

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 three members 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 Call in should not normally be made during the six weeks immediately before a County Council election.~~

- i 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 is not expected 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 matters on the agenda may address the Committee on the matter.

19 REVIEW OF DECISIONS

The Scrutiny Officer shall arrange for a decision that has been taken and implemented to be reviewed by a Select Committee if so requested by any three Members of the committee, and shall then notify the decision-taker of the review.

20 CALL-IN AND URGENCY

- a ~~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). If a Member requests that a decision should be called-in, a meeting should be immediately arranged but the required five days' notice must be given. During this time the decision should not be implemented, unless urgent, until there has been a Select Committee decision on whether the call-in should proceed. If following discussion the relevant Select Committee agrees that the call-in should proceed, the Committee may determine their response at that Meeting. If further investigation or information is required, the Cabinet or Cabinet member may agree to extend the time within which a final view may be expressed. Urgent decisions cannot be called in (Section 21(3) Local Government Act 2000) . Where possible at least 2 days notice must be given to Group Leaders when an urgent decision is being taken. This does not apply to decisions taken under the Major Emergency procedure.~~

- b ~~Key decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.~~

- c ~~Select Committees Any three Members may call in challenge the reason~~ any decision that is taken under Rule 16 of the Access to Information Standing Orders if they are satisfied that the decision is not genuinely urgent, which would be considered by the relevant Select Committee.

- ~~d Key decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.~~

- de The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

21 PROCEDURE AT SELECT COMMITTEE MEETINGS

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- a Any power or duty assigned to the Chairman of the Committee relating to the conduct of a meeting may in the Chairman's absence be exercised by the person presiding at the meeting.
- b Select Committee 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 Select Committee; and
 - v the business otherwise set out on the agenda for the meeting.
- c Where the Select Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings, which are to be conducted in accordance with the following principles:
 - i that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - iii that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- d Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

22 **DISORDERLY CONDUCT**

- a If, in the opinion of the Chairman of a Committee, any Member of the Committee misbehaves at a meeting by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Committee, the Chairman or a Member may move not to hear the Member further. If the motion is seconded it shall be put to the vote without discussion.
- b If, in the opinion of the Chairman, the Member persistently misbehaves after such a motion has been carried, the Chairman may require the removal of the member for such period as the Chairman shall determine. The Chairman may if necessary adjourn or suspend the sitting of the Committee.
- c If a Member is required to leave a meeting under this Standing Order, the Member shall not be entitled to vote during the period of exclusion.

- d If a member of the public interrupts the proceedings at any meeting, the Chairman may issue a warning. If the interruption continues the Chairman may order the person's removal from the Committee meeting.
- e In case of general disturbance in any part of the Committee meeting venue the Chairman may order that part cleared. If the Chairman considers it necessary, he may adjourn or suspend the sitting of the Committee.

23 **VOTING**

- a A decision is taken by a majority of those present and voting
- b Voting is generally by a show of hands.
- c A Committee Member may not change his/her vote once he/she has cast it and another Member has been called upon to vote.
- d If a Committee Member arrives before the casting of votes has been commenced he/she is entitled to vote.
- e Immediately after a vote is taken any Committee Member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- f The Chairman of the Committee, or other person presiding, shall have a second and/or casting vote where votes for and against a proposal are equal. There shall be no restriction on the manner in which the casting vote is exercised.
- g Where there are more than two persons nominated for any position to be filled by the Committee, and no person receives more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.
- h The Chairman of a Select Committee shall be deemed to have retired from that position immediately before the start of a meeting at which a Chairman is to be elected.
- i Members of the Committee shall appoint one of their number to preside over the election of Chairman.
- j The Chairman of a Committee, once elected shall appoint the Vice Chairman of the Committee.
- k ~~Officers shall not call for nominations for the election of the Chairman.~~