Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the Call-in signatories to reflect on the evidence received and to consider any recommendations they wish the Committee to consider.
- The meeting then moves to forming a decision in accordance with the Council Procedure Rules.