

Urgency Provisions

Under the Local Government Act 1972 section 101— Arrangements for discharge of functions by local authorities:

(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions—

(a) **by a committee, a sub-committee or an officer of the authority;** or

(b) by any other local authority.

In turn under S101(2) a committee can make arrangements to discharge its functions through a subcommittee or an officer.

The provisions in relation to urgency are merely arrangements to discharge functions if particular circumstances exist i.e. in cases of urgency.

The Member working group has noted a preference to have Committee made up of three (3) Members to consider urgent matters. Therefore, if in particular circumstances there are times to do this through a committee made up of the 3 members specified, then that is acceptable. It does not matter that the decision is within another committee's terms of reference as in the particular circumstances (i.e. urgency) the arrangements for discharge of the function is through the committee consisting of these 3 members.

Whilst the Member Working Group preference is acceptable within the law, it may limit the durability of the system in that, where a matter may be so urgent that there is not time to call a committee, it would be appropriate to have another option available.

In cases where the matter is so urgent that there is not time to call a committee, then arrangements can be made to discharge the functions through an officer, usually the Chief Executive. In order to retain member involvement, it is usual for the decision to be made in consultation with specified members e.g. the Leader, the Chairman of the appropriate committee and others as defined and to have arrangements for reporting the decision and circumstances after the event.

As Members can have more than one option available for use in the case of urgent items the Committee is asked to consider drafting two options for inclusion within the Committee system. Included are some examples of urgent decision options included within other local authorities Constitutions.

Examples of Urgent Decisions

Sutton:

URGENT ACTION

1 Where a matter is considered by the Chief Executive to be so urgent that it cannot be left until the appropriate Committee to make a decision the responsible Strategic Director is authorised to perform all functions within the duties and powers of that Committee in accordance with provisions set out in this Standing Order.

2 The responsible Strategic Director is authorised, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair or, in his/her absence, the Vice-Chair of the relevant committee, to perform all functions within the powers and duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary, subject to the action taken being reported to the next meeting of the Committee concerned.

Nottinghamshire:

OPTION A – URGENT DECISIONS BY COMMITTEE

1. Where the agenda for the relevant committee 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 committee will require an explanation before authorisation is given.

2. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting.

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

OPTION B – CALLING AN ADDITIONAL MEETING

4. 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 Council Procedure Rules at paragraph 9 and the Committee Procedure Rules at paragraph 4.

OPTION C – DECISION BY THE CHIEF EXECUTIVE

5. The Chief Executive may take a decision which is normally reserved to committee or another 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 chairman and the vice-chairman of the relevant committee with authority
- to take the decision, and
- the leader(s) of opposition group(s).

c. The Chief Executive will take into account any views he considers are relevant.

The decision is the Chief Executive's alone.

d. 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.

e. Following the decision, a report will be submitted to the next available relevant committee meeting explaining:

- the decision;
- the reasons for it; and
- why the decision was treated as a matter of urgency.

f. In the absence of the Chief Executive, his responsibilities under this procedure are delegated to a Corporate Director and all references to the Chief Executive under this procedure will also apply to that person.

REPORT ON USE OF THE URGENCY PROCEDURE

6. In addition to any reports submitted to the relevant committee, twice yearly a report will be presented to Policy Committee detailing the number of occasions these provisions have been used and the reasons for their use.

South Gloucestershire:

1) CHIEF OFFICERS' ACTION – URGENT MATTERS

Under this Standing Order the appropriate chief officer(s) are given delegated power to take a decision which would normally be taken by committee provided that:

- (a) the matter is urgent and the decision is within Council policy;
- (b) the action is taken after consultation with the lead members (or their nominee if unavailable) of the relevant committees.
- (c) the consultation with the relevant committee lead members takes place in liaison with the Monitoring Officer, other chief officers as appropriate and the Chief Financial Officer.
- (d) the action is reported by the Monitoring Officer to the next available meeting and the appropriate committee for information.
- (e) If, on being consulted, any lead committee member so requests, the Monitoring Officer shall convene a meeting of an Urgency Sub-Committee to deal with the business to which the consultations related. Alternatively, they may require the matter to be considered by the committee concerned.