

and it is the duty of those persons to attend if so required.

- (b) For this purpose, senior officer includes any chief officer, deputy chief officer, third tier officer and other appropriate senior officer. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- (c) Where any member or officer is required to attend the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Legal and Democratic Services. The Head of Legal and Democratic Services shall inform the member or officer, if necessary in writing, giving at least 7 working days' notice of the meeting at which they are required to attend (unless agreed otherwise). Any notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Board or Committee.

Where the account to be given to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Corporate Overview and Scrutiny Management Board or Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

## 16. Attendance by others

The Corporate Overview and Scrutiny Management Board or a Scrutiny Committee may invite people other than those people referred to in paragraph 15 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

- (a) The Corporate Overview and Scrutiny Management Board has the power to call in decisions made by the Executive (which term shall also include a Joint Committee) but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. This is a power which should only be used in exceptional

circumstances and cannot be used in respect of day-to-day management and operational decisions.

- (b) When a decision is made by the Executive, an individual member of the Executive with delegated powers or under joint arrangements, notice of the decision shall be published on the Council website normally within 2 working days of being made. All Overview and Scrutiny Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (c) 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 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- (d) Within that period:
  - (i) the Chair or, in their absence the Vice-Chair of the Corporate Overview and Scrutiny Management Board; or
  - (ii) any five members of the Corporate Overview and Scrutiny Management Board or the Scrutiny Committee within whose remit the decision falls

may sign a notice requesting that the decision is called in and submit the notice to the Head of Legal and Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 10 of this Constitution.

- (e) On receipt of the notice the Head of Legal and Democratic Services will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Corporate Overview and Scrutiny Management Board, or in the absence of both, a Chair or Vice-Chair of another Scrutiny Committee.
- (f) The Chair or Vice-Chair to whom the request is referred will consider whether the request is reasonable. They will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and Chief Finance Officer, where appropriate, in conjunction with the Scrutiny Officer, on this point.
- (g) If it is considered that the request for call-in is reasonable, the Head of Legal and Democratic Services will convene a meeting of the Corporate Overview and Scrutiny Management Board within 7 working days, after consulting the Chair of the Board about the date. The Board will then proceed as in sub-paragraph (i) below.

- (h) If the Chair or Vice-Chair to whom the request is referred considers that the request is unreasonable the decision will not be called in. The decision of the Chair or Vice Chair will be communicated to the signatories to the Call-in request within 2 working days. The Head of Legal and Democratic Services will submit a report to the next available meeting of the Corporate Overview and Scrutiny Management Board giving details of the request and Chair's/Vice-Chair's reasons for refusing it.
- (i) Where the Corporate Overview and Scrutiny Management Board considers a call-in request, the format of the meeting will be as follows:-
- after the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
  - on matters of particular relevance to a particular electoral division, electoral division members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by 12 noon one working day prior to the relevant hearing;
  - the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
  - the relevant Corporate Director or their representative will advise the Board on the background and context of the decision and its importance to achieving Service priorities;
  - Board members will ask questions of members and officers in attendance;
  - the portfolio holder(s) will be invited to make any final comments on the matter.

The Board, after considering the evidence presented to the meeting, will make one of the following decisions:

- to take no further action, in which case the decision will take effect immediately;
- to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Board's concerns;

- the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Corporate Overview and Scrutiny Management Board, before making a final decisions;
- to refer the matter to full Council, in which case paragraph (k) below will apply; or
  - to refer the matter to a sub group of the Board for further consideration and report back to the Board within a specified period not exceeding 14 days, in which case the Board will, at its reconvened meeting take one of the decisions set out above; if the Board does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Board meeting or the expiry of that further 14 day period, whichever is the earlier.
- (j) If, following a request for call-in, the Corporate Overview and Scrutiny Management Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to full Council, the decision will take effect on the date of the relevant Board meeting, or the expiry of that further 7 working day period, whichever is the earlier.
- (k) If the matter is referred to full Council 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 in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive 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 will refer any decision to which it objects back to the decision maker, together with the Council's views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (l) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, 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.

## 18. Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (a) that the Corporate Overview and Scrutiny Management Board may only call-in a maximum of 3 decisions per three month period;
- (b) that call-in can be invoked in respect of a decision only once;
- (c) that call in will not apply to individual decisions made by the Audit Committee, the County Planning Committee or Area Planning Committees, the Highways Committee, the Statutory Licensing Committee, the General Licensing and Registration Committee, the Appeals and Complaints Committee, the Chief Officers' Appointments Committee, the Standards Committee or the Human Resources Committee, or any Sub-Committee of those Committees.

## 19. Call-in and Urgency

- (a) 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 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 maker, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Council in consultation with the Chair of the Corporate Overview and Scrutiny Management Board 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 Council, the Vice-Chair's consent shall be required (again in consultation with the Chair of the Corporate Overview and Scrutiny Management Board). In the absence of both the Chair and Vice-Chair of the Council, the Chief Executive or their 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.
- (b) 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.

## 20. Reports to the Local Authority where the key decision procedure is not followed

20.1 Where an executive decision has been made and:-