

Democratic Services

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Date: 19 September 2014
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To: All Members of the Resources Policy Development and Scrutiny Panel

Councillor Robin Moss (for John Bull)
Councillor Rob Appleyard (for Roger Symonds)
Councillor Colin Barrett
Councillor Paul Myers
Councillor Tim Warren (for Charles Gerrish)
Councillor Chris Watt (for Barry Macrae)
Councillor Nigel Roberts

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Resources Policy Development and Scrutiny Panel (Call in E2692 Policy Loan –
Wilmington Farm Solar Array): Monday, 29th September, 2014**

You are invited to attend a meeting of the **Resources Policy Development and Scrutiny Panel**, to be held on **Monday, 29th September, 2014** at **10.00 am** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely



Michaela Gay
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Michaela Gay who is available by telephoning Bath 01225 394411 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Michaela Gay as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Michaela Gay as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Resources Policy Development and Scrutiny Panel - Monday, 29th September, 2014

at 10.00 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. POLICY LOAN OF £500K IN WILMINGTON FARM SOLAR ARRAY (Pages 7 - 22)

To hear the call-in of the decision E2692 – Policy loan of £500k in Wilmington Farm Solar Array, this report sets out the call-in by 10 Councillors of this decision. The role of the Panel is to consider the issues raised by the call-in and to determine the response.

Appendix 5 – Terms of Reference will be sent out at a later date.

The Committee Administrator for this meeting is Michaela Gay who can be contacted on 01225 394411.

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Bath & North East Somerset Council	
MEETING:	Resources Policy Development and Scrutiny Panel
MEETING DATE:	29 th September 2014
TITLE:	Call-in of decision E2692: Policy Loan in Wilmington Farm Solar Array
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 Cabinet / Cabinet Member Decision</p> <p>Appendix 2 Accompanying Report for the Decision (with Appendices)</p> <p>Appendix 3 Call-in Request</p> <p>Appendix 4 Call-in Guidance Note</p> <p>Appendix 5 Suggested Terms of Reference for the Call-in</p>	

1 THE ISSUE

1.1 Any 10 Councillors not in the Council’s Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a “call-in” and has the effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.

1.2 This report sets out the call-in by 10 Councillors of the decision relating to the Policy Loan in Wilmington Farm Solar Array. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

2 RECOMMENDATION

THE PANEL IS ASKED TO:

- a. Consider the call-in request received (refer to Appendix 3).
- b. Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel (Appendix 5) subject to any further comments received from Panel members (as in paragraph 5.2.2 below).
- c. Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further

meeting (e.g. from the Cabinet Members; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).

d. Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.

e. If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 9th October 2014 (this timescale would not apply if the Panel decided to refer their role to the full Council).

f. Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.

g. Note that, following the examination, the Panel may either dismiss the call-in, uphold the call-in or refer the matter to Council to itself undertake the role of the Panel

3 FINANCIAL IMPLICATIONS

3.1 The Panel should be aware that the Council's Constitution (Part 4E, Rule 13) requires that

3.2 *"Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations"*.

3.3 It is important, therefore, in its consideration of the call-in that the Panel gives consideration to the alternative options available to the decision-maker and the financial consequences of these.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSALS

4.1 A Call-in is a statutory process pursuant to the Council's Constitution Part 4E.

4.2 The topic of this Call-in is a loan, subject to due diligence, into the Wilmington Farm Solar Array. This investment aims to support the Council's policy commitments made in the B&NES Environmental Sustainability & Climate Change Strategy 2012-2015 to support the development of renewable energy in the area.

5 THE REPORT

5.1 BACKGROUND

5.1.1 The decision which is now subject to a call-in request was a single Cabinet Member Decision made on the 2nd September 2014 and published on the Weekly List on 5th September 2014 (Appendix 1) following consideration of the officer report (Appendix 2).

5.1.2 The Call-in request was received and validated on 10th September 2014. The Council Solicitor, on behalf of the Chief Executive, has validated the call in and confirms that it conforms to constitutional requirements in terms of time of receipt and number of

Members validly subscribing to it. Appendix 3 sets out the reasons for the call-in request.

