

## **PROCEDURE FOR CALL- IN OF POLICY COMMITTEE DECISIONS FOR SCRUTINY BY THE AUDIT & SCRUTINY COMMITTEE**

### **1. What is call-in?**

Call-in is the referral to the Audit & Scrutiny (A&S) Committee of a decision made by a policy committee / sub-committee (defined as such within the constitution) but not yet implemented. Implementation of the decision will then be suspended, pending further consideration.

### **2. In what circumstances can call-in be exercised?**

The process should only be triggered in exceptional circumstances, namely when members of the A&S Committee have evidence to suggest that, in respect of the decision concerned:

- due process was either ignored or not followed correctly (this includes any prescribed processes associated with the matter in question and/or the way in which the matter was dealt with at the meeting of the policy committee / sub-committee);
- the decision was unreasonable in that relevant information was not taken into account and/or too much weight was given to irrelevant information;
- key information has since come to light which warrants reconsideration of the decision;
- the decision was in breach of the law or the Council's constitution.

### **3. What can't be called in?**

- 3.1 A call-in request shall not be effective if the policy committee (or a sub-committee thereof) has determined that the interests of the Council or the District would be prejudiced by a delay in implementing the decision. Any officer seeking to rely on this provision must contact the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) and the Leader of the Council (or in the Leader's absence the Deputy Leader) to obtain their agreement and explain in the relevant report the justification for such a decision.
- 3.2 If, in exceptional circumstances which could not have reasonably been foreseen, a matter becomes urgent after the date of the committee meeting in question, the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) and the Leader of the Council (or in the Leader's absence the Deputy Leader) may agree to waive the operation of the call-in procedure and may do so even if the procedure has already been triggered.
- 3.3 Those decisions which constitute recommendations to Council shall not be subject to the call-in procedure; this is because effective scrutiny can take place at Council before such decisions are implemented. Council would have the opportunity of

accepting the recommendation from the committee; amending or rejecting it; or referring it back to the committee.

- 3.4 Decisions of the Planning Committee or hearings conducted by a Licensing Sub-Committee, Regulatory Sub-Committee or a Standards Committee panel are also immune to the call-in process.

#### **4 How does call-in work?**

- 4.1 Subject to the exceptions of section 3 above, details of relevant Committee decisions shall be e-mailed to all Members of the Council within three working days following the meeting. **Any three Members of the A&S Committee** can then, within a further four working days, inform the Chief Executive and the Chair of A&S (or in the Chair's absence the Vice-Chair) that they require an item to be called-in. This will be on the call-in form provided, setting out the criteria in section 2 on which they are relying with a brief explanation as to why the Members concerned consider the criteria to be met. No action will be taken on implementing the decision until a meeting of the A&S Committee has taken place. The timetable would work as follows for a policy committee held on a Thursday:

- (a) policy committee meeting (day 1);
- (b) by the following Tuesday, notification of the committee resolutions would be e-mailed (day 6);
- (c) Members would then have until 12 noon on the Monday following the notification of resolutions to inform the Chief Executive and the Chair of the A&S Committee (or in the Chair's absence the Vice-Chair) that they wish to have a matter called-in (day 12); the matter would then be reported to the next meeting of the A&S Committee or, if considered more expedient by the Chair, a special meeting of the A&S Committee shall be convened for the purpose;
- (d) if the decision of the A&S Committee was to accept the committee decision, then immediate action would be taken to implement it;
- (e) otherwise, the A&S Committee shall either:
  - (i) refer the matter back to the policy committee or sub-committee in question and ask that committee or sub-committee to reconsider its decision; or
  - (ii) refer the matter to Full Council in which case the effect of such a referral will be to change the status of the decision in question from one which the relevant policy committee had resolved be taken to one which it is recommending to Full Council be taken. The subsequent consideration of that recommendation by Full Council shall be subject to the normal rules of debate. For the avoidance of doubt, the Chair of the relevant committee shall be the mover of the recommendation in question; and
  - (iii) in either case, the A&S Committee may make recommendations as to an alternative course of action to be pursued;

- (f) the matter will then be reconsidered at the next ordinary meeting of the policy committee (or sub-committee), or via a report to the next Full Council, as the case may be, unless the matter is sufficiently urgent to require a special or extraordinary meeting;
- (g) the Chair or Vice Chair of the A&S Committee shall have the right to address the relevant meeting of the policy committee / sub-committee or Full Council with reference to (f) above;
- (h) if the matter is subsequently considered by Full Council, either as a result of a reference pursuant to clause e(ii) or otherwise, the power contained in Standing Order 8(4) to move a motion to remit back to policy committee / sub-committee shall not apply;
- (i) the subsequent decision of the policy committee / sub-committee or the Council upon the matter will not be subject to further call-in or be the subject of a motion to remit under Standing Order 8(4) when being considered within the minutes of the relevant meeting at a subsequent Council meeting.