

s35. Calling-In of decisions

(1) All decisions of:

- (i) the Cabinet;
- (ii) an individual member of the Cabinet; or
- (iii) a committee of the Cabinet; and
- (iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

(2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).

(3)

- (i) During that period, the Chief Executive shall Call-In a decision for scrutiny by the responsible Overview and Scrutiny Committee in which the matter relates if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory by the Call-In deadline. When a Call-In is requested, the Chief Executive shall liaise with the Member listed first on the Call-In schedule to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the Call-In should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a special meeting of one of the Overview and Scrutiny Committees, designated through consultation with the Chairs of the committees, on such date as he/she may determine, where possible and in any case within 15 working days of the decision to Call-In.
- (ii) The relevant Chief Officer and all members will be notified of a Call-In immediately and no action will be taken to implement the decision until the Call-In procedure has been completed. A decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may be called in only once.
- (iii) The meeting of the committee to consider the Call-In shall be quorate if four (4) or more members are in attendance.

- (iv) The meeting of the Overview and Scrutiny Committee shall commence at 4:00pm unless otherwise agreed by the Chairperson.
 - (v) Should a committee meeting be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new committee meeting convened within 7 working days.
- (4) Having considered the decision, the Overview and Scrutiny Committee may:-
 - (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
 - (ii) refer the matter to full Council. Such a referral should only be made where the Overview and Scrutiny Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.
- (6) If following a Call-In, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting. If the Overview and Scrutiny does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise 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. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- (9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.

(10) Call-In and urgency

- (a) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet 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 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. 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. 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 review if necessary.

- (11) Call-In shall be consistent with the Scrutiny Call-In Guidelines. The Scrutiny Call-In Guidelines shall be amended / approved by Overview and Scrutiny Committee Chairs as required.

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