

## **CALL IN PROCEDURE RULES**

### **1. What is a Key Decision?**

1.1 A Key Decision is an [executive decision](#) likely to result in the Council;

- Incurring expenditure of £50,000 or more, or;
- Making savings or generate income of £50,000 or more, and/or
- Has a significant impact on two or more wards in the Borough and on communities living or working in those areas.

### **2. Who can make a Key Decision?**

2.1 A Key Decision can be made by the Cabinet, a Cabinet Member or Officer in line with any delegation within the Constitution and must be made in accordance with the Access to Information Rules.

### **3. What happens once a Key Decision has been made?**

3.1 When a [Key Decision](#) is made the decision shall be published within two working days of being made.

3.2 Copies of the notice of decision shall be published;

- In hard copy (upon request) at the main offices of the Council.
- By email which will be provided to all members.
- On the website.

3.3 All Key Decisions will come into effect three working days (not including the date of publishing) after a decision has been published. The last date for call in will be included on the decision.

### **4. What is call in?**

4.1 The Scrutiny Committee can “call in” a Key Decision of the where they believe that the [decision making principles](#) have been breached and the decision should be not implemented before their input is considered.

4.2 The Scrutiny Committee can also “call in” a decision where the Scrutiny Committee is of the opinion that a Cabinet decision is or, if made, would be contrary to the [Budget and Policy Framework](#), or contrary to or not wholly in accordance with the Council’s budget or should have been a Key Decision.

### **5. How can scrutiny members call in a Key Decision?**

5.1 The call-in request shall be on a completed [call-in request form](#) and include the names and signatures of six members excluding Cabinet Members, the decision making principles it is believed have been breached and also the reasons for this.

5.2 The decision making principles are:

- Proportionality (the decision must be proportionate to the desired outcome)
- Due consultation; the taking of professional advice from officers
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Options/implications are considered and reasons for the decision given
- Consideration of all relevant factors
- Decision is in the best interests of the Borough as a whole
- Legislative requirements to be met

## **6. When will call in not be allowed?**

6.1 Upon receipt of the [call-in form](#) the Monitoring Officer will consider the request to ensure the correct information has been submitted. The Monitoring Officer may reject it if:

- It relates to a non-executive decision or is a decision where a statutory appeal is available
- Insufficient information has been provided
- It is vexatious, malicious or politically motivated
- It contains insufficient evidence as to how the decision-making principles have been breached
- The decision has been previously called in
- The reasons given have been addressed in a previous call-in
- The decision was not a Key Decision

6.2 Reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call-in request prior to the closure of the five working day call-in period.

## **7. What happens when a valid call in is approved?**

7.1 The Cabinet and relevant Council officers will be notified of the call-in request.

7.2 The Proper Officer will call a meeting of the Scrutiny Committee. The Scrutiny Committee must meet to consider the call-in as soon as reasonably practicable and at the latest within 10 working days of the receipt of the call-in notice unless there is an administrative reason. If the meeting does not take place in this period then the decision may be implemented.

7.3 Special meetings of the Scrutiny Committee will be called if necessary to consider call-ins in this period. The lead signatory, being the first named member on the call-in, will be invited to present the call-in, outline the reasons for the request and answer questions from the Committee. Only Scrutiny Committee Members will be entitled to vote.

- 7.4 The relevant Portfolio Holder/decision-making officer will also be entitled to attend the meeting and be invited to address the Scrutiny Committee and provide advice and answer questions from the Committee.
- 7.5 If, having considered the decision, the Scrutiny Committee is still concerned about it, they may resolve to refer the matter back to the decision-maker (Cabinet or delegated authority) setting out recommendations. The Cabinet shall reconsider it at their next meeting (or a special meeting if necessary). They have two options;
- Amend the decision
  - Not amend the decision
- 7.6 If the Scrutiny Committee makes a resolution not to refer the decision back to the decision-maker, the original decision shall be implemented the next working day after the date of the Scrutiny Committee.
- 7.7 If the Scrutiny Committee concludes that the decision is outside the Budget and Policy Framework then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is outside the Framework and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter.
- 7.8 If the Scrutiny Committee concludes that the decision should have been a Key Decision then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is considered to be Key Decision and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter. If the matter is referred to Council and the Council does not object to a decision that has been made then the decision may be implemented the next working day after the date of the Council meeting.

## **8. Does call in apply to Urgent Key Decisions?**

- 8.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. Any urgent decisions shall be taken in accordance with the Access to Information Rules.

## **9. Call in of Decisions which Scrutiny consider should have been a Key Decision**

- 9.1 Where the Scrutiny Committee is of the opinion that a Cabinet decision should have been a Key Decision and the Key Decision procedure has not been complied with it shall seek advice from the Chief Executive Officer, the Monitoring Officer and the Chief Finance Officer.

9.2 The Officers' shall provide a report to the Cabinet and send a copy to every Member of the Council. The Cabinet must meet to decide what action to take in respect of the Officers' report and either

- prepare a report to Council if the Officers conclude that the decision should have been a Key Decision. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the relevant Scrutiny Committee.
- prepare a report to the Scrutiny Committee if the officers conclude that the decision was not a Key Decision.

9.3 The Council may either:

- Endorse a decision that the decision was not a Key Decision. In this case no further action is required
- Where the Council accepts that the decision should have been a Key Decision require the Cabinet to reconsider the matter in accordance with the advice of the three officers and the Access to Information Rules.

## **10. Call in of Decisions which may be outside of the Budget and Policy Framework**

10.1 Where the Scrutiny Committee is of the opinion that a Cabinet decision is or, if made, would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Council's budget then it shall seek advice from the Chief Executive Officer, the Monitoring Officer and the Chief Finance Officer.

10.2 In respect of functions, which are the responsibility of the Cabinet, the Officers' shall provide a report to the Cabinet and send a copy to every Member of the Council.

10.3 The Cabinet must meet to decide what action to take in respect of the Officers' report and

- prepare a report to Council if the Officers conclude that the decision was a departure from the Budget and Policy Framework. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the relevant Scrutiny Committee.
- prepare a report to the Scrutiny Committee if the officers conclude that the decision was not a departure from the Budget and Policy Framework or

10.4 At the meeting it will receive a report of the decision or proposals and the advice of the officers. The Council may either:

- Endorse a decision or proposal of the Cabinet as falling within the existing Budget and Policy Framework. In this case no further action is required
- Amend the Council's Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required.
- Where the Council accept that the decision or proposal is contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the three officers.

## **11. Annual Review**

- 11.1 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposal for review if necessary.