

Council Constitution

Part 4f - Budget and Policy Framework

Call In of Decisions Outside the Budget and Policy Framework

1. Budget and Policy Framework

1. The Council will be responsible for the adoption of its budget and policy framework as set out in [Article 4](#) of the Council's Constitution.
2. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.
3. The Executive will publicise by including in the Council's Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of such initial proposals.
4. The Chairs of the Scrutiny Panels will be notified of such proposals referred to in **Paragraph 1.3** above.
5. The consultation period shall in each instance be not less than two weeks and the appropriate Scrutiny Panel(s) must be consulted on such proposals.
6. At the end of the consultation period, the Executive will draw up firm proposals, having regard to the responses to that consultation.
7. If a relevant Scrutiny Panel wishes to respond to the Executive in that consultation process then it may do so.
8. As the Scrutiny Panels have responsibility for fixing their own work programme, it is open to the Scrutiny Panels to investigate, research and report in detail with policy recommendations before the end of the consultation period.
9. The Executive will take any response from a Scrutiny Panel into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.
10. Once the Executive has approved the firm proposal the Proper Officer will refer them at the earliest opportunity to the Council for decision.
11. In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.
12. If it accepts the recommendation of the Executive without amendment, the Council make a decision which has immediate effect. Otherwise, it may only make an in principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
13. The decision will be publicised in accordance with [Article 4](#) of the Council's Constitution and a copy shall be given to the Executive Leader.

14. An "in principle" decision will automatically become effective five days from the date of the Council decision, unless the Executive Leader informs the Proper Officer, in writing within three days, that she/he object to the decision becoming effective and provides reasons why.
15. In the event the Executive Leader objects to an "in principle" decision, in accordance with [Standing Order 13.6](#), then the Proper Officer will call a Council Meeting within a further five days, when the Council will be required to reconsider its decision and the Executive Leader's written submission within five days.
16. A Council Meeting convened under **Paragraph 1.15** may either:-
 1. approve the Executive's recommendation by a simple majority of votes cast at the meeting, or
 2. approve a different decision which does not accord with the recommendation of the Executive by a simple majority.
17. The decision shall then be made public in accordance with [Article 4](#) of the Council's Constitution, and shall be implemented immediately.
18. The Executive Cabinet, an individual Cabinet Member or Officers or joint arrangements discharging executive functions, may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:-
 1. if it is not practical to convene a quorate meeting of the Full Council; and
 2. if the Chair of a relevant Scrutiny Panel agrees that the decision is a matter of urgency.
19. The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Scrutiny Panel's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision.
20. In the absence of the relevant Scrutiny Panel Chair the consent of the Chair of Council Business will be sufficient.
21. Following the decision, the decision taken will prove a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

2. Call-In Procedure

This procedure should only be used in exceptional circumstances where Members have evidence that decisions made by any of the following were not taken in accordance with the principles of Article 16, or in breach of Council policy or budget framework:-

- the Executive Cabinet
 - the individual Executive Member
 - an officer when making a Key Decision
1. A decision of the Executive Cabinet, an individual Executive Member, or a Key Decision by an officer shall be published, where possible electronically, and shall be available at the Council Offices within two days of being made. Chairs of all Scrutiny Panels will be sent copies of the record of all such decisions within the same period by the person responsible for publishing the decision.
 2. The decision notice will give the date of publication and the date five working days later when the decision will be effective unless it has been called-in in accordance with this procedure.

3. During the call-in period, any five Members of the appropriate Scrutiny Panel (including Members from at least two political groups) may request the Chief Executive, in writing, to arrange a meeting of the Call-in Panel if they are of the opinion that the decision made but not implemented, is in contravention of the principles of Article 16 or in breach of Council policy or budget framework.
4. The written request must specify the reasons for requesting the decision to be called in.
5. The Chief Executive will notify the decision taker(s) of the call-in request. The Chief Executive will call a meeting of the Call-in Panel, where possible after consultation with the Chair of the Call-in Panel, and the Call-in Panel meeting will take place within five days of receipt of the written request.
6. The Chief Executive will notify the Members who requested the call-in and the decision taker(s) of the date of the Call-in Panel and invite them to attend the meeting of the Call-in Panel.
7. The Call-in Panel shall not include any Member who has requested the call-in. The Chair of the Overview Panel will chair the Call-in Panel. The quorum for the Call-in Panel will be three Members.
8. The Chief Executive, Monitoring Officer and Section 151 Officer shall give initial consideration to the item called in and report in writing to the Call-in Panel on this matter.
9. the Call-in Panel will consider the following:-
 1. the initial decision notice and relevant reports
 2. the written request for call-in
 3. the report of the Chief Executive, Monitoring Officer and Section 151 Officer
10. The Call-in Panel may ask questions of those persons who have submitted written documents to clarify any issues.
11. The Call-in Panel may either:-
 1. decide that the original decision has been made in accordance with principles of [Article 14](#) and the Council policy or budget framework; or
 2. refer the decision back to the original decision taker for reconsideration.
12. The Call-in Panel should give reasons for its decision.
13. If the Call-in Panel decides that the original decision has been made in accordance with the principles of [Article 16](#) and Council policy or budget framework, the decision is immediately effective.
14. If the decision is referred back to the original decision taker, the decision taker must consider:-
 1. whether the policy or budgetary framework needs to be amended; or
 2. whether there are any principles of [Article 14](#) which need to be addressed.
15. If the original decision maker decides that the policy or budgetary framework needs to be amended then the matter should be referred to the Executive Cabinet or Council as appropriate.
16. If the decision taker does not agree with the decision of the Call-in Panel and wishes to implement the original decision, then the matter shall be referred to the next appropriate Council meeting. The Chief Executive in consultation with Chair of Council Business shall decide whether it is necessary to convene an Extraordinary Meeting of the Council. The decision of the Council meeting shall be final and binding.

17. The decision taker shall consider whether s/he can address the concerns of the Call-in Panel about the principles of [Article 16](#) and shall consult the Chief Executive, Monitoring Officer and Section 151 Officer in respect of this matter.

18. If the Call-in Panel is unable to or fails to meet within the specified five days, the Chief Executive, Monitoring Officer and Section 151 Officer shall consider the reasons for this and if appropriate may either uphold the original decision or arrange another meeting date within a further period of five days.

19. The Call-in Procedure above shall not apply where the decision being taken is urgent.

The decision will be urgent if taken in accordance with the urgency requirements set out in [Article 16](#) and will require the consent of the Chair of the relevant Scrutiny Panel or the Chair of Council Business, that the decision is urgent and cannot reasonably be deferred without seriously prejudicing the Council or the public interest.

20. The operation of the Call-in Procedure and urgency provisions shall be monitored annually and a report submitted to Council with proposals for review if necessary.