

APPENDIX 1

Proposed amendments to Standing Orders 20 and 21

20. Call in of Cabinet, Cabinet Committees and Officer decisions

(a) If:-

- (i) the relevant Scrutiny Committee decides; or
- (ii) five non-cabinet members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) submit a valid request

that any Key Decision (irrespective of the decision maker) and other decisions made by the Cabinet or by Cabinet Committees be called in for scrutiny then the relevant Scrutiny Committee shall consider that decision at its next meeting which, unless otherwise determined by the Leader, shall in the case of a decision made by the Cabinet or by Cabinet Committees take place within 15 days of the date on which the call-in is accepted as valid under paragraph (b) below. ~~the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules.~~ This period will be extended by the Head of Executive and Member Services as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

(b) Any such decisions by the relevant scrutiny committee or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. A request shall be valid if it:

- (i) Is. ~~The request for call in must be~~ received by the Head of Executive and Member Services by 6 pm on the 5th day;
- (ii) Is in writing and submitted in person, by letter signed by the member or from the member's individual email address and not from that member's group office.
- (iii) includes the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in paragraph (a) above has been reached.
- (iv) is made on the Call-in form available from [LINK] or includes all the information required by the form.
- (v) Includes the member's suggested alternative proposals, action, or resolution of the matter; and
- (i) meets the requirements of section 3.2 of the call in protocol included in Part 7 of this Constitution.

(c) A non-cabinet member who has notified a request to the Head of Executive and Member Services under 20(a)(ii) may withdraw their request within 72 hours of 6 pm on the 5th day in which case the Head of Executive and Member Services will

recalculate whether the threshold in paragraph (a)(ii) is met and if it is not the call-in shall not proceed.

- (d) Any No decision covered by the Standing Order which has been called in pursuant to paragraph (a) above which has not been shall be implemented before the expiry of the 5 day period provided for in paragraph (b) above has expired and no decision which has been called in in accordance with this Standing Order may be implemented prior to the date on which the decision maker receives notification of the call in from the Head of Executive and Member Services shall not be implemented until the relevant Scrutiny Committee has met to consider the decision in accordance with paragraph (a) unless the decision is urgent and the process in paragraph (e) below has been complied with.
- (e) Where a decision covered by this Standing Order is urgent the following shall apply:
 - (i) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public interest and it would not be practicable for a quorate meeting of the relevant Scrutiny Committee to be convened and for any necessary reconsideration by the decision maker to take place in compliance with the Access to Information rules if the matter were called in.
 - (ii) The Chief Executive shall determine whether the matter is urgent on the basis of the definition in (a) above and that any decision on that matter cannot be called-in.
 - (iii) The Chief Executive shall obtain the consent of the Chair of the relevant Scrutiny Committee (or in their absence the vice-chair) to the matter being treated as urgent and call-in not applying.
 - (iv) The published notice of the decision shall include the reasons why the decision may not be called-in prior to implementation.
 - (v) If the process in (b) and (c) has been completed prior to the publication of the report seeking the decision concerned, the report shall clearly state that the matter has been agreed as urgent and that call-in will not apply and, where applicable, this will be recorded in the minutes of the meeting that considers the matter.
 - (vi) Where (ii) – (iii) take place after the decision has been taken, the fact that a matter had been determined as urgent and that call-in did not apply, shall be notified to all members of the relevant scrutiny committee.
- (f) The Cabinet or Cabinet Committee shall report to the next ordinary meeting of Full Council details of any such urgent decisions and the reasons why the decision needed to be implemented as a matter of urgency.
- (g) In considering the call in the relevant Scrutiny Committee shall have regard to the call in protocol and determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.
- (he) If the relevant Scrutiny Committee recommends to the decision maker that it should reconsider the decision or matter then
 - (i) in the case of a decision made by the Cabinet/the Cabinet Committee, the Cabinet/Cabinet Committee (as appropriate) shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the

matter is referred to Full Council for further consideration under Standing Order 21; or

- (ii) in the case of a Key Decision made by an officer, the officer who made the Key Decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 21.

21. Referral of Called in Decisions to Full Council

- (a) If, following consideration by the relevant Scrutiny Committee of a called in decision, at least 10 members of the Council (not including the independent or co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.
- (b) Any request to refer such a decision to Full Council, in accordance with paragraph (a) above, shall be made in writing, together with the reasons for the referral and may include details of any suggested alternative proposal, action, or resolution (standard forms are available from members' group offices), to the Head of Executive and Member Services within 5 days of the date on which the relevant Scrutiny Committee met in accordance with Standing Order ~~18(a)~~20(a) or the date on which the decision maker reconsidered their decision in accordance with Standing Order ~~2018(he)~~ if later. The Head of Executive and Member Services shall forthwith copy the request and the reasons to the Leader.
- (c) The Leader shall include in his or her report to Full Council any comments of the Cabinet or Cabinet Committee (as appropriate) on the referral and the reasons given therefore.
- (d) Full Council may make such recommendations to the Cabinet or Cabinet Committee (as appropriate) as it sees fit and the Cabinet or Cabinet Committee shall, if the recommendations relate to a function which is properly exercisable by it-, take into account but shall not be obliged to accept those recommendations.

Related amendment to Standing Order 6

6. Form of Notice

- (a) Subject to paragraph (b) below, any notice or request or motion required to be signed by members shall be submitted to the Head of Executive and Member Services and shall be signed by the required number of such members at the offices of the Head of Executive and Member Services. The Head of Executive and Member Services shall have delegated authority to take such action as is necessary to respond to any such notice, request or motion signed by the requisite number of members.
- (b) Any request under Standing Order 20 shall be made in accordance with that Standing Order.

~~writing and submitted in person, by letter or by email and:~~

~~In the case of a request submitted in person or by letter shall be signed and the signature(s) shall be the original signature of the member(s).~~

~~In the case of a request submitted by email, the email shall be from a member's individual address and not from that member's group office.~~

~~Shall include the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in Standing Order 20 has been reached.~~

~~Maybe made on the Call-in form available from member's group offices, and may include members' suggested alternative proposals, action, or resolution.~~