5.2 ASSESSING THE CALL-IN REQUEST

5.2.1 The Terms of Reference (Appendix 5) will indicate the suggested scope of the Call-in. This will outline the information and contributions the Panel is advised to consider in order to determine the call-in. It will have been prepared in consultation with the Chair. Panel members are invited to comment on the terms of reference and any changes they request will be taken into account in an updated version which will be circulated at the meeting.

5.2.2 The Policy Development and Scrutiny Panel Chairs have approved guidance on the handling of call-in requests which make clear that there is a presumption that every validated call-in will proceed to a public meeting stage. The process for that meeting is set out in paragraph 5.3 below. If a second meeting of the Panel is required to complete the review it needs to take place no later than 9th October 2014 to comply with the constitutional requirement that the total period of overview and scrutiny involvement in a call-in must not exceed 21 working days.

5.3 SUGGESTED FORMAT FOR THE MEETING TO DETERMINE THE CALL-IN

5.3.1 When the Panel determines the call-in, it is suggested that the following format be adopted:

- i. Remind itself of the issues to be considered and consider any additional written information supplied.
- ii. Hear from and ask questions of the Cabinet Member(s) and Lead (or other agreed) Officers.
- iii. Hear from and ask questions of Councillor(s) representing the call-in signatories.
- iv. Hear from and ask questions of any appropriate external contributors (a "panel" style contributors` session is suggested).
- v. Call-in Councillor and Cabinet member(s) have the opportunity to make comments on any new considerations that may have arisen during the debate.
- vi. Discuss and draw conclusions from the written and oral information presented.
- vii. Consider and formulate the Panel's determination of the call-in.

6 RATIONALE

6.1 The recommendations were suggested pursuant to the Council's constitution

7 OTHER OPTIONS CONSIDERED

7.1 Not applicable

8 CONSULTATION

8.1 This report has been prepared following consultation with the Chair and Vice Chair of the Policy Development and Scrutiny Panel.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Emma Bagley, Policy Development and Scrutiny Project Officer, 01225 306410</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Single Member Cabinet Decision

Executive
Forward Plan
Reference

E2692

Policy loan of £500k in Wilmington Farm Solar Array

<p>Decision maker/s</p>	<p>Cllr Paul Crossley, Leader of the Council Cllr David Bellotti, Cabinet Member for Community Resources</p>
<p>The Issue</p>	<p>The Green Investment & Jobs Fund (£1m) was approved by Council in February 2014 “<i>Investment of a policy loan in local renewable energy projects to further a range of Council policy objectives, whilst generating a source of income for the Council and contributing to the creation of ‘green’ jobs.</i>” The investment will also enable the Council to directly contribute to the achievement of the Core Strategy renewable energy targets.</p>
<p>Decision Date</p>	<p>2nd September 2014</p>
<p>The decision</p>	<p>The Cabinet Members agree that:</p> <ol style="list-style-type: none"> 1. In principle to make the loan of £500K into the Wilmington Farm Solar Array, subject to due diligence; 2. And to AUTHORISE the Divisional Director for Strategy & Performance, in consultation with the Cabinet member for Resources, to authorise the loan once satisfied that due diligence has been completed and subject to relevant terms and conditions.
<p>Rationale for decision</p>	<ul style="list-style-type: none"> • BWCE are the only organisation delivering such projects in B&NES, with a community benefit model, and with a current pipeline of projects that can be delivered in time. • There are no other organisations based in B&NES that offer both the ability and track record to deliver community based renewable energy projects or the commitment to investing all surplus profit into a Community Energy Fund for reinvestment in local energy projects. • The Green Investment & Jobs Fund was agreed by Council with the intention of making a policy loan investment in 2014/15. As there is significant lead-in time required to develop a renewable energy project the Wilmington Farm scheme developed by BWCE provides an opportunity that fits with this timetable. • The Council has renewable energy targets in the Core Strategy and this scheme will contribute to meeting those targets whilst also providing positive encouragement for future renewable energy schemes to be developed.

