

CALL - IN SCRUTINY PROCEDURE RULES

Overview

All of the rules and procedures relating to call-in seek to recognize that in a Committee System every non-delegated decision is taken in a politically balanced committee, where all councillors who are members of that committee have the opportunity to question and debate the issues in hand in a public forum and participate in the decision-making process.

Call-in procedures and practices should recognise this, and the procedures set out here intend to allow decisions to be swiftly implemented.

Call-in is intended to be used only in exceptional circumstances, the procedure being seen as a last resort through which councillors may request scrutiny of a decision they believe to be contrary to the authority's decision-making principles, Corporate Plan, Council Policy or legal requirements. The process cannot be used simply because members disagree with a decision that has been taken.

Key Principles

Decisions taken by a committee, sub-committee or an officer key decision may be called-in for review by a meeting of the Administrative Committee in accordance with the following procedures:

1. Call-in should only be used where the members exercising this right can demonstrate the following exceptional circumstances:
 - a. Evidence which suggests that the decision maker, did not take the decision in accordance with the principles set out in Article 11 (Decision Making); or
 - b. Evidence that the decision fails to support one or more of the Council's Corporate Plan priorities to the detriment of the majority of the Borough's residents; or
 - c. Evidence that explicit Council Policy or legal requirements were disregarded.
2. The request for call-in must be on standard pro-forma (appended), specifying the reasons for the call-in as described in 1. above and:
 - a. be signed by at least three members from two or more political groups, subject to 3. below, and must be received by the Chief Executive before 5pm three working days after publication of the decision, or

- b. be signed by a non-aligned member, with the support of two other members from one or more political groups subject to 3. Below.
3. In the case of 2a) and 2b) above, the members exercising the right of call-in must not be members of the committee which considered the matter.
4. Decisions taken by a Service Committee or Sub-Committee or a key decision taken by an officer must not be implemented until at least 5pm three working days after the publication of the decision.
5. Once the request for 'call-in has been deemed valid by the Monitoring Officer the decision will be suspended until this procedure has been exhausted
6. The Chief Executive, in consultation with the relevant officer, will determine if the interests of the Council or Borough would be prejudiced by a delay in implementing a decision such that the call-in cannot wait until its next ordinary meeting.
7. Where the call-in cannot wait until the next ordinary meeting, the Monitoring Officer will arrange an extraordinary meeting of the Administrative Committee to review the decision subject to call-in at the earliest possible opportunity.
8. Where the call-in relates to a decision taken by the Administrative Committee, the decision will be referred to the next ordinary meeting of the Council for review and final decision.
9. The right to call-in such matters described in section 4. does not apply to:
 - (a) An item which has been identified on the written agenda as urgent business,
 - (b) An urgent decision taken by the Chief Executive in accordance with Part 3(a) of the Constitution,

The need and reasons for urgency must be included in the report to the Committee or as part of the officer decision record.
 - (c) Decisions to award a contract following a lawful procurement process
10. The right to call-in a matter will also not apply to decisions:
 - reserved to full Council
 - on regulatory matters
 - on member conduct issues.
11. In exceptional cases, where there is clear evidence that a delay to the implementation of a decision would lead to a specific and significant financial or reputational harm to the Council, a call-in request may be refused by the Chief Executive following consultation with the Chair and Vice-Chair of Administrative Committee.

12. A request under 2. above can be withdrawn prior to the Administrative Committee meeting, through written notice by the 3 or more members who made the call-in request initially.

Procedure for dealing with Call-in Scrutiny at Administrative Committee Meetings

13. The Committee will consider the matter by report, advice and debate in the usual manner.
14. The members requesting the call-in shall be called upon to explain their reasons for the request.
15. Having considered the matter, the Administration Committee may either uphold the decision or refer the matter back to the Service Committee or Sub-Committee, with any comments and recommendations it wishes to make.
16. The matter will be reconsidered at the next ordinary meeting of the Service Committee or Sub-Committee, unless the matter is sufficiently urgent to require an extraordinary meeting.
17. The right to call-in a decision may only be exercised once in respect of the same matter.