

Decision Review Procedure Rules

1. Overview

As set out in Part 3B – Responsibility for Functions, Committees of Council, Strategy, Resources and Performance Committee, nine members of Strategy, Resources and Performance Committee may initiate a review of a decision taken by a Policy and Service Committee by submitting a request for review to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.

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implementation of the decision subject to the review shall be suspended until the process is complete or the review withdrawn.

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 Policy and Service Committees (Adults and Health; Assets and Procurement; Children and Young People; Communities, Social Mobility and Inclusion; Environment and Green Investment; and Highways and Transport).

The Strategy, Resources and Performance Committee may not review its own decisions.

3. Decisions which may not be reviewed

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

- (a) A decision in respect of which no decision review request was received within the requisite timescales prescribed in these rules and has therefore come into effect.
- (b) A decision which satisfies the criteria for urgent decisions as set out in the Council's Rules of Procedure.
- (c) A decision by Full Council or subject to Full Council approval.
- (d) A decision by Strategy, Resources and Performance Committee.
- (e) Decisions made by regulatory committees and/or decisions of a quasi-judicial or regulatory nature.

- (f) A decision which has been rescinded by the relevant committee or decision maker prior to the determination of any request for a decision review in accordance with rule 4.2.
- (g) A decision which has been made in accordance with rule 17 of the Committee and Sub-Committee Procedure Rules, Previous Decisions and Motions.

4. Decision Review Process

4.1 Publication of Decision Statement

Where a decision has been made by a Policy and Service 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 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 three full working days after the publication of the decision statement and may then be implemented, unless the subject of a decision review request under this provision within that three full working day period. The deadline for a decision review request shall be specified in the decision statement.

4.2 Review by Strategy, Resources and Performance Committee

Where at least nine full members of the Strategy, Resources and Performance Committee 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 of three 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 Strategy, Resources and Performance 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 the next working day following the day of the Strategy, Resources and Performance Committee meeting which reviewed the request.

If the review is upheld the matter shall be referred back to the relevant committee with a recommendation from the Strategy, Resources and Performance Committee. The relevant committee shall reconsider the matter, taking into account any concerns and recommendations of the Strategy, Resources and Performance Committee, and decide whether to

amend the decision or not before reaching a final decision. The decision of the relevant committee 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 Strategy, Resources and Performance Committee once only. Once the review has been considered by the Strategy, Resources and Performance Committee, the decision may not be subject of a further decision review by that committee.

5. The Decision Review Procedure Timescales

Where a valid review request is received, the Monitoring Officer shall convene a meeting of the Strategy, Resources and Performance Committee as appropriate, to take place within ten 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 when it deals with the issue subject to the usual limits on speeches.