Financial and budget implications	<ul style="list-style-type: none"> • This investment represents half of the Council's approved budget for investment in 2014-15. There will be an estimated return on investment of 2.5%, subject to the Council's actual cost of borrowing. All due diligence costs will be covered by Bath & West Community Energy. The loan will be repaid in 15 years. • The Special Purpose Vehicle that will be set up for the B&NES investment will ensure that the investment is secured on the asset, i.e. the renewable energy generation equipment. In the event of the failure of Bath & West Community Energy for whatever reason, the relevant asset would revert to the Council.
Issues considered	Sustainability; Other Legal Considerations
Consultation undertaken	Other B&NES Services; Local Residents; Stakeholders/Partners; Section 151 Finance Officer; Monitoring Officer
How consultation was carried out	The Report was published on the Forward Plan and Weekly List.
Other options considered	There is a significant lead-in time required to develop renewable energy schemes to a point at which a policy loan could be applicable. In order to make this policy loan investment in 2014/15 no other options were available to consider.

Signatures of Decision Makers	<p>Cllr Paul Crossley</p> <p>Cllr David Bellotti</p>
Date of Signature	2 nd September 2014

Subject to Call-in until 5 Working days have elapsed following publication of the decision

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Paul Crossley, Leader of the Council Cllr David Bellotti, Cabinet Member for Community Resources	
DECISION DATE:	On or after 30th August 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2692
TITLE:	Policy Loan in Wilmington Farm Solar Array	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

The Green Investment & Jobs Fund (£1m) was approved by Council in February 2014 *“Investment of a policy loan in local renewable energy projects to further a range of Council policy objectives, whilst generating a source of income for the Council and contributing to the creation of ‘green’ jobs.’* The investment will also enable the Council to directly contribute to the achievement of the Core Strategy renewable energy targets.

2 RECOMMENDATION

- 2.1 The Cabinet Members are asked to AGREE in principle the loan of £500K into the Wilmington Farm Solar Array, subject to due diligence;
- 2.2 And to AUTHORISE the Divisional Director for Strategy & Performance in consultation with the Cabinet member for Resources to authorise the loan once satisfied that due diligence has been completed and subject to relevant terms and conditions.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 This investment represents half of the Council’s approved budget for investment in 2014-15. There will be an estimated return on investment of 2.5%, subject to the Council’s actual cost of borrowing. All due diligence costs will be covered by Bath & West Community Energy. The loan will be repaid in 15 years.
- 3.2 The Special Purpose Vehicle that will be set up for the B&NES investment will ensure that the investment is secured on the asset, i.e. the renewable energy

generation equipment. In the event of the failure of Bath & West Community Energy for whatever reason, the relevant asset would revert to the Council.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The project has received planning permission and has been designed to minimise impact on the local natural environment.
- 4.2 The proposal supports Council policy commitments made in the B&NES Environmental Sustainability & Climate Change Strategy 2012-2015 to support the development of renewable energy in the area through: leading by example, partnership working and community enablement. It also supports the delivery of Core Strategy Policy CP 3 Renewable Energy, which sets B&NES wide targets for both electricity (110MwE) and heat (165MWth) through renewable energy.
- 4.3 £500m invested in local renewable energy projects via the Bath & West Community Energy would yield approx. £250k over a 20 years for the independently run Community Fund. The Community Fund will be reinvested in further community carbon reduction projects, increasing local resilience.
- 4.4 Their model also includes Community Share Offers, which means that local people have the opportunity to invest relatively small sums in local energy schemes with a good return on investment. They also are committed to working with local businesses. Combined, this means that the economic benefits of the renewable energy projects are all retained locally.

5 THE REPORT

- 5.1 BWCE objectives fully align with the Council – therefore the Council has signed a Cooperation Agreement stating its public intention to facilitate BWCE projects and help us to meet our Core Strategy renewable energy targets, whilst ensuring maximum local economic and resilience benefits (BWCE’s business plan aims to delivery 25% of the Core Strategy targets).
- 5.2 The agreed interest rate and repayment terms will be determined as part of the due diligence process and will be comparable to actual market rates in the renewable energy market to ensure that it is compliant with State Aid and LA Accounting Regulations..
- 5.3 The Council’s investment would be secured on the renewable energy assets via a dedicated Special Purpose Vehicle (SPV), which will be tested via due diligence.
- 5.4 BWCE have offered to pay the cost of due diligence.
- 5.5 BWCE is committed to using local labour and will follow the Council’s ‘Think Local’ procurement policy.
- 5.6 The Council is working to support local young people and small businesses to obtain relevant skills and business accreditation (via Green Skills Academy work and new DECC funded project).
- 5.7 BWCE have done calculations, based on Regen SW’s study on renewable energy jobs for the region, that suggest that up to 2019 jobs may arise in

B&NES, depending on how big a part we play in delivering the SW target. The Council's investment will contribute to this job creation in the future.

