

Part Three - Chapter 10 - Call-in procedures for Executive decisions

Interpretation

- 10.1 This procedure applies to all decisions taken by the Executive, individual members of the Executive and key decisions by officers (including those taken in liaison or consultation with local councillors or Executive members) on behalf of the Executive.
- 10.2 Where this procedure refers to the Executive, it will be deemed to include the Executive, Executive Leader, Executive Member or officers as the case may be.
- 10.3 Panel in this procedure means the relevant Scrutiny Panel.
- 10.4 For the purposes of this procedure 'decision' means any decision of consequence which leads to action being taken in the performance of the functions of the Council.
- 10.5 In relation to officers, a decision will only relate to a 'key decision', which is any decision which is likely: -
 - a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or
 - b) to be significant in terms of its effects on the communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- 10.6 Where an urgent decision has been taken under the provisions of Chapter 6 of this part of the Constitution, or by the Director of Finance and Resources under those provisions in Financial Regulations which authorise him/her to approve expenditure which is required urgently, the paragraphs of this procedure that provide that decisions may not be implemented immediately will not apply.

Action before decisions

- 10.7 Prior to an officer taking any key decision, he/she will ensure that all consultations required under, or implicit in, his/her delegated powers, have been undertaken.
- 10.8 Where any matter falls to be determined by the Executive, it will ensure that all consultations and other actions required under, or implicit in, this Constitution are carried out.
- 10.9 Where any matter falls to be determined by the Executive Leader or an Executive member, he/she will ensure that all consultations and other actions required under, or implicit in, this Constitution are carried out.

Arrangements for review

- 10.10 When a decision has been made, the Executive will publish the decision and, at the same time, notice of that decision will be circulated to all members of the Council. As

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far as practicable, all decisions will be published within two working days. The notice issued under this provision will, except for urgent decisions which will have immediate effect, specify that the decision will come into force at the expiration of seven working days (or such longer period as may be specified in the notice) from the publication of the decision.

- 10.11 If, prior to the date at which the proposed decision is to be implemented, at least three non-executive members of the Council consider that the decision should be reviewed, they may give notice, with reasons, to the Chief Executive Officer that the decision should be referred to the relevant Scrutiny Panel for review. Where such a notice has been given, the decision will not be implemented until that Panel has reviewed the decision. (Note: In accordance with paragraph 15.7 of the Council's Standing Orders with respect to meetings, if a motion is referred by the Council to the Executive, the decision of the Executive shall not be subject to the call-in procedure for Executive decisions under this constitution).
- 10.12 On receipt of a notice under the above paragraph, the Chief Executive Officer will arrange for the decision to be considered by a meeting of the relevant Scrutiny Panel within ten working days following the end of the period allowed for call-in of Executive decisions. Where such a notice indicates that the decision is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, the Monitoring Officer and/or the Chief Finance Officer will prepare a report to the Panel. The report will advise on whether the decision was, or was not, a departure from the approved policies or budget.
- 10.13 On consideration of the decision and the report of the Monitoring Officer and/or Chief Finance Officer referred to above, the relevant Panel may:
 - a) accept the decision made by the Executive, in which case the Executive may implement the decision immediately, or
 - b) request the Executive to reconsider the decision giving reasons for such request.
- 10.14 After reconsideration of the decision, the Executive may implement its decision, whether amended or not, immediately; or:
 - a) may, where the decision is of particular high local significance and public interest, refer the decision to Council for full debate by all members of the Council. In these circumstances, a special meeting of Council will be held within 14 working days and the Executive decision will not be implemented until after the meeting of Council;
 - b) will, where the decision is, in the opinion of the Monitoring Officer and/or the Chief Finance, a departure from the approved policies or budget, refer the decision to Council for full debate by all Members of Council. In these circumstances, a special meeting of Council will be held within 14 working days and the Executive decision will not be implemented until after the meeting of Council.

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- 10.15 Where the Executive's decision is not a departure from approved policies and/or budget and Council refer the decision back to the Executive, the Executive will reconsider the decision in the light of the reasons expressed at Council before adopting and implementing a final decision.
- 10.16 Where the Monitoring Officer and/or the Chief Finance Officer has advised that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the approved budget, the Council may:
- a) endorse the decision or proposal of the Executive decision-taker as falling within the existing budget and policy framework, in which case the decision may be implemented,
 - b) amend the policy or the budget concerned to encompass the decision or proposal to enable the decision to be implemented, or
 - c) accept the advice of the Monitoring Officer and/or the Chief Finance Officer and require the Executive to reconsider the matter in accordance with that advice.
- 10.17 If, after a meeting of the Scrutiny Panel has been requested, the Executive reconsiders its decision and reaches a conclusion which satisfies the members that called that meeting, the item requiring a review of the Executive's decision will be withdrawn from the agenda. If there is no other business to be transacted at the meeting, the Panel meeting will be cancelled.

Attendance at Executive and Panel meetings

- 10.18 Whenever any decision of the Executive is being reviewed under this procedure, the Executive will have the right to be represented by an Executive Member at the meeting of the relevant Scrutiny Panel. In addition, the Executive may also call on the appropriate professional officer to provide information to the relevant Panel when considering the proposed decision.
- 10.19 Where the Council refers any decision back to the Executive under the provisions of this procedure, the chairman of the relevant Scrutiny Panel (or in his/her absence the vice-chairman or another member of the Panel) will be entitled to attend the meeting of the Executive to represent the views of the Scrutiny Panel.

Review of arrangements

- 10.20 The operation of this procedure relating to call-in will be monitored by the Chief Executive Officer and a report submitted to Council at least annually to enable, if necessary, the arrangements to be reviewed.

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