

16 Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17 Call-in

17.1 Call-in should only be used in exceptional circumstances. In particular Call-in should only be used where members of the appropriate Overview & Scrutiny committee or sub-committee have evidence which suggest that the Executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making).

17.2 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or 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 five working days of being made. All Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 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 seven working days after the publication of the decision, unless an overview and scrutiny committee or sub-committee calls it in.

17.4 During that period, the Chief Executive shall Call-in a decision for scrutiny by the Overview & Scrutiny committee or sub-committee if so requested in writing or by email by the Chairman or any two members of the Overview & Scrutiny committee or sub-committee, and shall then notify the decision-taker of the Call-in. Each request shall provide (1) specific details for the reason for Call-in and (2) the areas requested to be examined. The Chief Executive in consultation with the Solicitor to the Council & Monitoring Officer shall have the right to reject such requests if they are frivolous, unsubstantial or repetitious.

17.5 The Chief Executive shall arrange a meeting of the Overview & Scrutiny committee or sub-committee on such date as the Chief Executive may determine (where possible in consultation with the Chair of the Overview & Scrutiny Committee or sub-committee) and in any case within ten (10) working days of the request for Call-in. The relevant Portfolio Holder from the Executive shall attend the overview and scrutiny committee or sub-committee to assist the consideration of the Call-in item.

17.6 The Overview & Scrutiny Committee or sub-committee convened to consider the Call-in can take one of three steps:

1. Take no further action. The Call-in item shall then take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting.
2. Refer the Call-in item back to the decision making body or person for full reconsideration. The Overview & Scrutiny committee or sub-committee that takes this step must set out in writing the nature of the

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concerns that it wishes the decision making body or person to be considered.

3. Refer the Call-in item to Council.

17.7 Should the meeting specially convened for the purpose of consideration of a Call-in item not take place then in that event the decision subject to Call-in item shall take effect on the date of the said Overview & Scrutiny committee or sub-committee meeting.

17.8 Call-in items at steps 1 and 2 above shall be subject to the Chief Executive arranging a further meeting of the decision making body or Council within ten (10) working days of the Call-in meeting.

17.9 Where the Call-in item is referred back to the original decision making body it shall at the meeting consider the nature of the concerns referred to it from the specially convened overview and scrutiny committee. The decision making body shall decide whether to either:

- (i) Amend the earlier decision, or
- (ii) Uphold the earlier decision

It shall then adopt the final decision with immediate effect.

17.10 Should the Call-in matter not be considered by the decision making then in that event the Call-in item shall take effect on the date of the meeting arranged for the decision making body.

17.11 Where the Call-in item was a decision made by an individual member of the Executive or by an officer with delegated authority from the Executive s/he shall consider the matter with ten (10) days of the overview and scrutiny meeting. In such an event the decision maker shall consider the nature of the concerns referred to him/her from the specially convened overview and scrutiny committee or member or officer considers the Call-in item.

17.12 The individual member or officer shall decide whether to

- (i) Amend the earlier decision or
- (ii) Uphold the earlier decision

S/he shall then adopt the final decision with immediate effect.

17.13 Where the Call-in item is referred to Council. It shall at the meeting consider the nature of the concerns referred to it from the specially convened overview and scrutiny committee.

17.14 Should the Council decide to uphold the earlier decision this shall result in the matter referred to for Call-in taking effect on the date of the Council meeting.

17.15 Should the Call-in matter not be considered by Council then in that event the Call-in item shall take effect on the date of the meeting arranged for Council.

17.16 Council has no locus to make decisions of an Executive nature unless it is contrary to the policy framework or contrary to or not wholly consistent with the budget. Where Council proposes to amend the original decision it must refer the

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matter back to the original decision making body or person, together with the Council's views in writing on the decision.

17.17 In such circumstances the Chief Executive will arrange a further meeting of the decision making body within ten (10) working days of the Council meeting. That meeting shall follow the procedure outlined in paragraph 17.9 should the meeting not take place 17.10.

18 Exceptions to Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would for example – seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor the Deputy Mayor's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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.

19 The party whip

When considering any matter in respect of which a member of an overview and scrutiny committee or sub-committee is subject to a party whip in respect of that particular item the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20 Procedure at overview and scrutiny committee and sub-committee meetings

Overview and scrutiny committees and sub-committees shall consider the following business:

20.1 minutes of the last meeting;

20.2 declarations of interest (including whipping declarations);

20.3 consideration of any matter referred to the committee or sub-committee for a decision in relation to call in of a decision;

20.4 responses of the executive to reports of the overview and scrutiny committee or sub-committee; and

20.5 the business otherwise set out on the agenda for the meeting.

Where the overview and scrutiny committee or sub-committee conducts investigations (e.g. with a view to policy development), the committee or sub-committee may also ask people to

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If following an objection to the decision, the overview and scrutiny committee or sub-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 overview and scrutiny meeting, or the expiry of that further seven working day period, whichever is the earlier.

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