

20. **Call-in**

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the proper officer.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the relevant overview and scrutiny committee objects to it and calls it in. **The deadline for submitting a call-in request is by 4pm on the fifth working day after the decision and minutes of the meeting are published.** Guidance on the relevant committee will be sought from the Proper Officer.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by three members of the committee provided that the reasons for the call-in are clearly set out and, in the view of the Monitoring Officer, comply with these procedures and meet the requirements of paragraph 19 (b) above. He/she shall then notify the decision-taker of the call-in. The Committee will consider the call-in at a meeting which shall take place within 10 working days of the decision to call the matter in.
- (d) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. On receipt of the response from the scrutiny committee the decision making person or body may decide to proceed with the original decision or make an amended decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus

to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, 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.

- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) Where an executive decision has been taken by an area committee then the right of call-in shall extend to any other area committee which resolves to refer a decision which has been made but not implemented to a relevant overview and scrutiny committee for consideration in accordance with these provisions. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.

Call-in and urgency

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 interests. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency, on advice from the Monitoring Officer. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive's or the Deputy Chief Executive's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

21. The party whip

A party whip may be imposed, but when considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

22. Procedure at overview and scrutiny committee meetings

CONSTITUTION – PART 4 – RULES OF PROCEDURE

- (a) Overview and scrutiny committees and sub-committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest;
 - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - iv) responses of the Cabinet to reports of the overview and scrutiny committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

23. **Matters within the remit of more than one overview and scrutiny committee**

Where a matter for consideration by an overview and scrutiny committee also falls within the remit of one or more other overview and scrutiny committees, the decision as to which overview and scrutiny committee will consider it will be resolved at a meeting of the Chairs and Vice Chairs of the Audit Committee and Scrutiny Committees (see paragraph 7 above).