



APPENDIX A

DECISION REVIEW PROCEDURE RULES

1. Overview

The Decision Review mechanism provides a way in which controversial decisions made by certain committees and officers under delegated authority, may be reviewed by the General Purposes Committee and in some cases revised by Full Council.

Due to the costs and delay caused by review, it is intended that it should only be used in exceptional circumstances as a last resort.

Where the review process is initiated the implementation of the decision subject to the review shall be suspended until the process is complete or the review withdrawn.

There are two routes for decision review the first via the General Purposes Committee and the second being direct to Full Council.

2. Decisions which may be subject to review

~~As provided in Article 6 and~~ Subject to the exceptions set out below, the Decision Review procedure shall apply to any decisions made by: ~~committees and to any Key Decisions made by officers.~~

- Policy and Service Committees (Adults, Children and Young People, Economy and Environment, Health and Highways and Community Infrastructure);
- General Purposes Committee (*)
- Joint Area Committees;
- The Local Government Shared Services Joint Committee; and
- Any Key Decisions made by officers (Note: Officers may not make Key Decisions unless specifically delegated within this Constitution).

*The General Purposes Committee may not review its own decisions and these may only be subject to review via the Full Council route.



3. **Decisions which may not be reviewed**

The following categories of decision are exempt from the decision review process:

- i) A decision which ~~was made more than 3 working days ago~~ has not been subject to a decision review request within the requisite timescales prescribed in these Rules and has therefore come into effect.
- ii) A decision which satisfies the criteria for urgent decisions as set out in the Council's Rules of Procedure;
- iii) A decision by Full Council or subject to Full Council approval; or
- iv) Decisions made by regulatory committees and/or decisions of a quasi-judicial or regulatory nature.
- v) A decision which has already been subject to a decision review by the General Purposes Committee, unless it is submitted for review by the Full Council in accordance with Rule 4.2.2 below.

4. **Decision Review Process**

4.1 **Publication of Decision Statement**

Where a decision has been made by a Policy and Service Committee, a Joint Area Committee or the Local Government Shared Services Joint Committee, the decision shall be published in the form of a decision statement, within two working days of the decision being made, on the Council's public website. The decision statement shall also be sent to members of the relevant committee, joint area committee or joint committee within the same timescale.

The decision statement will bear the date on which it is published and will specify that the decision will be effective on the expiry of 3 full working days after the publication of the decision and may then be implemented, unless the subject of a decision review request under this provision within that 3 full working day period. The deadline for a decision review request will be specified in the decision statement.

4.2 **Decision Review Routes for Decision Review**



4.2.1 **a) Review by General Purposes Committee**

Where at least 8 elected members of the Council wish to initiate a review of a decision which falls within the remit of the procedure, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive.

Such a request must be received by the Monitoring Officer or Chief Executive before the ~~end~~expiry of 3 full working days from the date on which the decision notice was published.

Where this criterion is met, the matter shall be referred to the General Purposes Committee for consideration as to whether the review request should be dismissed or upheld.

If the request is dismissed, those members requesting the review will be notified and the original decision shall take effect by 9.30am ~~on~~the next working day following the day of the GPC meeting which reviewed the request.

If the review is upheld the matter shall be referred back to the relevant committee or decision-taker with a recommendation from the General Purposes Committee ~~GPC~~. The relevant committee or decision taker shall reconsider the matter, taking into account any concerns and recommendations of the General Purposes Committee, and decide whether to amend the decision or not before reaching a final decision. Unless subject of a request for a decision review in accordance with Rule 4.2.2 below, the decision of the relevant committee or decision taker will take effect at 9.30am on the fourth full working day from the date on which the decision notice was published

A decision may be subject of a decision review by the General Purposes Committee once only. Once the review has been considered by the General Purposes Committee, the decision may not be subject of a further decision review by that Committee. However it may, subject to compliance with 4.2.2. below, be submitted for a decision review by the Full Council.



4.2.2 ~~b)~~ Review by Full Council

Where at least 24 elected members of the Council wish to initiate a review by Full Council of a decision, they may do so by submitting a written request for review to the Monitoring Officer or Chief Executive.

Requests must be received by the Monitoring Officer or Chief Executive before the ~~end~~expiry of 3 full working days from the date on which the decision notice was published, or, where a review request has been dismissed by the ~~GPC~~General Purposes Committee, before the ~~end~~expiry of 3 full working days from the publication of the notice of the ~~GPC's~~General Purpose Committee's decision to reject the review request.

Full Council may either:

- i) Dismiss the review request;
- ii) Refer the decision back to the committee or decision ~~maker~~taker with a recommendation, or
- iii) Substitute its own decision which shall have immediate effect.

If the request is dismissed, those members requesting the review will be notified and the original decision shall take effect at 9.30am on the next working day following the day of the Council meeting which reviewed the request.

If the review is upheld under 4.2.2 (ii) above, the matter shall be referred back to the relevant committee or decision taker with a recommendation from the Council. The relevant committee or decision taker shall reconsider the matter, taking into account any concerns and recommendations of the Council and decide whether to amend the decision or not before reaching a final decision. The decision of the relevant committee or decision taker will take effect at 9.30am on the fourth full working day from the date on which the decision notice was published.

A decision may be the subject of a request for a decision review by Full Council once only. Once the review has been considered by the Council, the decision may not be subject of a further decision review.

5. The Decision Review Procedure Timescales

Where a valid review request is received, the Monitoring Officer shall convene a meeting of the General Purposes Committee or Full Council as appropriate, to take place within 10 working days or as soon as is practically possible thereafter.



In setting the date of the review hearing, all reasonable efforts will be made to enable attendance by Members, relevant Officers and other witnesses. Councillors who have requested the review shall have the right to address the Committee or Full Council when it deals with the issue subject to the usual limits on speeches.