

Part Three - Chapter 6 - Urgent decisions outside the Policy Framework and/or budget

Introduction

- 6.1 The Executive is empowered, subject to compliance with the Council's Policy Framework and budgets, to make decisions on behalf of Council in accordance with the provisions of this Constitution.
- 6.2 This part of the Constitution describes the procedures to be followed where a decision which does not comply with the Council's Policy Framework or is contrary to or not wholly in accordance with the budget, is required urgently.
- 6.3 Where any decision will give rise to expenditure exceeding such sum as may be prescribed from time to time in the Council's Financial Regulations, no action shall be taken to implement that decision until Council has considered the matter.
- 6.4 In these provisions, the expression 'Executive' refers to the Executive, a committee or sub-committee of the Executive, an Executive member, officer or joint arrangements discharging any function of the Executive.

Action prior to decision

- 6.5 Where it appears to the Executive that a decision which is outside the Council's Policy Framework 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 will: -
 - a) seek advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the proposed decision would be contrary to the Council's Policy Framework or is contrary to or not wholly in accordance with the budget;
 - b) obtain confirmation from the Chief Executive Officer and other appropriate professional advising officer that a decision is required urgently;
 - c) carry out, so far as is reasonable, consultations with ward members and other interested parties; and
 - d) consult with the chairman of the relevant Scrutiny Panel on the proposed decision and the need for action to be taken urgently.
- 6.6 Where the chairman of the relevant Scrutiny Panel is not available for whatever reason, the vice-chairman shall be consulted and, if neither is available, the Mayor, or in his/her absence, the Deputy Mayor shall be consulted.
- 6.7 Where the chairman of the relevant Scrutiny Panel agrees that the proposed decision is urgent, the Executive shall be empowered to implement such decision. For the purposes of this paragraph, consultations may be made in writing, electronically or orally, depending on the need to ensure effective and timely decision making. In all

Last Updated – October 2018

cases, a written record of the consultations undertaken, the decision, all options considered, the reasons why the decision was required urgently and a special meeting of the Council could not be arranged, will be made by the Executive on the record of the decision.

Action after decision

- 6.8 As soon as reasonably practicable after a decision has been made under these provisions, the Executive must provide a written report to Council explaining: -
- a) the decision;
 - b) the reason(s) why a decision was required;
 - c) the reason(s) why the decision was treated as urgent and could not have been brought to the Council for determination; and
 - d) the manner, timing of consultation and office of person consulted prior to the decision being taken.

Quarterly reports

- 6.9 At each Council meeting, and at least quarterly, the Executive Leader will report to the full Council on any executive decisions taken during the preceding period under these provisions. The report will include: -
- a) the number of decisions taken;
 - b) the circumstances which required the decisions to be taken urgently; and
 - c) a summary of the matters in respect of which the decisions were taken.

Variation of procedure

- 6.10 These provisions may be varied by resolution of the Council on a recommendation from the Executive. No such recommendation will be made until the Executive has consulted the relevant Scrutiny Panel.

Last Updated – October 2018