

Call-In Procedure and Call-In Sub-Committee Rules

Rules

- The Committee Procedure Rules, Access to Information Procedure Rules and these Call-In Procedure and Call-In Sub-Committee Rules shall apply as applicable to the Call-In of a Key Decision, and any decision of Cabinet or individual Members of Cabinet and a hearing of the Call-In Sub-Committee of the PPI Committee.
- Where the Committee Procedure Rules [and / or the Access to Information Procedure Rules] conflict with these Rules as they apply to a hearing of the Call-In Sub-Committee the [Committee Procedure Rules] [and / or Access to Information Procedure Rules] [these Rules] shall take precedence.

1. Introduction

- 1.1 This “Call-In” procedure is the procedure through which a decision made by the Cabinet, any Committee of Cabinet, or an individual Cabinet Member or a Key Decisions by an Officer under delegated authority may be formally reviewed and scrutinised by a Call-In Sub-Committee of the PPI Committee and either referred back to the Cabinet or decision-maker for reconsideration or referred by the Call-In Sub-Committee to Council for review or scrutiny.
- 1.2 A decision may only be Called-In once and a decision may not be Called-In where the substance of the decision has already been subject to scrutiny by the PPI Committee or a Call-In Sub-Committee unless there have been substantial changes to the decision or where the Section 151 Officer has certified that the delay in the implementation of a decision will result in significant additional cost to the Council.
- 1.3 The Call-In of a decision must be submitted and determined in accordance with these Rules.
- 1.4 The Call-In of a decision must be submitted within three working days of the publication of the decision.

2. Decision Making Principles

- 2.1 The below principles must be applied in respect of all decisions, and decision-makers will:-

- 2.1.1 be open and transparent;
- 2.1.2 act within their authority;
- 2.1.3 take into account all relevant considerations and ignore irrelevant considerations;
- 2.1.4 evaluate alternative options;
- 2.1.5 undertake consultation as required or as may be appropriate;
- 2.1.6 make decisions which are reasonable and proportionate to the desired outcome;
- 2.4.7 obtain and consider professional advice as may be required or appropriate;
- 2.4.8 ensure best value;
- 2.4.9 have regard to the Council's Constitution and relevant policies, rules and procedures;
- 2.4.10 have regard to the rules of natural justice;
- 2.4.11 comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty.

3. Who Can Request a Call-In?

- 3.1 The Call-In of a decision can be requested by five elected Members of the Council signing a completed Call-In Notice (appendix 1) and submitting it to the Monitoring Officer.

4. Grounds for Call-In

- 4.1 The Call-In of a decision must be made on at least one of the following grounds:-
 - 4.1.1 The decision has not been made in accordance with the Council's, decision-making principles;
 - 4.1.2 The decision is outside of the Council's approved Budget or Policy Framework;
 - 4.1.3 The decision is outside of the powers of the Council;
 - 4.1.4 The decision is unlawful;

- 4.1.5 The decision is not in the public interest (it does not benefit, or disadvantages, the welfare or wellbeing of communities living or working in two or more Wards).
- 4.2 [In considering the grounds for Call-In regard should be had to the decision-making principles at Rule 2 above and their relevance to the grounds on which a decision is being Called-In.]

5. Determining the Validity of a Call-In Notice

- 5.1 The Monitoring Officer, in consultation with the Section 151 Officer and / or the Head of Paid Service as appropriate shall determine the validity of a Call-In Notice. A Call-In Notice will not be valid where:-
- 5.1.1 The Call-In Notice does not provide sufficient information and / or has not been correctly completed, signed (electronic signature is accepted) and submitted to the Monitoring Officer within 3 working days of the publication of the decision;
- 5.1.2 The Call-In Notice does not identify the decision being Called-In;
- 5.1.3 The Call-In Notice does not specify at least one of the grounds detailed above at Rule 4;
- 5.1.4 The decision has been taken as a matter of urgency in accordance with the Council's procedure for urgent decisions;
- 5.1.5 The Call-In of the decision would seriously prejudice the legal or financial position of the Council or the interests of residents;
- 5.1.5 The substance of the decision has already been the subject of scrutiny by the PPI Committee or a Call-In Sub-Committee;
- 5.1.6 The Call-In notices raises a question(s) answered in the report(s) relating to the decision.
- 5.1.7 The decision concerns an "excluded matter" pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012;
- 5.1.8 The Call-In is considered to be vexatious or malicious.

