

## CALL IN PROCEDURES FOR EXECUTIVE DECISIONS

### 1. DECISIONS COVERED BY THIS PROCEDURE

- 1.1 This procedure shall apply to the following decisions taken by or on behalf of the Executive:

All decisions by the Cabinet  
All decisions by the Leader and Portfolio Holders  
Key decisions (as defined in the main Constitution document) by officers.

These are described below as "Executive decisions".

- 1.2 This procedure shall not apply to recommendations made by the Executive to full Council. Such recommendations are not Executive decisions, and all members of the Council are entitled to contribute to the debate, and to vote, on the recommendation at the appropriate Council meeting.

### 2. ARRANGEMENTS FOR NOTIFYING MEMBERS OF EXECUTIVE DECISIONS

- 2.1 Annex 6 to the main Constitution lays down the procedures to be followed when Executive decisions are taken.
- 2.2 When an Executive decision has been made, the proper officer shall publish, and circulate to all Members of the Council, notice of:
- a. the decision,
  - b. the reasons for it, and
  - c. any options considered and rejected by the decision maker at the time the decision was made.
- 2.3 The decision notice in 2.2 above shall be published as soon as reasonably practicable, normally within two working days of the date of the decision.
- 2.4 The decision notice shall also state:
- a. The names of the "appropriate Panel" (or Panels). This is the Overview and Scrutiny Panel or Panels which, in the opinion of the Monitoring Officer, is/are responsible for overview and scrutiny functions relating to the subject matter of the decision, and is/are therefore entitled to review the decision; and

- b. The date by which any member of the Council (apart from members of the Executive) who wishes to review the decision must give notice of that fact to the Monitoring Officer. This date shall be five working days after the date on which the decision notice is first published. Unless both the Monitoring Officer and the appropriate Head of Service are satisfied that it must be implemented urgently, the decision shall not be implemented until the date stated in the notice has expired.

### **3. HOW TO CALL IN AN EXECUTIVE DECISION**

- 3.1 Any member who is not a member of the Executive may call in an Executive decision. The member must inform the Monitoring Officer in writing, or by e-mail, of:
  - a. the decision he or she wishes to call in; and
  - b. the reason he or she wishes to call in the decision.

The Monitoring Officer must receive the notification before the Council offices close for normal business (5.15 pm) on the date stated in paragraph 2.4.b above.

- 3.2 If two or more members wish to call in a decision, they may notify the Monitoring Officer individually as in paragraph 3.1 above, or they may submit a joint notification in writing.

### **4. ACTION WHEN AN EXECUTIVE DECISION HAS BEEN CALLED IN**

- 4.1 If **one member** calls in an executive decision the matter shall be placed on the agenda for the next programmed meeting of the appropriate Panel or Panels for discussion. If the member is not a member of the appropriate Panel or Panels, he or she shall be invited to the meeting(s) and shall be entitled to speak on that item, but not vote. Implementation of the decision shall not be affected.
- 4.2 If **two or more members** wish to call in an Executive decision, the following arrangements shall be made:
  - a. Subject to the provisions relating to urgent decisions in paragraph 7.1 below, the decision shall not be implemented until the procedure laid down in the remainder of this Chapter is complete.
  - b. The decision shall be considered at a meeting of the appropriate Panel to be held within ten working days of the date specified in the decision notice (paragraph 2.4.b). If any member who called in the decision is not a member of the appropriate Panel or Panels, he or she shall be invited to the meeting and shall be entitled to speak on that item, but not vote. If necessary to meet this timescale, a special Panel meeting shall be held. The Monitoring Officer shall be responsible for arranging any special meeting.

- c. If there is more than one "appropriate Panel", the Monitoring Officer may decide, after taking into account the subject matter of the decision and the reasons why it has been called in, that a joint meeting of some or all of the appropriate Panels should be held.
- d. If, after a decision has been called in but before the appropriate Panel or Panels have considered it, the Cabinet or the person who made the decision reconsiders it and reaches a conclusion that satisfies the members who have called it in, the item shall be withdrawn from the agenda for the Panel meeting. If there is no other business to be transacted the Panel meeting shall be cancelled.

## **5. CONSIDERATION OF DECISION BY OVERVIEW AND SCRUTINY PANEL**

5.1 Where a decision is reviewed under paragraph 4.1 above (at the next programmed meeting because only one member has called it in), the Panel shall consider whether:

- a. the decision was within the Council's policy and budget; and
- b. if it was, whether the policy or budget should be reviewed.

It shall report its views direct to the Leader and the Council.

5.2 Where a decision is reviewed under paragraph 4.2 above (two or more members have called in the decision, and implementation has been delayed subject to the provisions relating to urgency set out in paragraph 7.1 below), the Panel or Panels shall either:

- a. Accept the decision (in which case it may be implemented immediately);  
or
- b. Request the decision-maker to reconsider the decision, giving reasons for the request. The decision-maker shall reconsider the decision as soon as reasonably practicable, (which in the case of a Cabinet decision shall normally be interpreted as at its next meeting). After reconsideration the decision, whether amended or not, may be implemented immediately, and may not be called in for a second time under the procedures in this Chapter; or
- c. Where the decision is of particular high local significance or public interest, refer the decision to full Council for debate at a Council meeting to be held within ten working days of the Panel meeting. If necessary to meet this timescale, a special Council meeting shall be held. The Monitoring Officer shall be responsible for arranging this. The decision-maker shall reconsider the decision as soon as reasonably practicable after the Council meeting (which in the case of a Cabinet decision shall normally be interpreted as at its next meeting), in the light of the Council debate.

After reconsideration the decision, whether amended or not, may be implemented immediately, and may not be called in for a second time under the procedures in this Chapter.

## **6. ATTENDANCE OF EXECUTIVE AT PANEL MEETINGS**

- 6.1 Where an Executive decision is being reviewed at a Panel meeting, a Member of the Executive shall have the right to represent the Executive at the Panel meeting. The Executive may also call upon the appropriate professional officer to provide information to the Panel.
- 6.2 The Panel shall have the right to require Executive members, or officers, to attend the meeting, as laid down in Chapter 10 of this Constitution.

## **7. IMPLEMENTATION OF DECISION THAT HAS BEEN CALLED IN**

- 7.1 An Executive decision that has been called in by two or more members shall not be implemented until the procedures in paragraphs 4.2 and 5.2 have been completed unless, in the opinion of both the Monitoring Officer and the appropriate Head of Service, it is, or it becomes, essential to implement the decision before those procedures are complete in the interests of the proper conduct of the Council's business. Where a decision is implemented under this paragraph, the Monitoring Officer shall be responsible for ensuring that an explanation is sent to members.
- 7.2 Where a decision is implemented under paragraph 7.1 before the procedures in paragraphs 4.2 and 5.2 have been completed, the Panel shall still be entitled to consider whether:
- a. the decision was within the Council's policy and budget; and
  - b. if it was, whether the policy or budget should be reviewed,
- and report its views direct to the Leader and the Council.