PROCEDURE FOR MAKING URGENT DECISIONS OUTSIDE POLICY AND/OR BUDGET, AND URGENT KEY DECISIONS

1. INTRODUCTION

1.1 The Executive has been empowered, subject to compliance with the Council's policies and budgets, to make decisions on behalf of the Council in accordance with the provisions of this Constitution.

1.2 This Chapter describes the procedures to be followed where a decision which:

does not comply with Council policy or budget; or
is contrary to or not wholly in accordance with policy and budget; or
is a key decision of which it was impracticable to give at least 28 days written notice (an "urgent key decision"),

is required urgently.

1.3 Where any decision will give rise to expenditure exceeding £50,000 (or such other sum as may be prescribed from time to time in financial regulations) no action shall be taken to implement that decision until the matter has been considered by Council.

1.4 In sections 2 and 3 of this Chapter the expression 'Executive' refers to the Leader, the Cabinet, a Committee or Sub-Committee of the Cabinet or to the appropriate Portfolio Holder where any powers have been delegated.

2. URGENT DECISIONS OUTSIDE POLICY OR BUDGET - ACTION PRIOR TO DECISION

2.1 Where it appears to the Executive that a decision, which is outside the Council's approved policies or budget, is required urgently and it is not reasonable to delay the decision making to the next or a special meeting of the Council, the Executive shall:-

(i) Obtain confirmation from the Chief Executive, the Monitoring Officer and other appropriate professional advising Officer, that a decision is required urgently;

(ii) Carry out, so far as is reasonable, consultations with Ward Members and other Stakeholders; and

(iii) Consult with the Chairman of the Overview and Scrutiny Panel whose terms of reference relate to such function, on the need for action to be taken urgently.

2.2 In the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted.

2.3 Where the Chairman of the Overview and Scrutiny Panel is not available for whatever reason, the Chairman of the Council, or in his/her absence, the Vice-Chairman of the Council shall be consulted.

2.4 Where the Chairman of the Overview and Scrutiny Panel, or in his/her absence, the Chairman or Vice-Chairman of the Council, as the case may be, agrees in writing that the decision is urgent, the Executive shall be empowered to implement such decision.

2.5 For the purposes of this paragraph, consultations may be made:-

In writing,
Electronically, or
Orally,

depending upon the need to ensure effective and timely decision making.

2.6 If the decision is an urgent key decision, as well as a decision outside policy or budget, section 3 below also applies.

3. URGENT KEY DECISIONS – ACTION PRIOR TO DECISION

3.1 Where it appears to the Executive or officer with delegated powers to make the decision, that a key decision is required urgently, and it is not reasonable to delay the decision until at least 28 days written notice of it can be given, the following action shall be taken:

(i) The Chief Executive or Monitoring Officer shall inform the Chairman of the relevant Overview and Scrutiny Panel, (or, if there is no such person, each member of the Committee), by notice in writing, of the matter about which the decision is to be taken;

(ii) The Chief Executive or Monitoring Officer shall make a copy of the written notice in (i) available for public inspection at the Council's offices and publish it on the Council's website;

(iii) The Chief Executive or Monitoring Officer shall also make available for public inspection, and publish on the Council's website, a notice setting out the reasons why at least 28 days notice of the decision could not be given;

(iv) The Executive or officer, as appropriate, shall take the decision only after five clear working days have elapsed after the notice in (ii) has been available for public inspection and the notice in (iii) has been published.

3.2 For the purpose of paragraph 3.1, in the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted. Where the Chairman of the Panel is not available for whatever reason, the Vice-Chairman of the relevant Panel shall be consulted.

3.3 If, exceptionally, it is impracticable to comply with the requirements of paragraph 3.1, the decision may only be taken if the decision maker has obtained agreement from the Chairman of the relevant Overview and Scrutiny Panel that the decision must be made urgently and cannot reasonably be deferred.

3.4 For the purpose of paragraph 3.3, in the event of a matter affecting more than one Overview and Scrutiny Panel, the Chief Executive or Monitoring Officer shall determine which Chairman shall be consulted.

3.5 For the purpose of paragraph 3.3, where the Chairman of the Overview and Scrutiny Panel is absent or unable to act for whatever reason, the Chairman of the Council, or in his/her absence, the Vice-Chairman of the Council, shall be consulted.

3.6 For the purposes of paragraphs 3.3 to 3.5, consultations may be made:-

In writing,
Electronically, or
Orally,

depending upon the need to ensure effective and timely decision making.

3.7 The Chief Executive or Monitoring Officer shall also make available for public inspection, and publish on the Council's website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

3.8 If the decision is outside policy or budget, as well as an urgent key decision, section 2 above also applies.

4. ACTION AFTER DECISION

4.1 As soon as reasonably practicable after a decision has been made under this procedure, the person or body responsible for taking the decision must provide a written report to the full Council explaining:-

(i) The decision;

(ii) The reasons a decision was required;

(iii) The reasons why the decision was required urgently, and (in the case of a decision outside policy or budget) could not have been brought to the Council for determination; and

(iv) The manner, timing of consultation and office of person consulted prior to the decision being taken.

4.2 Where the decision was made by an officer under delegated powers, the written report in 4.1 shall be referred to the Leader and then to the Council.

5. VARIATION OF PROCEDURE

5.1 This procedure may be varied by resolution of the Council upon a recommendation from the Executive. No such recommendation shall be made until the Executive has consulted the Overview and Scrutiny Panels.