

PROPOSED CONSTITUTION TEXT

(e) Overview and Scrutiny Procedure Rules

15. Call-in of Executive and Other decisions

- (a) Details of the decisions taken at meetings of the Executive or a Committee of the Executive, and any decisions taken by individual portfolio holders or “key” decisions taken by officers will normally be published by 5pm on the next working day after they have been made. This decision notice will be made publicly available and all Members of the Council will receive notification (normally by e-mail) of the decisions taken.
- (b) The notice will specify that the decision will come into force and take effect at noon on the third working day following publication of the decision, unless it is called-in.
- (c) The Chief Executive shall call in a decision for scrutiny if so requested in writing, by e-mail or by text from a known or recognised source by any 6 non-executive members of the Council within the specified timescale.

However if at any point during a municipal year the total number of opposition councillors is 6 or less the total number of non-executive members required to call in a decision shall be the total number of opposition Councillors less two. This reduced number will apply to any Call-in, regardless of the political affiliation of the members concerned.

In all cases the request for Call-in must set out the reasons for the request.

On receipt of a Call-in request, the Chief Executive shall call-in the decision and notify the decision taker and Chairman of the Overview and Scrutiny Committee of the Call-in.

- (d) The Overview and Scrutiny Committee must consider the decision within 10 days of the decision to Call-in, and if necessary, it may be dealt with as an item of urgent business at a scheduled meeting of the Overview and Scrutiny Committee within that period. If the Overview and Scrutiny Committee does not meet within 10 days and consider the matter the decision shall take effect on the expiry of that period.
- (e) The Overview and Scrutiny Committee upon hearing a Call-in may decide to let the decision stand, refer the decision back to the decision maker for reconsideration or exceptionally refer the decision to Council if it is of the view that the decision is contrary to the Council or policy framework, or not wholly consistent with the budget.
- (f) If the Overview and Scrutiny Committee refer a decision back to the decision maker for reconsideration they must set out in writing the reasons for their concerns and their preferred course of action.
- (g) Reconsideration by the decision maker shall take place at the next scheduled meeting of the Executive or a Committee of the Executive. In the case of decisions taken by individual portfolio holders the date of reconsideration will be set by the relevant portfolio holder in consultation with the Chief Executive and Leader of the Council. In the case of delegated decisions taken by officers, the decision shall be referred back to the portfolio holder in the first instance for reconsideration. Portfolio holders have the option of forwarding

any decision referred to them to the full Executive for reconsideration.

- (h) If on reconsideration by the decision maker the original decision is upheld or the recommendations of the Overview and Scrutiny Committee are accepted then the decision shall take effect immediately and shall not be subject to a further Call-in period.
- (i) If for any reason either Overview and Scrutiny or the decision maker fails to meet and carry out their obligations under this process or in the event of any situation not foreseen in this procedure the issue will be referred to Council for the process to be resolved. Implementation of the decision will be postponed until Council has determined how it shall be resolved.
- (j) If the Overview and Scrutiny Committee decide not to refer a decision back to the decision maker or to Council, the decision shall take effect immediately at the conclusion of the meeting at which the Call-in has been considered.
- (k) If the Overview and Scrutiny Committee is considering a called-in matter where the decision taker is recommending to the Council it may formulate alternative proposals for the Council to consider.
- (l) A request to Call-in a decision may only be nullified by agreement of all the Call-in signatories.

In the case of a Called-in decision being referred Council If the Council decide that the called-in decision was contrary to the policy framework or not wholly consistent with the budget it shall decide on the issue in question.

If the Council decide that the called-in decision was not contrary to the policy framework or consistent with the budget then no further action is necessary and the decision will take effect on the date of the Council meeting.

- (m) The call-in procedure is not intended to be used to challenge decisions as a matter of course, and should not be abused in order, for example, simply to cause delay in implementing decisions.

16. Call-in and Urgency

The call-in procedures set out above shall not apply where the decision being taken by the Executive, individual portfolio holder, Committee or Sub-Committee is urgent. A decision is urgent if any delay is likely seriously to prejudice the Council's or the public's interest. The record of the decision and the 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. In all cases, the Chief Executive must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and if agreed, shall circulate the decision electronically to members of Executive and Overview and Scrutiny.

The Chief Executive shall then ask the Chairman of the Overview and Scrutiny Committee to agree to Call-in being waived. In the absence of the Chairman, the Vice-Chairman's consent shall be required, and in the absence of the Vice-Chairman, the Chairman of Council.

17. Call-in Protocol at Overview and Scrutiny Committee

In considering a Call-in decision the Overview and Scrutiny Committee will follow this protocol:

Before Receipt of Call-in

Overview and scrutiny support officers will work with the Call-in signatories to

complete the reasons for Call-in. Completed reasons for Call-in will be received by Chief Executive, who will then consider whether to Call-in the decision.

After Receipt of Call-in and before the meeting

The Chief Executive will confirm the validity of the Call-in and advise all Councillors and Corporate Management Team members of the Call-in request. The Chief Executive will determine which portfolio holder or decision taking officer should attend the Call-in, which officer should accompany them and which officer they appoint to advise the Overview and Scrutiny Committee on the Call-in.

Overview and scrutiny support officers will meet with the Call-in signatories, to clarify the procedure, consider how they will present the Call-in and prevent duplication. Overview and scrutiny support officers will brief the Chairman on the Call-in.

Documents

The agenda will contain:

- This Call In Protocol
- The Call-in request
- The Portfolio Holder decision statement or minutes*
- The original report(s) upon which the decision was made

* (In the case that either the minutes or report are exempt a public summary of information will be provided as far as is possible).

Any other document that the Chief Executive, Portfolio Holder or Call-in signatories feel would assist the Committee in considering the Call-in.

At the start of the meeting

The Chairman will outline the procedure for the meeting, setting the tone and approach that will be taken.

The meeting

1. The spokesperson(s) for the Councillors who have made the Call-in request (who shall be seated together) should outline the reasons for the Call-in. Each speaker will be time limited to 5 minutes.
2. The relevant Portfolio Holder or decision taking officer explains the rationale for the decision and may be supported by officers and the Leader of the Council as appropriate. They shall also be seated together. Each speaker will be time limited to 5 minutes.
3. Councillors who have made the Call-in request have the opportunity to question the Portfolio Holder or decision taking officer.
4. Other members of the Overview and Scrutiny Committee have the opportunity to question the Portfolio Holder or decision taking officer.
5. At the discretion of the Chairman, other members present may have the opportunity to question the Portfolio Holder or decision taking officer or make a brief statement.
6. At the discretion of the Chairman, anyone else present may have the opportunity to make a statement (limited to 5 minutes) on the issue.
7. The Portfolio Holder or decision taking officer will have a right of reply to any brief statement made on the issue.
8. 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 proposals they wish the Committee to consider.

9. The Overview and Scrutiny Committee will debate on the issue, only members of the Committee and the officer appointed by the Chief Executive to advise the Overview and Scrutiny Committee on the Call-in may speak.
10. If there is no proposal the Chairman or another member may propose a motion which can be voted on in the normal way.

Options available to the Overview and Scrutiny Committee

There are only three options available to the Overview and Scrutiny Committee when they are considering a call in:

- Let the decision stand
- Refer the decision back to the decision taker, stating their concerns and the decision that the Committee wish the decision taker to make.
- Refer the decision to full Council if the decision is contrary to the policy framework or contrary to or not wholly consistent with the budget.

Additionally the Overview and Scrutiny Committee may make other recommendations as a result of the Call-in to relevant bodies, which shall be considered after a decision has been reached on the Call-in.