

CHAPTER 3 – 2 - CALL IN PROCEDURE RULES

These Rules set out what decisions are defined as ‘Key Decisions’ taken under ‘Executive powers’ and are subject to greater transparency and how Scrutiny Committee can formally review those decisions.

1.0 What is a Key Decision?

- 1.1 A Key Decision is an Cabinet decision which is 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.

2.0 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 given by the Leader of the Council within the Cabinet Scheme of Delegation and must be made in accordance with the Access to Information Procedure Rules.

3.0 What happens once a Key Decision has been made?

- 3.1 When a Key Decision is made the Decision Notice shall be published within two clear 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 Notice.

4.0 What is call in?

- 4.1 The Scrutiny Committee can “call in” a Key Decision where they believe that the decision making principles have been breached and the decision should not be 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 the Council’s budget or should have been a Key Decision.

5.0 How can Scrutiny Members call in a Key Decision?

5.1 The call-in request shall be on a completed call-in request form (appendix 1) 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 which apply to all decision makers are;
Decision makers will:

- take into account all relevant considerations
- undertake a realistic evaluation of alternatives and options
- carry out consultation (where appropriate)
- take decisions which are proportionate to the desired outcome
- consider relevant professional advice
- ensure best value
- open and transparent (wherever possible)
- consider the rules of Natural Justice
- Comply with all legislation including the Humans Rights Act 1998 and the European Convention on Human Rights

6.0 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 call-in period.

7.0 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 why it cannot be called. 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/Chief 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 immediately following the conclusion of the meeting.
- 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 Statutory Officers 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 procedure in paragraph 9.0 shall be followed.
- 8.0 **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 Procedure Rules.
- 9.0 **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.

If Cabinet conclude that the decision should have been a Key Decision the Cabinet shall reconsider the matter in accordance with the advice of the three officers and the Access to Information Procedure Rules.

If the Cabinet do not believe that the decision was a Key Decision then they shall prepare a report to Council. The Council shall meet within 10 days of the request by the Scrutiny Committee.

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 Cabinet to reconsider the matter in accordance with the advice of the three Officers and the Access to Information Procedure Rules.

10.0 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 The Statutory 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.

If Cabinet conclude that the decision is contrary to the Budget and Policy Framework the matter shall be referred to Council as the proper decision making body.

If the Cabinet do not believe that the decision was contrary to the Budget and Policy Framework then they shall prepare a report to Council. The Council shall meet within 21 days of the request by the relevant Scrutiny Committee.

10.3 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 Statutory Officers.

11.0 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.

MELTON BOROUGH COUNCIL - CALL-IN REQUEST FORM

This form must be completed and signed by at least six members (excluding Cabinet Members) and must be received by the Monitoring Officer (copied to the Chief Executive) within three working days (not including the date of publication) after a decision has been published.

DECISION TAKER	
DATE OF PUBLICATION OF DECISION	
TITLE OF DECISION CALLED-IN	
DATE DECISION CALLED-IN	

	REASON(S) FOR CALL-IN:	TICK <input type="checkbox"/>
1.	Decision contrary to Policy Framework	
2.	Decision contrary or not wholly consistent with the budget	
3.	Decision is Key but has not been dealt with as a Key Decision	
4.	Decision is not consistent with the Council's Decision Making Principles set out at Chapter 3, Part 2, Paragraph 5.2 of the Constitution – see below (Tick all that apply)	
	a) Take into account all relevant considerations	
	b) Undertake a realistic evaluation of alternatives and options	
	c) Carry out consultation (where appropriate)	
	d) Decisions which are proportionate to the desired outcome	
	e) Consider relevant professional advice	
	f) Ensure best value	
	g) Open and transparent (wherever possible)	
	h) Consideration of the rules of Natural Justice	
	i) Compliant with all legislation including the Humans Rights Act 1998 and the European Convention on Human Rights	

EVIDENCE/DETAILS WHICH SUPPORT THE REASONS FOR CALL-IN INDICATED ABOVE:

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MEMBER	SIGNATURE	DATE
1.		
2.		
3.		
4.		
5.		
6.		

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor's email account (no signature required) to the Monitoring Officer c/o democracy@melton.gov.uk .
- **OR** as a signed paper copy to the Monitoring Officer c/o Democratic Services, Melton Borough Council, Parkside, Station Approach, Burton Street, Melton Mowbray, Leics, LE13 1GH.