

COUNCIL MEETING – 20TH OCTOBER 2016

Extract from the Minutes of the Constitution Committee meeting on 15th September 2016

16 URGENT DECISION PROCEDURES

The Committee considered a report on recommended changes to the procedures for taking urgent decisions. The current procedures, which were introduced in 2011, were considered deficient in certain respects as outlined in the report.

With regard to the proposed changes to the urgency provisions relating to executive decisions, the Leader of the Council had been consulted.

RESOLVED

That Council be recommended to approve the amended procedures for taking urgent decisions as set out below and to authorise the Director of Legal Services to amend the Constitution accordingly:

1. The procedure for taking urgent regulatory decisions under Committee Procedure Rule 25 be amended as follows:

“The Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with the Chairman and/or Vice-Chairman of the relevant committee or sub-committee have delegated authority to take any non-executive decision subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the decision-making body, or an urgently convened meeting;*
- *The decision is reported for information to the next available meeting of the decision-making body;*
- *The provisions of legislation are complied with;*
- *Advice has been taken from the Council’s Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means.”*

2. The procedure for taking urgent Council decisions under Council Procedure Rule 18 be amended as follows:

“If a decision would normally be required to be made by full Council the decision may be made by the Chief Executive or in his/her absence the Deputy Chief Executive (or in their absence their nominee) in consultation with Group Leaders

and the Mayor (or in his/her absence the Deputy Mayor) subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Council, or an urgently convened Council meeting ;*
- *The decision is reported for information to the next available meeting of the Council;*
- *The provisions of legislation are complied with;*
- *Advice has been taken from the Chief Executive, Council's Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means."*

3. The procedure for taking urgent executive decisions under Cabinet Procedure Rule 53 be amended as follows:

"The Leader of the Council, or in his/her absence the Deputy Leader of the Council, or in his/her absence the relevant portfolio holder has delegated authority to take any executive decision in consultation with the Chief Executive subject to the following requirements being met:

- *The decision-maker is satisfied that the matter is urgent and cannot await the next meeting of the Cabinet, or an urgently convened Cabinet meeting;*
- *The decision is reported for information to the next available meeting of the Cabinet;*
- *The provisions of legislation are complied with;*
- *The relevant overview and scrutiny committee Chairman has been notified of the matter and has been invited to make representations;*
- *The Leaders of all Opposition Groups have been notified of the matter and have been invited to make representations;*
- *Advice has been taken from the Council's Director of Legal Services and Section 151 Officer;*
- *All Members of the Council are notified of the decision taken by electronic means.*

In addition the following provisions shall apply:-

- *Rules 13, 14 and 15 of Access to Information Procedure Rules shall be adhered to, relating to the content of the Forward Plan, general exceptions to the requirement to list decisions on the Forward Plan, and circumstances of special urgency*
- *Rule 54 of the Executive Procedure Rules shall be adhered to, relating to the Forward Plan and Key Decisions*

- *Overview and Scrutiny Procedure Rules in relation to Call-in (Rule12) shall not apply to urgent executive decisions taken under this procedure (see Rule 13).*
- *Rule 4 of the Budget and Policy Framework Procedure Rules shall be adhered to in relation to urgent executive decisions taken under this procedure.*
- *Overview and scrutiny committees can review the reasons for the urgency of a decision and the process adopted.*

For the purposes of this urgency provision, the limit placed on the decision-making powers of individual Portfolio Holders in relation to decisions involving expenditure or savings of £1M or more would not apply.”