

4G – URGENT BUSINESS AND ABSENCE PROCEDURE RULES

There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of the Cabinet or appropriate Committee or Sub Committee (having delegated powers).

When an urgent matter has arisen after the despatch of an appropriate agenda (ie of the Council, the Cabinet, a Committee or Sub Committee that has the power to consider the matter) the following procedure applies:

RULE 1 – CHAIR’S RIGHT TO ADD ITEM TO AN AGENDA

The Chair of the Council, the Cabinet, an Overview and Scrutiny Panel or a Committee or Sub-Committee (as appropriate) has the authority to agree to take urgent items, not on the agenda, at meetings of the relevant Council, Cabinet, Committee or Sub-Committee.

The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:-

- (a) the item has arisen between the compilation of the agenda and the date of the meeting.
- (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means; and
- (c) by convention, the appropriate Committee or Sub-Committee Chair and Spokespersons or (in the case of Council meetings) all Group Leaders are to be consulted on the matter and their views conveyed to the Chair before s/he makes a decision on the matter. The Chair will be guided by their views.

In all cases the reason for the urgency shall be clearly stated and recorded.

When there is a good reason why the decision cannot wait until the next ordinary meeting of the Council, the Cabinet or appropriate Committee or Sub Committee having the power to determine the matter the following alternative procedures apply (see subsequent Rules) -

RULE 2 - SPECIAL MEETING

A special meeting of the Council, the Cabinet, an Overview and Scrutiny Panel, a Committee or a Sub Committee can be called. The specific Rules governing this are as follows:

- Council Procedure Rule 5
- Executive Procedure Rule 7
- Overview and Scrutiny Procedure Rule 6
- Non – Executive Committee Procedure Rule 10
- Standards Procedure Rule 8

The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days’ notice. Provision exists for this to happen under the Local Government Act 1972 (as amended).

RULE 3 – CHIEF OFFICERS’ ACTION – URGENT NON-EXECUTIVE COMMITTEE AND COUNCIL FUNCTIONS

Under this Rule, the Chief Executive or appropriate Director is given delegated power to take a decision which would normally be taken by a non-executive Committee or Sub Committee, or the Council, provided that:

- (i) the matter is urgent;
- (ii) the decision is within Council policy;
- (iii) the action is taken after consultation with the Chair (person) of the Committee and Spokespersons (for non-executive matters) and with all the Political Group Leaders (for Council matters);
- (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.

RULE 4 – URGENT EXECUTIVE DECISIONS

An executive decision may be taken by a Cabinet Member on an urgent matter within her/his portfolio, provided that the provisions of Access to Information Rules 15 or 16 (see earlier in this volume) are followed.

RULE 5 – EMERGENCY ARRANGEMENTS

The Chief Executive is authorised to undertake any action s/he considers appropriate to address situations where it is neither practicable nor possible to effect the Council’s normal procedures or arrangements for either executive or non-executive business.

The action taken will be recorded and reported to the first available ordinary meeting of the Council or relevant other body.

RULE 6 – ABSENCE PROCEDURE

In the absence of any of the Cabinet Members, Chairs or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy of the Councillor or Officer.

Any reference in this Constitution to the Leader of the Council, Chair of an Overview and Scrutiny Panel or Committee etc or any other office held by a member of the Council, or to a named Officer, shall be taken also to refer to any nominated deputy (or deputy where specified in this Constitution) in that role.

Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.