5.8 Procurement and legal advice is that an investment can be made in a BWCE owned SPV subsidiary, subject to due diligence, which will include State Aid assessment. The intention is to offer the policy loan under market terms, which will be set via the due diligence process.

5.9 The Council's proposed investment of £500k in the Wilmington Farm Solar Array will fund c. 20% of the scheme. The loan will provide leverage to BWCE for raising the remaining scheme costs to be raised through a Community Share Offer and debt finance.

6 RATIONALE

6.1 BWCE are the only organisation delivering such projects in B&NES, with a community benefit model, and with a current pipeline of projects that can be delivered in time.

6.2 There are no other organisations based in B&NES that offer both the ability and track record to deliver community based renewable energy projects or the commitment to investing all surplus profit into a Community Energy Fund for reinvestment in local energy projects.

6.3 The Green Investment & Jobs Fund was agreed by Council with the intention of making a policy loan investment in 2014/15. As there is significant lead-in time required to develop a renewable energy project the Wilmington Farm scheme developed by BWCE provides an opportunity that fits with this timetable.

6.4 The Council has renewable energy targets in the Core Strategy and this scheme will contribute to meeting those targets whilst also providing positive encouragement for future renewable energy schemes to be developed.

7 OTHER OPTIONS CONSIDERED

7.1 There is a significant lead-in time required to develop renewable energy schemes to a point at which a policy loan could be applicable. In order to make this policy loan investment in 2014/15 no other options were available to consider.

8 CONSULTATION

8.1 Members: Cllr Paul Crossley, Cllr David Bellotti and Cllr David Martin. Officers: Andrew Pate, Tim Richens, Gary Adams and David Trethewey.

8.2 The scheme itself has been tested by the planning process and planning permission has been granted.

9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Micaela Basford, Corporate Sustainability Officer. Tel: 01225 396402</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Call-in of decision E2692 – Policy loan of £500k in Wilmington Farm Solar Array

The decision:

On 2nd September 2014, a Single Member Cabinet Decision was taken by Cllr Paul Crossley and Cllr David Bellotti to:

1. In principle to make the loan of £500K into the Wilmington Farm Solar Array, subject to due diligence;
2. And to AUTHORISE the Divisional Director for Strategy & Performance, in consultation with the Cabinet member for Resources, to authorise the loan once satisfied that due diligence has been completed and subject to relevant terms and conditions.

Reason for call-in:

- We are concerned by the lack of opportunity for Councillors to democratically scrutinise this decision, particularly given the unique nature of this loan/investment by the Council.
- We are concerned that, given the large sum involved and unique nature of the loan, the Council's due diligence procedures have not been undertaken before the Cabinet Member and Leader took this decision. We believe it would have been prudent for the Council to have undertaken due diligence prior to presenting the report to the Cabinet Member and Leader in order that the Cabinet Member and Leader could be aware of all the facts before taking the decision to agree the in-principle loan.
- We are concerned that, as currently proposed, the loan represents a high-risk investment for the Council at a relatively low rate of return when compared to other potential investments.
- We are concerned that it is unclear within the Cabinet report what the actual value is of the asset against which the loan is proposed to be secured, and that this asset could have a significant depreciation rate.
- We are concerned that it is unclear why it is necessary for the Council to make this loan, as opposed to the loan being provided on the private open market.
- We are concerned that other options for the use of the Council's Green Investment and Jobs Fund (such as those which provide greater job creation opportunities or support residents in reducing carbon emissions) have not been fully explored and presented in the Cabinet report so that a proper judgment can be made of the best allocation of this fund.

