

Referral of Decisions taken by Service Committees to Council Process

Decisions made by one of the Service Committees, or an officer acting under delegated authority from one of those committees, are published, normally within a period of three working days after the relevant meeting. Unless the decision is urgent, the decision will not be implemented for a period of five working days from the date of publication, during which time any 9 Members of the Council may request with detailed reasons the decision to be referred to full Council for review, subject to meeting the criteria set out below and being validated by the Monitoring Officer:

- Decision is outside the policy/budgetary framework
- Inadequate consultation relating to the decision
- Relevant information not considered
- Insufficient consideration of legal and financial advice
- Viable alternatives not considered
- Justification for the decision open to challenge on the basis of the evidence considered

As part of the validation process, the Monitoring Officer may discuss the request with the lead member signatory, the Chair of the relevant service committee and the Mayor, with a view to any possible options to resolve the issue, without the need for referral to Council.

If validated by the Monitoring Officer the decision will then be referred to a meeting of Council for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process.

Council is to consider the decision called in for review at its next scheduled meeting. In doing so it shall provide an opportunity for a representative of the signatories to the referral request and the Chair of the relevant service committee the opportunity to address the meeting on the subject. Council may either:

- uphold the original decision with or without modifications, in which case it has immediate effect; or
- reject the original decision, and determine the matter itself.

A decision may only be subject to a referral to Council once.

This referral to Council procedure shall not apply at or from any point where the decision being taken is considered to be urgent. The Constitution provides for urgent decisions taken outside of meetings. The definition of an urgent decision states:

“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people;

or where the Council is at risk of serious reputational damage; loss or claims; or any other matters where the Chief Executive has declared that an urgent decision is required.”

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.