6. Consideration of a Call-In Notice by the Call-In Sub-Committee

- 6.1 Where the Monitoring Officer has determined that a Call-In Notice is valid, the Cabinet, PPI Committee and relevant Officers will be notified and a meeting of the Call-In Sub-Committee will be convened to consider the Call-In Notice as soon as reasonably practicable.
- 6.2 The Call-In Sub-Committee shall comprise five Members of the PPI Committee and shall include the Chair or Vice Chair of the PPI Committee wherever possible.
- 6.3 The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to a meeting of the Call-In Sub-Committee.
- 6.4 The purpose of the Call-In Sub-Committee meeting is to establish whether or not the decision has been made incorrectly; the meeting is not intended to be adversarial and shall take the form of a discussion to ascertain the facts.
- 6.5 In considering the Call-In Notice the Call-In Sub-Committee will have the information on which the decision-maker made the decision and the information on which the decision to Call-In the decision was made (if any).
- 6.6 The lead signatory on the Call-In Notice will be invited to attend the meeting of the Call-In Sub-Committee to present the Call-In and answer the Committee's questions.
- 6.7 The decision-maker will also be invited to attend the meeting of the Call-In Sub-Committee to address the Call-In Notice and answer the Committee's questions; the Committee may also invite relevant Officers and Members to answer questions.
- 6.8 The Call-In Sub-Committee may request the Monitoring Officer and / or the Section 151 Officer to attend the meeting and provide advice.

7. Decision of the Call-In Sub-Committee

- 7.1 Having considered the decision and the Call-In Notice the Call-In Sub-Committee may:-
 - 7.1.1 uphold the decision (in which case the decision shall take effect and may be implemented immediately;
 - 7.1.2 recommend that the decision-maker amends the decision;
 - 7.1.3 refer the decision back to the decision-maker for reconsideration;

- 7.1.4 refer the decision to the Cabinet for further consideration as to whether the decision is within the Budget and Policy Framework (where the Call-In Sub-Committee considers it may not be);
- 7.1.5 refer the decision to the Cabinet for further consideration as to whether the decision should have been a Key Decision (where the Call-In Sub-Committee considers it may be); (*link to definition of Key Decision*)
- 7.1.6 refer the matter to Council for consideration and to obtain its views.
- 7.2 The Call-In Sub-Committee will prepare a written report of its recommendations including the reasons for the recommendations. The report will be circulated to the decision-maker, the Cabinet and any relevant Officers or Members.

8. The Amendment and Reconsideration of Decisions

- 8.1 The decision-maker will consider the recommendations of the Call-In Sub-Committee or reconsider the decision as soon as reasonably practicable.
- 8.2 Where the decision-maker amends the decision in line with the recommendations of the Call-In Sub-Committee the amended decision will be notified to the Sub-Committee in writing. Upon its amendment the decision will take effect and may be implemented immediately.
- 8.3 Where the decision-maker disagrees with the recommendations of the Call-In Sub-Committee or is unable to amend the decision or considers that the original decision should stand, the decision-maker shall notify the Sub-Committee as soon as reasonably practicable. The Call-In Sub-Committee may accept the decision-maker's views or may refer the decision to the Cabinet for further consideration or to the Council to obtain its views.
- 8.4 Where the views of Council are sought the Council may refer the decision back to the decision-maker with its views. Where the Council does not do so, the decision shall be of effect and may be implemented immediately.
- 8.5 The Council has no power to substitute its own decision for that of the decision-maker unless the Council determines that the decision is contrary to the Policy Framework, or contrary to, or not wholly consistent with, the Budget.
- 8.6 The Cabinet or decision maker shall meet to reconsider any decision referred back to it by the Call-In Sub-Committee or the Council as soon as reasonably practicable and

notify the Sub-Committee or the Council as the case may be in writing of its determination.

