

PROCEDURE FOR TAKING URGENT DECISIONS

1. The Council's Constitution sets out who in the Council has authority to make decisions and the procedures for making those decisions.
2. Sometimes events will occur which require decisions to be taken urgently. The County Council needs to be able to respond quickly where failure to do so would not be in the public interest.
3. The procedure for taking urgent decisions should only be used where failure to take the decision quickly would, or would be likely to, harm the interests of the Council and the public, for example:
 - a. a service not being provided;
 - b. the Council breaking the law or financial rules;
 - c. the public being put at serious risk of harm;
 - d. the Council suffering financial loss; or
 - e. consultation deadlines not being met.
4. The following are not suitable reasons for the use of the procedure:
 - a. poor planning;
 - b. the possibility of embarrassment being caused to the Council, an officer or Councillor;
 - c. the possibility of adverse publicity being caused to the Council;
 - d. in order to circumvent the requirements of Financial Regulations without good cause and justification.
5. There are a number of procedures in the Constitution whereby decisions can be taken quickly. Certain urgent decisions, such as Key Decisions, will also need to comply with specific requirements such as notice, approval or consultation. These requirements are set out in the table below.

URGENT DECISIONS BY CABINET OR COMMITTEE

6. Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if it meets the urgency criteria set out in paragraphs 3 and 4. Democratic Services and the Chairman of the meeting will require an explanation before authorisation is given.
7. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.

8. The urgent report will be made available for public inspection as soon as possible.

CALLING AN ADDITIONAL MEETING OF CABINET OR COMMITTEE

9. The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.

URGENT DECISION BY THE CHIEF EXECUTIVE

10. The Chief Executive may take a decision which is normally reserved to the Executive, a Committee or an Officer where he believes that the decision is urgent after first:
- a. taking into account the guidelines set out in paragraphs 3 and 4 above; and
 - b. where possible, seeking the views of the following in respect of the proposed decision:
 - The Leader of the Council,
 - The relevant Cabinet Member or Chairman and Vice-Chairman of the relevant Committee with authority to take the decision, and
 - The leader(s) of opposition group(s).
11. The Chief Executive will take into account any relevant views expressed. The decision is the Chief Executive's alone.
12. The decision together with the reasons why it was urgent must be recorded in writing. The record of urgent decisions will be held by Democratic Services and will be made available for inspection.
13. Following the decision, a report will be submitted to the next relevant meeting explaining:
- a. the decision;
 - b. the reasons for it; and
 - c. why the decision was treated as a matter of urgency.
14. In the absence of the Chief Executive, their responsibilities under this procedure are delegated to the Deputy Chief Executive, and in their absence to any other Corporate Director, and all references to the Chief Executive under this procedure will also apply to that person.
15. The table below sets out the additional requirements for certain types of urgent decisions:

| Urgency Procedure | Where it is | Authorised by | Consultation | Reporting Requirements |
|--|--|---|--|-------------------------------------|
| Urgent decision that is outside the Budget and Policy Framework | Budget and Policy Framework Procedure Rules (paragraphs 18 – 21) | Chairman of Overview Committee, or in their absence the Chairman (or Vice-Chairman) of the Council | n/a | Full Council |
| Key Decisions not in the Forward Plan – General Exception | Access to Information procedure Rules (paragraph 34) | None, provided notification requirements met | Notify Chairman of Overview or a Select Committee | Notice posted on website |
| Key Decisions not in the Forward Plan – Special Urgency | Access to Information Procedure Rules (paragraph 36) | Chairman of relevant Overview or Select Committee, or in their absence Chairman (or Vice-Chairman) of the Council | n/a | Full Council (via Executive Report) |
| Decision that will not be subject to Call-in | Overview and Select Committee Procedure Rules (Appendix 2, paragraphs 21 – 24) | Chairman of Overview Committee (in their absence the Chairman of the Council or their Vice Chairman) | Advice from Chief Executive, Monitoring Officer and/or Section 151 Officer | Full Council |
| Private meeting without giving prior notice | Access to Information Procedure Rules (paragraphs 22 – 26) | Chairman of Overview Committee (in their absence the Chairman of the Council or their Vice Chairman) | n/a | Notice posted on website |

| Urgency Procedure | Where it is | Authorised by | Consultation | Reporting Requirements |
|--|--|---------------------|---|------------------------|
| Emergency expenditure power of Corporate Directors | Officer Scheme of Delegation and Financial Regulations (paragraph 3.4.6) | Corporate Directors | Reported to Chief Executive and Section 151 Officer | Cabinet |

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