

PART 8 – CODES AND PROTOCOLS
(SECTION 5 – CALL-IN OF PROSECUTIONS)

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SECTION 5 – PROTOCOL ON THE CALL-IN OF PROSECUTIONS

Part 8 is set out in eight sections as follows:

- SECTION 1** – The Principles behind the Members' Code of Conduct
- SECTION 2** – Members' Code of Conduct
- SECTION 3** – Member/Officer Relations
- SECTION 4** – Preparatory Meetings of the Cabinet
- SECTION 5** – Call-in of Prosecutions
- SECTION 6** – Planning Local Code of Conduct for Members and Officers
- SECTION 7** – Petitions
- SECTION 8** – Protocol on the Filming and Recording of Council Meetings

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- 1.0 Some types of prosecution decisions have to be taken, by law, by the Executive, normally an individual Cabinet Member. The types of prosecutions will include food safety, dog fouling, housing and nuisance offences. These prosecutions will be discussed at the Licensing and Enforcement Committee, which will then make a recommendation to the individual Cabinet Member for decision.
- 2.0 Consequently, to allow the “call-in” procedure to apply to such decisions would normally appear to be unnecessary and potentially prejudicial to any future prosecution, as there would already have been full consideration in the Licensing and Enforcement Committee.
- 3.0 The Group Leaders have therefore agreed a Protocol which confirms that only in most exceptional circumstances should the “call-in” procedure be allowed in relation to decisions on prosecutions. One such exceptional circumstance could be when the Cabinet Member’s decision was contrary to that of the Licensing and Enforcement Committee. Even in such exceptional circumstances, the normal requirements, e.g. five Members of the Overview Select Committee, would have to be met.