

Appendix 'N'

PROCEDURE FOR CALL-IN OF CABINET DECISIONS

1. Introduction

1.1 The Local Government Act 2000 requires the Council to introduce arrangements to allow Elected Members, through the Scrutiny Commissions, to hold the Executive (i.e. the Cabinet) to account for the discharge of its functions.

1.2 The Council's Constitution provides for certain functions of the Executive to be discharged only on the approval at Full Council of *recommendations* made on those matters by the Cabinet. The Constitution prevents these matters being implemented without Full Council approval and allows Scrutiny Commissions to refer them back once only for reconsideration by Cabinet. However, Cabinet has power to determine many other matters without reference to Full Council and a call-in facility has been established that allows for the scrutiny of these Cabinet *decisions*, prior to their implementation. The implementation of any decisions called-in under this procedure will be delayed until the issue has been considered by the relevant Scrutiny Commission or Full Council.

2. What Decisions can be "Called-in"?

2.1 The call-in procedure applies only to decisions of the Executive (i.e. Cabinet) as provided for in the Local Government Act 2000. Decisions of a quasi-judicial nature taken by the Regulatory Boards, relating to statutory and individual case matters, cannot be called-in under this procedure; Neither can day-to-day management and operational decision taken by officers, although officers may be required to give evidence to Scrutiny Commissions on such matters in the course of investigations into the performance of Council Services.

2.2 In order to protect the interests of the authority, any Executive decision which cannot wait until the next meeting of the relevant Scrutiny Commission due, for example, to a risk of financial loss, the failure to meet any legal liability, a threat to public safety or would result in missing an externally imposed deadline (e.g. by Central Government) shall not be subject to call-in. However, in such circumstances, the relevant Cabinet Spokesperson must consult the Chair of the relevant Scrutiny Commission to explain the position in advance of the matter being referred to Cabinet. The outcome of these consultations must be reported when the matter is considered by Cabinet.

2.3 If warranted and time allows, the Scrutiny Commission Chair may seek a special meeting of the Commission to deal with an urgent item. In the event that an urgent matter is not called-in on the above basis, the relevant Scrutiny Commissions will still be able to review the decision at its next available meeting and make comments to the Cabinet.

2.4 In view of the need for time to allow call-in to operate, Executive Directors must make their staff aware of the importance of matters being brought forward in good time.

3. Procedure for Calling-In Cabinet Decisions

3.1 Copies of the weekly Cabinet agenda sheet will be made available to all Members of the Council, together with Co-opted Members of Scrutiny Commissions, three clear days before the relevant Cabinet meeting. This will indicate which items are likely to be approved by Cabinet without reference to Full Council. Within two working days of the Cabinet meeting, a List of Decisions will be made available to all Members, but these decisions will not be implemented until the expiry of the call-in deadline.

3.2 Half of the Voting Members of a relevant Scrutiny Commission, who may include Elected and Voting Co-opted Members, may give notice that they wish to call-in a particular decision. The request for call-in must be received in the Chief Executive's Office by 4.30 p.m. on the fourth working day after Cabinet has taken the decision (normally Tuesday). This will enable the call-in to be reported to Cabinet before it confirms the accuracy of the minutes of the previous week's meeting. Any decisions not called-in may be implemented on the expiry of this deadline.

3.3 The Chief Executive will ensure that the call-in request is copied to the relevant Executive Director and the Borough Secretary.

3.4 The attached form must be used to notify requests for an item to be called-in. This must state reasons why those Members wish to review the decision and propose an alternative solution. The Borough Secretary will arrange for liaison with the Chair of the relevant Scrutiny Commission. On advice from the Borough Secretary, the Chair will have the discretion to refuse the request for call-in if it contains defamatory material. The Chair will normally take this decision within 5 working days of the receipt of the call-in request. Instances where the Chair refuses the call-in request will be reported by the Borough Secretary to the next available Cabinet meeting and the decision may be implemented immediately.

3.5 Any call-in request which is refused by the Chair will be reported to the next available meeting of the relevant Scrutiny Commission in order that the circumstances may be recorded in the Minutes.

3.6 Where the Scrutiny Chair agrees to the call-in of a decision, the Members who have made the request will have the opportunity to give evidence at the meeting of the Scrutiny Commission on why their alternative proposal should be adopted. The relevant Cabinet Spokesperson(s) and Executive Director(s) will also be invited to give evidence, together with any other witnesses considered relevant by the Chair. If the Scrutiny Commission supports the Cabinet's original decision, then that decision stands and can be implemented from the date of the Scrutiny Commission concerned.

3.7 If the Scrutiny Commission supports the Members' request, it can :

- refer the matter back to Cabinet with a recommendation for an alternative solution;
or
- refer the matter to the Full Council for debate at its next available meeting, which may agree to refer the matter back to Cabinet for reconsideration.

3.8 If the matter is referred back to the Cabinet, the Scrutiny Commission or Full Council will submit a report to Cabinet in line with the Protocol on Scrutiny References. Cabinet must reconsider the decision, on the basis of the Scrutiny report, and may or may not amend it before adopting a final decision. Once a decision has been determined following a call-in it can be implemented from the date of the Cabinet meeting and cannot be subject to any further call-ins.