- 8.7 After the procedure set out in this section is concluded, a decision shall take effect and may be implemented three working days after the Cabinet or decision-maker has notified the Call-In Sub-Committee of its reconsideration and determination of the decision.

9. Decisions which the Call-In Sub-Committee considers may be outside of the Budget and Policy Framework

- 9.1 Where the Call-In Sub-Committee considers that a decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, it shall obtain advice from the Monitoring Officer and Section 151 Officer.
- 9.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.
- 9.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, the decision shall be referred for the determination of Council at a meeting to be held within as soon as reasonably practicable.
- 9.4 Where the Cabinet considers that the decision is within the Budget and Policy Framework it shall prepare a report to the Council which will also be sent to the Call-In Sub-Committee and every Member of the Council.
- 9.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable of its being called by the Call-In Sub-Committee.
- 9.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-
- 9.6.1 endorse the decision of the Cabinet as being within the approved Budget and Policy Framework;

9.6.2 determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and amend the Budget or Policy Framework to accommodate the decision;

9.6.3 determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and, having declined to amend the Budget or Policy Framework to accommodate the decision, refer it back to the Cabinet for reconsideration with advice from the Monitoring Officer and Section 151 Officer.

10. Decisions which the Call-In Sub-Committee considers should have been Key Decisions

10.1 Where the Call-In Sub-Committee considers that a decision should have been a Key Decision and has not been made accordingly it will seek advice from the Monitoring Officer and the Section 151 Officer.

10.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.

10.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision should have been a Key Decision it shall notify the Call-In Sub-Committee in writing and reconsider the decision accordingly with advice from the Monitoring Officer and Section 151 Officer.

10.4 Where the Cabinet remains of the view that the decision is not a Key Decision it will prepare a report to Council which will be sent to the Call-In Sub-Committee and every member of the Council.

10.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable after its having been called by the Call-In Sub-Committee.

10.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-

10.6.1 endorse the decision of the Cabinet that the decision is not a Key Decision;

10.6.2 determine that the decision is a Key Decision and refer the decision back to the Cabinet for reconsideration as a Key Decision with advice from the Monitoring Officer and Section 151 Officer.

11. Review of the Call-In Procedure Rules

11.1 These Call-In Procedure Rules and their operational effect will be monitored by the Monitoring Officer, reviewed as required and at least annually.

11.2 As required and at least annually the Monitoring Officer will prepare a report to Council as to the Call-In of decisions, which may include recommendations for amendments to the Call-In Procedure Rules.

DRAFT

NOTICE OF CALL-IN OF DECISION

In accordance with [] of the Council's Constitution, we the undersigned hereby give notice that we wish to Call-In the following Decision):

- 1. Decision reference and description.....
.....
- 2. Date of decision.....

We consider that the decision should be Called-In on the following grounds (delete as appropriate):

- 1. The decision is not in accordance with the Council's decision-making principles;
- 2. The decision is outside the approved Budget or Policy Framework;
- 3. The decision is outside the powers of the Council
- 4. The decision is unlawful;
- 5. The decision is not in the public interest.

Reasons (in relation to grounds 2-5 above)

In relation to **ground number 1** above, we consider that the following principle(s) of decision-making have been breached (tick as appropriate)

Decision- Making Principle(s) Breached		Reasons	Please tick
a	open and transparent		
b	within their authority		
c	take into account all relevant considerations and ignore irrelevant considerations		

d	evaluate alternative options		
e	undertake consultation as required or as may be appropriate		
f	make decisions which are reasonable and proportionate to the desired outcome		
g	obtain and consider professional advice as may be required or appropriate		
h	ensure best value		
i	have regard to the Council's Constitution and relevant policies, rules and procedures		
j	Having regard to the rules of natural justice		
k	comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty		

1. Signed.....Name.....

2. Signed.....Name.....

3. Signed.....Name.....

4. Signed.....Name.....

5. Signed.....Name.....