- We are concerned that it is unclear from the Cabinet report exactly how many local jobs, and in particular full-time permanent jobs, would be directly created by the Solar Farm, particularly given that the loan is being made using an allocation from the Council's 'Jobs Fund'. We would be concerned if such a large proportion of the Green Investment and Jobs Fund (50%) were used for a project which benefited a relatively small number of B&NES residents, particularly in terms of job creation.

Lead call-in Member: Cllr Liz Richardson

Cllr Barry Macrae
Cllr David Veale
Cllr Michael Evans
Cllr Allan Hale
Cllr Dr Anthony Clarke
Cllr Chris Watt
Cllr Tim Warren
Cllr Vic Pritchard
Cllr Sally Davis

CALL-IN OF EXECUTIVE DECISIONS

RULE 1 – WHO MAY REQUEST A CALL-IN?

Elected members who do not sit on the Cabinet have the right to request a “call-in” of an executive decision which has been made by the Cabinet, or a person or body to whom the power to make executive decisions has been delegated, but not yet implemented.

These decisions could be made by;

- the Cabinet
- a Cabinet Member,
- a committee of the Cabinet
- an Officer taking a key decision acting on delegated authority from the Cabinet
- an area committee
- a body under joint arrangements

BUT NOT the decisions of quasi-judicial or Regulatory Committees.

Notice of the decision made shall be published to every councillor and the publicity shall specify the period in which the “call-in” right may be exercised.

RULE 2 – SUBMISSION OF A “CALL-IN” NOTICE

A notice requesting a “call-in” of an executive decision shall be in writing and signed by 10 or more elected members (excluding Cabinet Members) making the request. The request shall be deposited with the Chief Executive.

The request shall include individual signatures on the notice or electronic communications from individual members signifying their support for the call-in. If a Member is unable to communicate in writing or electronically he/she may signify support by telephone.

The persons making the call-in request shall state the decision being called in, the decision maker, the date the decision was taken and shall give reasons for the call-in.

No member of the Council is entitled to sign up to more than 5 call-in requests in any Council year.

The Chief Executive shall determine whether a call-in is valid (ie whether it has been received within 5 working days of the decision being published and requested by the appropriate number of members and that the decision may properly be called in under the Constitution) and, if so, consult with Overview & Scrutiny Chairs to decide which Panel should consider it.

The Chief Executive shall make a report of any validated call-in to a meeting of the relevant Overview and Scrutiny Panel which shall meet wholly in public within 14 working days of a valid call-in notice being verified.

A decision may only be called in once.

RULE 3 – CONSIDERATION BY OVERVIEW AND SCRUTINY PANEL

The Overview and Scrutiny Panel shall consider the issues raised in the “call-in” request and the stated reasons for the request. They have the following courses of action open to them;

- a) To dismiss the call-in: the decision shall then take effect immediately;
- b) To refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of the Panel's concerns; or
- c) To refer the matter to Council to itself undertake the role of the Panel (which may necessitate an additional Council meeting to meet necessary timescales) [NB: the ultimate decision still remains with the original decision maker].

If the call-in is dismissed, notification will be made to all interested parties and the original decision can be implemented. No amendments can be made to the decision [Six-month rule applies – Part 4(D), rule 15]

If the Panel consider any aspect of the decision requires further consideration, it must refer it back to the decision maker.

In total, the Panel shall ensure that the period of overview and scrutiny involvement in an individual call-in shall not exceed 21 working days.

RULE 4 – CONSIDERATION BY DECISION MAKER

The person or body which made the decision shall consider the report of the Overview and Scrutiny Panel or Council and must;

- (a) confirm the original decision; or
- (b) make some changes to the original decision; or
- (c) make a different decision.

The decision maker may not ignore the report. The decision maker shall undertake this consideration within 10 working days from the date of the Overview and Scrutiny (or Council) meeting.

