

17. Call-in procedures

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17.1 What decisions can be called in?

The following decisions can be called in:

- *resolutions by the Cabinet*
- *key decisions taken by officers*
- *ward member spend (Part 4.7)*
- *planning decisions taken by the Oxford City Planning Committee*
- *decisions on planning applications that were going to be taken by the Director of Planning and Regulation*

17.2 Notices of decisions

- (a) After a decision is taken that could be called in (or when Committee and Member Services are notified of the decision if that is later), Committee and Member Services will send electronically a notice of decision to all councillors (and any co-opted members of the body that took the decision) within two working days of the decision.
- (b) A notice of decision relating to ward member spend will, after the approval provided for in Part 4.6(c), be sent by Citizen and Community Services to all councillors within five working days of the approval.
- (c) The notice of decision will say what the decision was and where it can be called in to.
- (d) The notice of decision will be marked with the date it was published and will say that the decision will come into force if it is not called in within two working days of that date.

17.3 Who can call in decisions and when do they have to be called in by?

Decision	Can be called in by	Deadline
Decisions on planning applications (those seeking determinations within 5.3(a)) to be taken by the Director of Planning and Regulation	Any six councillors	5pm on the last day of the period of 21-days starting with the day on which notice of the application is published on the Council website; or, in instances where there are significant changes to material planning considerations, as determined by the Director of Planning and Regulation, after the initial notice of the application is sent to councillors via the weekly planning list, 5pm on the last day of the period of 21-days starting with the day on which councillors are re-notified
Planning decisions (those within 5.3(a)) taken by Oxford City Planning Committee	Any twelve councillors or the Director of Planning and Regulation	5pm on the last day of the period of two working days starting the day after the record of decision has been published
Non-planning decision taken by the Cabinet	Any four councillors or the Chair of the Scrutiny Committee	5pm on the last day of the two working day period starting the day after the record of decision has been published
Key decision taken by an officer	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published

Ward member spend	Any four councillors or the Chair of the Scrutiny Committee	Within two working days of the notice of decision being published
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Co-opted committee members cannot call in decisions.

17.4 How are decisions called in?

Decisions are called in by sending notice of call-in to the Director of Law, Governance and Strategy or emailing it to the internal call-in mailbox. Councillors must confirm their support to a call-in individually for it to be valid; one email with the other individuals copied in is not sufficient.

All planning call-ins must be supported by relevant material planning considerations. If an executive decision is being called in because it is believed to be outside the budget and policy framework, the notice of call-in must say so.

When a decision is called in, the Director of Law, Governance and Strategy will tell the officer or ward member or the chair of the body that took the decision, or in the case of call-in of a planning decision to be taken by the Director of Planning and Regulation, the Director of Planning and Regulation.

17.5 Where are decisions called in to?

(a) The table shows where decisions are called in to

Decision	Called in to
Decisions on planning applications to be taken by or on behalf of the Director of Planning and Regulation	Oxford City Planning Committee
Planning decisions taken by Oxford City Planning Committee	Planning Review Committee
Non-planning decision or ward member spend	Scrutiny Committee

(b) A special meeting can be called to consider a decision that has been called in if the Director of Law, Governance and Strategy believes it is not in the Council's interest to wait until the next ordinary meeting.

17.6 What happens when a planning decision is called in?

The Oxford City Planning Committee or Planning Review Committee will decide the planning application.

17.7 What happens when a decision is called in to the Scrutiny Committee?

The Scrutiny Committee can decide to:

- support the decision, which can then be acted on immediately, or
- send the decision back with its comments to the Cabinet or ward member or officer, who will then take a final decision, or
- send comments to Council on any decision that recommends changing the budget or policy framework.

17.8 Criteria for Call-In

For executive decisions, Members must complete the proforma and sent to the Director of Law, Governance and Strategy (pfrestrictedcallin@oxford.gov.uk). A notice invoking the call-in procedure must cite at least one of the following grounds in support of the request for call-in of a decision.

- Inadequate consultation
- Inadequate evidence
- Decision outside the Budget and Policy Framework
- Decision does not lead to the desired outcome
- Decision might be challenged on human rights grounds
- Insufficient Legal and Financial consideration
- Decision not within the power of the Decision maker

In effect the 'call in' request would need to demonstrate that it is reasonable to 'call in' the decision. It is for the Director of Law, Governance and Strategy, in consultation with the Chair of the Scrutiny Committee to assess what is reasonable.

17.9 Decision believed to be outside the budget or policy framework

- (a) The Monitoring Officer or Chief Finance Officer will say whether the decision is outside the budget or policy framework.
- (b) If the decision is not outside the budget or policy framework, the Scrutiny Committee can decide to:
 - support the decision, which can then be acted on immediately, or
 - send the decision back with its comments to the Cabinet or ward member or officer, who will then take a final decision.
- (c) If the decision is outside the budget or policy framework, it will go as a recommendation to Council, along with any comments from the Scrutiny Committee. Council can then:
 - make the Cabinet reconsider the decision, or
 - change the budget or policy framework so that the decision is within it – the decision can then be acted on immediately.

17.10 Urgent decisions

A decision to be taken cannot be called in if the Chair of the Scrutiny Committee, upon being consulted, agrees that:

- the decision to be taken is both urgent and reasonable and
- the delay caused by the call-in process would not be in the interests of the Council or the public.

If the Chair of the Scrutiny Committee is not available, the Lord Mayor must agree that the decision to be taken is urgent and reasonable. If the Lord Mayor is not available, the Deputy Lord Mayor, Chief Executive or Monitoring Officer must agree.

Decisions to which this rule applies must be identified on the notice of decision.

Decisions to which this rule applies must be reported to the next ordinary Council meeting with the reasons why they were urgent. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that.

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