

Appendix B5

NORTH EAST DERBYSHIRE DISTRICT COUNCIL – CALL IN

13 Call-In of Key Decisions

- (a) 'Call-in' should not be confused with the scrutiny of anticipated decisions before they are made (ie matters on which Scrutiny Committees can formulate proposals and recommendations.) 'Call-in' refers to the calling in of a decision after it is made but before it is implemented.
- (b) Call-in should only be used in exceptional circumstances and only applies to Key Decisions. These are where Members have evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in Article 11.1 of this Constitution; where a key decision has been taken which was neither published in accordance with the requirements for the list of Key Decisions, not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution or where a decision is outside the policy or budgetary framework.
- (c) When a Key Decision is made by the Cabinet the decision shall be published electronically, and shall be available at the main offices of the Council within 2 working days of being made. Copies of the notice of decision will be provided to all Members within the same timescale.
- (d) All Key Decisions will come in to effect 5 working days after the publication of the decision unless a Chair or Vice-Chair of a Scrutiny Committee together with 3 other Members of Scrutiny objects to it and calls it in using the appropriate form and submitting it prior to the close of the Call-In period.
- (e) The call-in request should be on a completed Call-In Request Form and include the names and signatures of the four signatories, the decision to be called in, and the decision making principles it is believed have been breached and the reasons for this.
- (f) On receiving a call-in request, and on the Monitoring Officer being satisfied that the reasons for the call-in satisfy the requirements of this Constitution as set out at paragraph 13(b) above, the Monitoring Officer shall notify the decision-taker of the call-in.
- (g) The Monitoring Officer may reject it if:
 - It relates to a non-executive decision or is a decision where a statutory appeal is available;
 - Insufficient information has been provided;
 - It is vexatious, malicious or politically motivated;

- It contains insufficient evidence as to how the decision-making principles have been breached;
- The decision has previously been called in; or
- The reasons have been addressed in a previous call-in.

Reasons for refusal shall be given in writing.

- (h) The Monitoring Officer shall call a meeting of the relevant Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee and in any case within 10 days of the decision to call-in. If the Monitoring Officer is felt to have a conflict of interest when assessing the reasons for call in, then the Deputy Monitoring Officer may act in his/her place.
- (i) Those Members who have called in a decision will be invited to attend the meeting of Scrutiny to which the call-in will be presented. They may answer questions from the Committee, but will not be entitled to vote unless they are a Member of the Committee considering the matter. The relevant Cabinet Member / decision making officer will also be entitled to attend the meeting to address the committee and answer questions.
- (j) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or (if the decision appears to be outside the Policy Framework) refer the matter to the Council Meeting. If referred to the decision maker that person or body shall then consider amending the decision or not, before adopting a final decision.
- (k) If following an objection to the decision, the Scrutiny Committee does not meet within 10 days of the decision to call-in 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 Scrutiny Committee meeting, or the expiry of that 10 day period whichever is the earlier.
- (l) If the matter was referred to the Council Meeting and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective. However, if the Council Meeting does object, it has no right to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council Meeting will refer any decision to which it objects back to the decision-making person or body, together with the Council Meeting's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- (m) If the Council Meeting does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the

period in which the Council meeting should have been held, whichever is the earlier.

- (n) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would 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 Chair of the relevant Scrutiny Committee 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 Chair of the relevant Scrutiny Committee the Chair or Vice-Chair of the Council'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.
- (o) 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.