Protocol for the operation of the Call-In Sub-Committee

1.   Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. The Overview and Scrutiny Committee has established the Call-in Sub-Committee to carry out this role. Committee Procedure Rule 46 sets out the rules governing the call-in process.

   The process for Call-in

2.   Six of the Members of the Council can call in a decision of the Executive which has been taken but not implemented. In relation to Executive decisions on education matters only, the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six persons comprising representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

   150 members of the public (defined as anyone registered on the electoral roll of the Borough) can call in a decision of the Executive, which has been taken but not implemented.

3.   Decisions of the Executive will not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in within this period (this does not apply to urgent decisions - Committee Procedure Rule 46 refers). The notice of the decision will state the date on which the decisions may be implemented if not called in.

4.   Call-in must be by notification to the Monitoring Officer in writing or by fax:

   (i)   signed by all six Members and voting co-optees requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.

   (ii)   signed by all 150 members of the public registered on the electoral roll, and stating their names and addresses.

5.   In accordance with Committee Procedure Rule 46.5, a notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:-

   (a)   inadequate consultation with stakeholders prior to the decision;

   (b)   the absence of adequate evidence on which to base a decision;

   (c)   the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;

   (d)   the action is not proportionate to the desired outcome;

   (e)   a potential human rights challenge;

   (f)   insufficient consideration of legal and financial advice.

Referral to the Call-in Sub-Committee

6.   Once a notice invoking the call-in procedure has been received, the decision may not be implemented until the Chair and nominated member have considered the guidance outlined in Appendix 1 to the Committee Procedure Rules and, if required, the Call-in Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-in Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.

7.   The Call-in Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.

8.   The Sub-Committee may come to one of the following conclusions:-

(i)   that the challenge to the decision should be taken no further and the decision be implemented;

(ii)   that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-in sub-committee must set out the nature of its concerns for Council; or

(iii)   that the matter should be referred back to the decision taker (i.e the Portfolio Holder or Executive, whichever took the decision) for reconsideration. In such a case the Call-in sub-committee must set out the nature of its concerns for the decision taker/Executive.