

Part 4, Section 7

Urgent Business Procedure Rules

1. URGENT BUSINESS AT MEETINGS

- 1.1 Under normal circumstances items may only be included on agenda and decisions made in accordance with the Access to Information provisions set out in Part 4, Section 2 of this Constitution and Part VA of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985, the Local Government Act 2000 and the Local Authority (Access to Meetings & Documents)(Period of Notice)(England) Order 2002 whereby 5 clear days notice is given of the consideration of any item of business.
- 1.2 S100B(4) Local Government Act 1972, as amended, allows for the consideration of items of urgent business at meetings of Cabinet and Council and its Committees where by reason of special circumstances which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency and cannot be deferred to the next meeting.
- 1.3 Where the urgent business is to be considered by Cabinet and is a Key Decision and by reason of its urgency a notice has not been included in the Forward Plan, and a notice under Rule 4.2 below has not been given, then the decision can only be taken if Cabinet has obtained the agreement of the Chairman of the Overview and Scrutiny Committee or in his/her absence the Mayor, that the decision is urgent and cannot reasonably be deferred. (Rule 16 of the Access to Information Rules refers)

2 URGENT NON-EXECUTIVE DECISIONS BETWEEN MEETINGS

- 2.1 There will be occasions when an urgent decision is needed and the matter cannot wait for the next ordinary meeting of Council or the appropriate Committee. On these occasions the Chief Executive is authorised to make the necessary decision following consultation with the Chairman of the relevant Committee, or in the case of a decision that would normally be made by Council, following consultation with the Mayor and Group Leaders.
- 2.2 Any decisions taken under this procedure must be reported to the next scheduled meeting of the decision-making body.

3 URGENT NON-KEY EXECUTIVE DECISIONS

- 3.1 Individual Cabinet Members take non-key Executive decisions and these are generally published weekly. However, an urgent Executive decision that is a non-key decision may be taken by the relevant portfolio holder at any time, or in their absence, by the Leader, provided that the decision is published. Such decisions are subject to Call-in. However, if any delay likely to be caused by the Call-in process would seriously prejudice the Council's or the public's interests, Rule 17 of the Overview and Scrutiny Rules will apply and this will be recorded in the decision.

4 URGENT KEY DECISIONS BETWEEN CABINET MEETINGS

- 4.1 Where a Key Decision, of which notice has been included in the Forward Plan, is required to be taken as a matter of urgency and it cannot reasonably be delayed to the next meeting of Cabinet, the Chief Executive may take the decision, having consulted with the Leader and relevant Cabinet Member. Any such decisions shall be published as an officer delegated key decision.

- 4.2 Where a Key Decision requires an urgent decision, and notice has not been included in the Forward Plan, Rule 15 of the Access to information Rules applies, and the decision may only be taken by the Chief Executive, in consultation with the Leader and the relevant Cabinet Member if:
- (a) the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee, has been informed by notice in writing of the matter about which the decision is to be made;
 - (b) a copy of the notice referred to in (a) above has been made available for inspection by the public; and
 - (c) five clear days have elapsed following the day on which the notice referred to in (b) above was made available.
- 4.3 If by virtue of the date by which a decision must be taken Rule 4.2 above cannot be followed, then Rule 16 of the Access to information Rules applies, and the decision can only be taken if the Chief Executive has obtained agreement from the Chairman of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chairman of Overview and Scrutiny or in his/her absence the Mayor, that the making of the decision cannot reasonably be deferred. If the relevant agreement is obtained, the Chief Executive may take the decision, in consultation with the Leader and the relevant Cabinet Member.
- 4.4 Decisions taken under Rules 4.1 to 4.3 must be reported into the next scheduled meeting of Cabinet.
- 4.5. If an urgent key decision is taken in accordance with Rules 4.1 to 4.3 above, and any delay likely to be caused by the Call-in process would seriously prejudice the Council's or the public's interest, Rule 17 of the Overview and Scrutiny Rules will apply and it will be recorded in the decision that the Call-in arrangements have been waived.

5 Quarterly reports on special urgency decisions

- 5.1 The Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rules 4.1 to 4.3 above in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.