

Appendix 1

Extract from Part 4 of the Constitution on the call-in procedure

17 Call-in (“requisition”) procedure

(a) All decisions of Cabinet and individual Cabinet members, and all key decisions taken by staff will be notified weekly to all members, who shall be entitled to requisition that decision. Notification will be by the weekly Calendar Brief (or, where necessary, by supplementary Calendar Brief) to all members, indicating the latest date for submission of a requisition.

(b) If the Head of Democratic Services is notified of a requisition of a decision shown on that notification within three working days of the publication in Calendar Brief (or any supplementary Calendar Brief) of a decision, then that decision shall not be acted upon but shall be submitted to the next Overview and Scrutiny Board meeting as soon as possible, either at the next ordinary meeting if due within 15 working days of receipt of the requisition or at a special meeting convened for the purpose (to be held, so far as practicable, within 10 working days of the receipt of the requisition), for determination.

(c) At a meeting due to consider a requisition submitted under (b) above, the Overview and Scrutiny Board may resolve to initiate either of the specific call-in procedures set out in rule 5 of the Policy Framework Procedure Rules or in rule 5 of the Budget Framework Procedure Rules.

(d) Any requisition submitted under (b) above must be in writing and must be signed by:

- (i) at least two members representing between them more than one group (and may include one or two members who are not attached to a group), or
- (ii) at least one co-opted member and one member.

The requisition must state the grounds for the requisition.

(e) The Board may uphold a requisition in its entirety or in part, or may decline to uphold a requisition (in which case the original decision shall stand and be able to be implemented forthwith).

(f) Following the consideration of the matter by the Board, if the requisition submitted under (b) above is upheld, the matter shall be referred to either

- (i) The Council where the Board considers the matter is contrary or not wholly in accordance with the policy or budgetary framework, or otherwise
- (ii) The Cabinet

(g) The report of the Board submitted to the Council or Cabinet shall incorporate the Board's views on the requisition and any recommendations it wishes to put forward as to how the requisitioned decision should be reviewed or altered in order to address the points in the requisition that have been upheld.

(h) The Board's views may be articulated by an officer's report, by a minute of the Board or by a summary of the minute.

(i) A requisition under (b) above shall be determined at the board meeting by simple majority.

(j) The members calling in the decision may indicate at the time of submitting any requisition that it is "holding" requisition, to permit informal discussion with the Board member or the Chairman of the Board, as the case may be, as to the merits of the decision. Time shall be of the essence when dealing with "holding" requisitions. A "holding requisition" shall be treated as withdrawn if, eight clear days having passed from the publication of the decision, both members have not confirmed by notice in writing to the Head of Democratic Services that the requisition should be subject to the full requisition procedure provided for in the preceding paragraphs.

(k) Any requisition may be withdrawn by the requisitioners at any time prior to it being disposed of.

(l) For the avoidance of doubt, "notice given in writing" for the purpose of this Rule includes notice given by a requisitioner by fax or by email from an address or number recognised as associated with the member sending it, and shall be regarded as validly signed by both members if either an identical fax or email is received from both of them or one clearly associates him or herself with a submission by the other, and different members may use different methods of giving such notices.

18 Exception to the call-in ("requisition") procedure

(a) The call-in procedure set out above shall not apply where a decision being taken by Cabinet or an individual Cabinet member, or a key decision made by a member of staff, 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 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.

(b) The decision making person or body can only take an urgent decision under (a) above and avoid the call-in procedures after obtaining agreement from the Chairman of the Board that the decision be treated as urgent.

(c) In the absence of the Chairman, the Vice Chairman, or if neither is able to act, then the Mayor, or in his/her absence the Deputy Mayor, may give the agreement in (b) above.

(d) Any agreement obtained under (b) or (c) above shall be evidenced in writing.

(e) The Leader of the Council will submit quarterly reports to Council on decisions taken by himself, Cabinet or individual Cabinet members, or key decisions made by a member of staff, pursuant to this rule in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.

(f) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the proper officer with proposals for review if necessary.

19 The Party Whip

There shall be no Party Whip at a meeting of the Overview and Scrutiny Board or Sub-Committees. "The Party Whip" is understood to mean "any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote before the Overview and Scrutiny Board or Sub-Committee, or the application or threat to apply any sanctions by the group in respect of that Councillor should they speak or vote in any particular manner"

20 Procedure at Overview and Scrutiny Board or Sub-Committee meetings

(a) The Overview and Scrutiny Board and any sub-committees shall consider the following business:

- (i) minutes of the last meeting
- (ii) declarations of interest
- (iii) consideration of any matter referred to the Board only for a decision in relation to call in of a decision
- (iv) responses of the Leader or Executive to reports of the Overview and Scrutiny Board or Sub-Committees
- (v) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny Board or Sub-Committee conducts investigations (for example, with a view to policy development), the committee shall observe the following principles:

(i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak

(ii) that those assisting the committee by giving evidence be treated with respect and courtesy

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.