

Appendix 1

10. CALL-IN OF KEY DECISIONS

- 10.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under [section 9F\(2\) and 9F \(4\) of the Local Government Act 2000 \(as amended by the Localism Act 2011\)](#). These powers allow Scrutiny Committee's to review an executive key decision before implementation. Where a decision is called-in and the Scrutiny Committee refers it back to the decision maker, it cannot be implemented until the call-in process is complete.
- 10.2 Any key decision made by the Executive, an Officer or other body with delegated authority from the Executive is subject to call-in. A key decision can only be called-in once. A Cabinet recommendation to the Council is not a key decision and may not be called-in.
- 10.3 Call-in should only be used in exceptional circumstances. Members of a Scrutiny Committee must have evidence that the decision was not taken in accordance with [decision making principles](#).
- 10.4 Provided the decision falls within the remit of a Scrutiny Committee's terms of reference a Scrutiny Committee can exercise the call-in procedure and the power to refer a decision back for reconsideration.
- 10.5 [The Budget and Policy Framework Procedure Rules](#) governs the call-in of decisions which may be contrary to the Budget and Policy Framework. These will require a reference to Council by a Scrutiny Committee on a report from the Monitoring Officer or Chief Finance Officer.

The Call-in Procedure

- 10.6 Once made the decision will be published on the Council's website and will be available in hard copy at the Town Hall. All Members of the Council will be sent electronic copies of the notices of all such decisions.
- 10.7 The decision notice will include:
- The publication date.
 - That the decision will be implemented three working days after the publication of the decision (not including the date of publication).
- 10.8 The implementation date will not apply if a request for call in is received from any two Members of the relevant Scrutiny Committee within the three day period. If a request for call-in of a decision is received, implementation of the decision will be suspended.
- 10.9 A request to call-in a decision must be received by the Proper Officer within the period from publication and before the date of implementation, and the request to call-in a decision must be made in writing or electronically using the agreed form.
- 10.10 The form must:

- (a) set out the resolution or resolutions that the Members wish to call in;
- (b) give the reasons why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive;
- (c) whether it is considered to be outside the policy or budget framework;
- (d) set out the alternative course of action or recommendations they wish to propose;
- (e) be signed and dated by any two Members of the relevant Scrutiny Committee. Voting Diocesan and parent governor representatives may request the call-in of decisions relating to education matters only.

10.11 The call-in request will be deemed valid unless any of the following apply:

- (a) the procedures set out above have not been followed properly;
- (b) the decision has been recorded as urgent as set out below;
- (c) the request for call in is not a proper use of the call in provisions taking into account the following factors:
 - i) where the matter has been considered as part of pre-decision scrutiny by a scrutiny committee;
 - ii) whether there has been any substantive changes to the nature of the decision being made since any pre-decision scrutiny of the proposals;
 - iii) where a decision is not deemed a key decision, for example a decision to go out to consultation on a future key decision to be made by the executive;
 - iv) a decision taken by cabinet when preparing the annual budget or new policy proposals for submission to Council for decision.

10.12 If the call-in request is deemed valid the Proper Officer will notify the decision-taker of the request. This includes that implementation of the decision is suspended until further notice. Subject to required timescales, the relevant Scrutiny Committee will discuss the request for call-in at its next meeting.

10.13 Where there is a meeting of the Scrutiny Committee within ten working days of the request, or soon after, then the matter will be included on that agenda. Where no such meeting is scheduled, the Proper Officer will call a meeting of the relevant Committee within that time frame. Where the Chairman will be consulted.

10.14 The decision will take effect on the date of that meeting if:

- The Scrutiny Committee does not meet by the date set.
- The Scrutiny Committee meet but does not refer the matter back to the decision making person or body.

10.15 The Proper Officer will notify the decision taker that the decision can then be implemented.

10.16 Having considered the call-in and the reasons given, the relevant Committee may either:

- (a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision making body's next schedule meeting;
- (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

- (c) decide to take no further action, in which case the original executive decision will be effective immediately.
- 10.17 If referred back to the decision taker they will then reconsider whether to amend the decision before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.
- 10.18 Where the decision was taken by the Executive a meeting will be held to reconsider the decision within ten working days of the referral, or soon after with the agreement of the Leader. Where the decision was made by an individual, the individual will reconsider within five working days of the referral.
- 10.19 If a decision relates to an executive function only the Cabinet can ultimately decide the matter, as long as it is in accordance with the Council's Budget and Policy Framework.

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