

16.1 Rules

(a) General When a decision is made by the executive, by an individual member of the executive (if so authorised) or a committee of the executive or an officer with delegated powers a decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council the day following on which the decision is made. The person responsible for publishing the decision notice will send chairmen of all overview and scrutiny committees copies of the records of all such decisions within the same timescale.

(b) That decision notice will bear the date on which it is published. The decision will come into force, and may then be implemented, on the expiry of the Call In period referred to in para 16.1(g), unless there is a request for it to be called-in for review as allowed for by this paragraph.

(c) Who can call-in a decision A decision that has been taken but not implemented may be called in.

A call-in can be made by:-

- (i) The chairman of the appropriate scrutiny committee or
- (ii) Any four members (from more than one political group) who must be members of the scrutiny committee which will be scrutinising the decision. A leader of any political group other than the leader of the council may be one of those four members (irrespective of whether that person is a member of the scrutiny committee which will be scrutinising the decision) and co-opted members of the scrutiny committee may be regarded as a political group for the purpose of a call-in. [NOTE: The Corporate and Regeneration Scrutiny Committee (or its chairman) has the power to bring in for consideration by itself a matter which may fall in the terms of reference of another scrutiny committee]

(d) Grounds of call-in

The grounds on which a call-in can be made are:-

- (i) that it conflicts with the Council's policy framework; or
- (ii) that it conflicts with the Council's approved budget; or
- (iii) that it has been made without regard to a material fact or information or without proper consultation which in the opinion of the members making the request would lead to a different decision being made by the Executive.

(e) What can be called in

- (i) Decisions formally taken in the Cabinet;
- (ii) Officer delegated power decisions appearing on the "decisions" notices on the Intranet which are shown as "subject to call-in". (Broadly, these are Executive power delegated decisions taken by the Chief Executive, a Director or a Head of Service).

f) Procedure for call-in

- (i) In writing.

The call-in request must state the details of the decision and the grounds of the call-in and be signed by four appropriate members. The notice must be delivered to the Monitoring Officer before the deadline for call-in expires, or

- (ii) By e-mail. The e-mail requesting the call-in must set out the details of the decision and the grounds of the call-in and the names of the members supporting the call-in. It must be sent to the Monitoring Officer and to the officer dealing with the matter, before the deadline for call-in expires.

(g) Limitations on call-in

(i) Deadline.

For Cabinet decisions this is end of the third working day following the day on which a decision is taken in Cabinet.

For officer decisions it is the end of the third working day after the day on which the decision is published on the Intranet.

(ii) If a decision is urgent - see 16.2 below - it cannot be called in.

(iii) Council functions cannot be called in.

(iv) Executive functions in the following categories cannot be called in:-

- prosecutions, cautions, warnings, enforcement and legal proceedings
- individual debt recovery cases
- decisions on individual housing and council tax benefit cases
- decisions on individual compensation claim cases
- decisions on individual child and vulnerable adult protection cases
- day to day management matters, employment, staff discipline and regrading matters all contracts below £25,000, contracts between £25,000 and the EU limit where there has been consultation with the Head of Procurement
- Returning Officer, Electoral Registration Officer or Registrar matters
- commercial lettings and grants to individual businesses in accordance with the Council's policies
- sales or lettings of land within standing orders or the approved protocol
- emergency actions

(v) Where the officer involved can show by reference to existing paperwork that the decision-making process was properly carried out then call-in is not permitted:-

• Where the call-in says "inadequate consultation", if the officer is able to show consultation with the appropriate Cabinet member, local member(s), appropriate officers or with the scrutiny committee if the matter is covered in the service improvement plans, Cabinet workplan or the WPI annual plan.

• Where the call-in says "didn't take something into account", if by reference to the paperwork recording the decision the officer can prove that the matter was taken into account, no call-in will be permitted.

(h) Validity of the request

The validity of a request will be determined by the Monitoring Officer in consultation with the chairman of the scrutiny committee (or in the absence or inability to act of the chairman, then with the vice-chairman).

This is limited to deciding procedural compliance (including abuse of the process) but is not a decision on the merits of the call-in, as this is a matter for the scrutiny committee (

(i) What happens to a valid request

The matter will go to the next meeting of the scrutiny committee unless the chairman (or in his absence or inability to act, the vice-chairman) indicates the matter is urgent, in which case a meeting will be convened within ten working days.

(j) After a call-in has been considered

If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concerns, and/or refer the matter to full Council. Officer delegated power decisions referred for re-consideration will go to the Cabinet for decision, and not back to the officer. If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body or to the Council, the decision shall take effect on the date of the overview and scrutiny meeting.

(k) After re-consideration

When a matter has been referred by the Overview and Scrutiny Committee for reconsideration and the points raised by the scrutiny committee have been considered by the Cabinet then no further call-in of that decision is permitted.