



Bristol City Council

Call in of a decision taken by the Executive

Overview and Scrutiny Rule OSR17 states that where **non-executive councillors** have evidence which suggests that the executive did not take the decision in accordance with Article 14 (Decision Making) of part 2 of the Council's Constitution, at least **five non-executive members** may ask the proper officer to call-in a decision for scrutiny using the appropriate call-in form (attached). The decision making principles in article 14 are set out below and the members seeking the call-in should identify those principles in Article 14 of the Constitution which they believe have been breached.

Proportionality	The action must be proportionate to the desired outcome.
Due consultation	(a) It may be appropriate to consult with communities, businesses and other third parties who have an interest in the matter. In some cases minimum consultation requirements are prescribed in law. (b) The council is required to act in the interests of the public as a whole so the decision desired by consultees may not necessarily be the right decision to make.
Taking of professional advice from others	Professional advice from the council's legal, financial and other specialist staff is always essential for the executive.
Respect for human rights	The Human Rights Act 1998 is of great importance to local authorities. Any decision which may breach an article or protocol of the Act should be subjected to "anxious scrutiny" and professional advice sought.
A presumption in favour of openness	Decisions taken by executive members or officers should be taken under this presumption. Access to material contributing to a decision should be made available to anyone with a legitimate interest in it unless this would involve disclosing exempt or confidential information
Clarity of aims and desired outcomes	Decision makers must be clear as to what they are seeking to achieve and why. This will often require thoughtful consideration of other options.
Due regard to public sector equality aims	The Equalities Act 2010 requires that all decisions taken must have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited under the Act; (b) advance equality of opportunity between equality groups and (c) foster good relations between equality groups.

Procedure

1. Where a decision is made by the executive or a key decision is made by an officer with delegated authority from the executive, or under joint arrangements the decision will come into force, and may then be implemented on the expiry of five clear working days from the date the decision was taken unless the decision is called-in. The 5 clear working days run from 8.30am on the day **after** the decision was taken and exclude any day when the Council's offices are shut - i.e. weekends and bank holidays.

2. The proper officer will first satisfy themselves that the following requirements have been met:
 - (i) the call-in notice has been received within the prescribed timescales
 - (ii) the decision taker's decision has been properly identified and described
 - (iii) the members seeking the call-in have identified those principles of Article 14 of the constitution which they believe have been breached.

3. If the requirements are met the proper officer will call-in the item and within five working days of the request, give notice as to the date on which the call-in will be considered by a Call-In Sub Committee, which will be held within 5 days of the request for call-in being approved by the Proper Officer. If a debate at Full Council is decided by the Call-In Sub-Committee then this will be held within ten days at an extraordinary meeting of the full Council or at the Lord Mayor's discretion.

The following points relate to established working practice in relation to call in:

- The call-in procedure should not be abused or used to unduly delay decisions or slow down the process of decision making

- Members should try to avoid calling in matters which are already within the agreed work programme of a scrutiny commission

- To give notice of a call in, councillors **must use** the form attached to these notes. It should be detached and completed and **send to the Proper Officer (i.e. Shahzia Daya, Service Director – Legal and Democratic Services.)** Members are strongly recommended to deliver their notice in person, or to email the form

- The form must be filled in fully - members must explain in detail how in their view, the decision taken breaches any of the principles in Article 14 of the Constitution. They must also be meticulous in identifying which part of any executive decision they are referring to. Failure to do so could result in the suspension of a complex decision, when in fact the callers in only wish to object to a small part of it.

- The Proper Officer will review all call ins and may reject or refer back to members, any call in notice which does not fully meet the requirements specified in the Constitution

Early submission of a call in is advised. This will maximise the time available to the executive to formulate a response and for arrangements to be made for appropriate representatives of an executive to attend the Call In Panel which will discuss the decision called in.

Bristol City Council

Request to the Proper Officer to call in an Executive Decision

This form should only be completed after the accompanying guidance notes have been read. It should be completed fully in order that the Proper Officer has an adequate basis upon which to call in the decision.

Please return the call-in form to Shahzia Daya, Proper Officer

Email shahzia.day@bristol.gov.uk

Names of the non-executive members requesting the proper officer to call the decision in :	Eleanor Combley
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Date and time request submitted :	12/06/2018 3pm
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Details of Executive (or officer acting under delegated power)	Councillor Kye Dudd, Cabinet Member for Energy, Waste and Regulatory Services
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Decision number and date	Agenda item 8, 05/06/2018
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Description of decision or part of decision <i>(if you only quote the subject then everything in the decision could be suspended pending the Call In Sub meeting)</i>	<p>(d) 1. To provide an 'in principle' agreement that the Council approves expenditure funded through BCC (up to £200,000) and external partners (£350,000), of what is projected to be c.£550,000 in total towards the enhancement of six of the Ardagh tennis courts, for their inclusion in the parks tennis operating model.</p> <p>In particular, the decision to include 6 courts in the city wide offer.</p>
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State which principle(s) in Article 14 of the Constitution you believe the executive has breached and set out any evidence to support this.

There has not been due consultation on this decision. The report presents as consultation discussion with ward councillors and trustees of the Ardagh Community Trust however discussion did not really take place. I was in a meeting where the opening gambit of the cabinet member present was that the six courts decision had been made by the Mayor's office so that was the only proposal on the table, and was not up for discussion.

The consultation results on the city wide sports strategy have not been published which makes it difficult to gauge the extent to which that consultation supports this plan. There has been no consultation with local residents and users of Horfield Common and the Ardagh, and community consultation carried out by the trust indicates a high level of support for mixed use courts rather than exclusively tennis.

It is also not clear that there has been sufficient transparency about the basis for insisting that 6 courts are included in the city-wide tennis offer.

Signed by Councillors

CLLR E. COMBLEY

CLLR M. FODOR

CLLR C. DENYER

CLLR C. STEPHENS

CLLR C. BOLTON