

## 18 CALL-IN

The call in procedure is a statutory right which can be applied to any decision which has been taken but not yet implemented (Section 21(3) LGA 2000). Call-In is a procedure whereby Members of the Council may question decisions taken by the Executive in exceptional circumstances and therefore may hold the Executive to account.

- a When a decision is a Key decision made by the Cabinet or an individual Member of the Cabinet, or a Non Key decision made by an Officer with delegated authority, or any Committee 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 two days of being made. The Chairman of the appropriate Select Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision unless the decision taker has certified that the decision is urgent and to be implemented immediately.
- 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 three working days after the publication of the decision, unless either the decision maker has certified that the matter is urgent and requires implementation urgently or a call-in request has been received by, at the latest, 5.00pm on the third working day after the decision has been made. If a call-in request is received the decision will not be implemented until the call-in process is complete, unless the decision is urgent.
- c A decision which has been taken and implemented may still be reviewed by the Select Committees, but such a review will not delay the implementation of the decision.
- d 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 subjected to scrutiny by a Select Committee or where the Chief Finance Officer has certified that a delay in the implementation of a decision will result in significant additional cost to the Council.
- e Before a decision takes effect (unless the decision is urgent) any Member may give notice of the intention to request the call in of any proposal by the Cabinet, the Cabinet Member or an Officer other than one taken under the urgent action procedure.
- f Once the fact that the Cabinet or a Cabinet Member or Officer is to consider an item is published, any Member of the relevant Select Committee may ask to see the papers to be considered (except insofar as they contain confidential or exempt information) and take preliminary advice from officers supporting the Select Committee about the implications of the decision.
- g Any three Members must notify the Monitoring Officer within three working days of the publication of the proposal of an intention to request the Select Committee to examine the proposal and of any requirement for the attendance by a Cabinet Member or any Officer.

- h A Select Committee shall discuss the request for a call-in at its next regular meeting or at a Special Meeting whichever is sooner provided that the required five days notice can be given.
  - i At the meeting where the Select Committee is considering the application for a call in it should first consider whether there is a case for the decision to be called in. If, following discussion, the Select Committee agrees that the matter should be called in it may proceed either to examine the decision at that meeting or adjourn to investigate the decision at another meeting. The appropriate decision taker may be invited to attend to explain the decision but does not have to participate in the discussion as to whether the decision should be called in.
    - a) If the Committee agrees that further investigation or information is required, the Cabinet or Cabinet Member may agree to extend the time in which a final view may be expressed.
      - i If, having considered the decision, the Select 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. If referred to the decision maker he or she shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.
      - ii If the decision taker requires more time to consider, the Select Committee's recommendations the time may be extended by the Chairman of the Select Committee after agreement by one other member of the Committee.
      - iii If the decision taker is after reconsideration, not able to make changes to the decision in accordance with the Committees concerns the decision taker shall write to the Committee setting out reason why the decision taker is unable to accede to the Select Committee concerns.
      - iv If following an objection to the decision, the Select 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 Select Committee meeting, or the expiry of that further five working day period, whichever is the earlier.
      - v 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. 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. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the

individual will reconsider within five working days of the Council request.

- vi 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.
- b) The Member who has put the matter on the agenda may address the Committee on the matter.