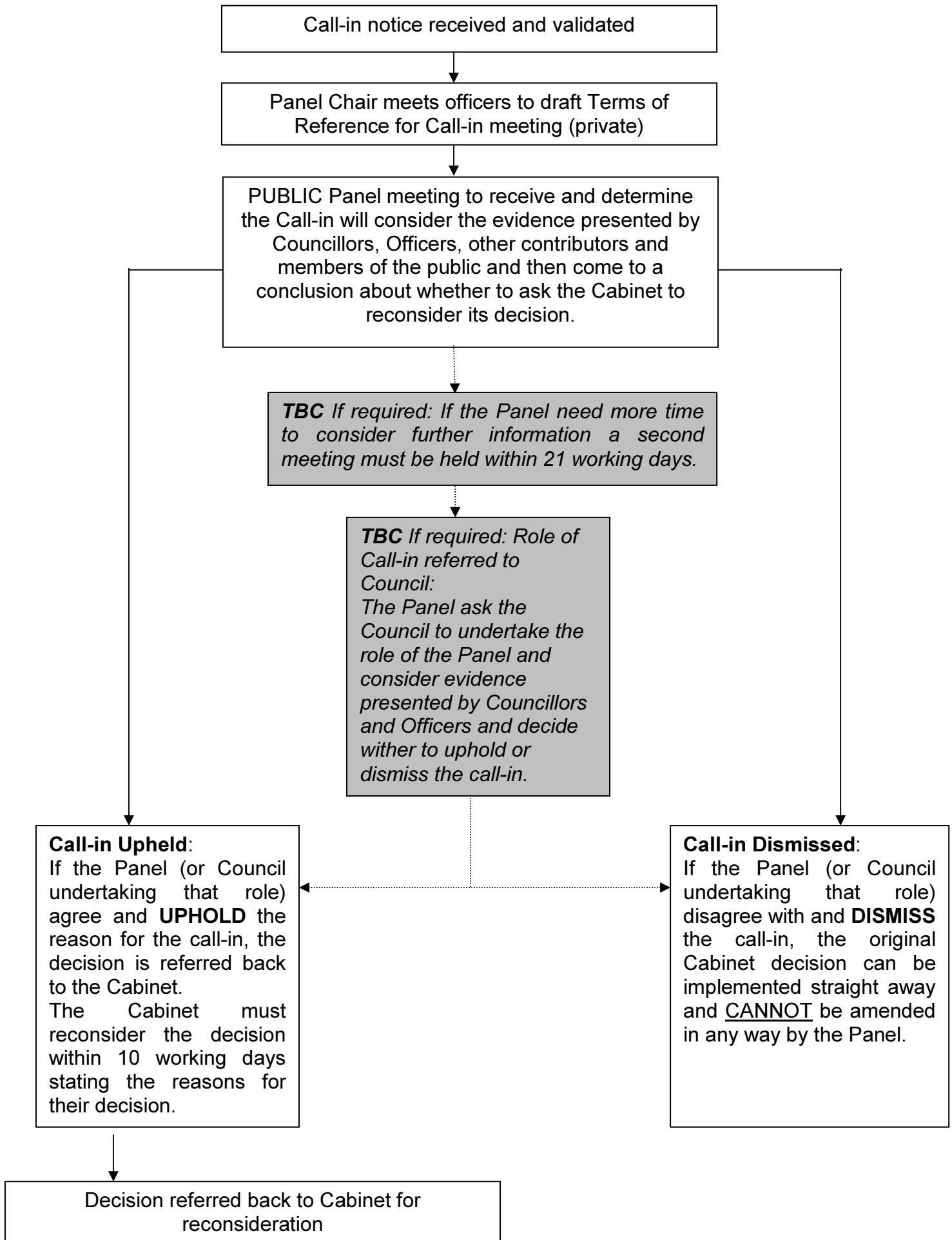
The decision made by the decision maker after considering the report of the Overview and Scrutiny Panel shall be final and will be implemented immediately. There is no further opportunity for “call-in” of the decision.

RULE 5 – EXCEPTIONS TO “CALL-IN”

The rights under this Procedural Rule shall not apply in the following circumstances:

- when the executive decision is urgent as defined in the Urgency Procedure Rules within this Constitution
- the effect of the call-in alone would be to cause the Council to miss a statutory deadline
- a decision taken under the General Exception and Special Urgency Access to Information Rules [Part 4B, rules 15 and 16].

FLOW CHART:



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