

NEWARK & SHERWOOD DISTRICT COUNCIL

CONSTITUTION
MAY 2022

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**PART D
PROCEDURE RULES**

SECTION 6: PROCEDURE FOR TAKING URGENT DECISIONS

1. Background

1.1 Sometimes events will occur which require decisions to be taken urgently. The Council needs to be able to respond quickly where failure to do so would not be in the public interest, for example a service would not be provided, the public would be put at risk of harm, the Council would suffer financial loss, or a government deadline would not be met. Poor planning would not be a suitable justification for taking a decision urgently.

1.2 Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if the Chairman of the meeting is in agreement. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting and make it available for public inspection.

1.3 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.

4.1.4 Note - in accordance with the Cabinet Scheme of Delegation in Part C of this Constitution – Responsibility for Functions, the Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated to Cabinet.

2. Procedure for taking Urgent Decisions

2.1 In the event that any matters arise in circumstances rendering it impossible for the Leader, Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the interests of the Council and the public provided that they comply with the applicable legislative requirements for determining decisions, including identifying the decision as being urgent and as such not subject to 'Call-In', and shall, before taking action, consult:

- i. the Monitoring Officer and the Section 151 Officer (or their deputies); and
- ii. in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
- iii. in respect of non-Executive functions, the Chairman of the Council (or in their absence the Vice-Chairman of the Council or their absence the Chairman of the relevant Committee).

iii.iv. The leader of the Council's largest opposition group.

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2.2 Decisions taken by the Head of Paid Service or their nominated deputy as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

3. Additional Rules for taking Key Decisions with less than 28 days notice

General Exception

- 3.2.1 Subject to the rules ~~below~~ regarding Special Urgency and Major Emergencies below, if a matter which is likely to be a Key Decision has not been advertised for a minimum of **28 clear days** on the Council's website, then the decision may still be taken if:
- The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for **28 clear days' notice** to be given;
 - The Monitoring Officer has informed the Chairman of the PPI Committee (in its capacity as the overview and scrutiny committee) in advance in writing that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In' and made copies of that notice available to the public at the offices of the Council; and on the Council's website; and
 - At least **5 clear days** have elapsed since the Monitoring Officer complied with Rules a. and b. above

Special Urgency

- 3.24 If the rule below regarding Major Emergency does not apply and, by virtue of the date by which a decision must be taken the General Exception rule above cannot be followed and the **5 clear days'** notice of the decision cannot be given then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Leader and the Chairman of the PPI Committee (in its capacity as the overview and scrutiny committee) that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In'. Notice in writing of the application to the Chairman of the PPI Committee must be published on the Council's website and copies made available to the public at the offices of the Council. If there is no Chairman of the PPI Committee or the Chairman is unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice Chairman of the Council will suffice.

Major Emergencies

- 4.1 In a major emergency listed below, the Leader or Deputy Leader or in their absence the relevant Cabinet Member or, if appropriate, the Chief Executive or a Director may take any immediate urgent Key Decision if required without consultation. Such decisions will not be subject to 'Call-in'. Note - separate provision for the Chief Executive's delegation in relation to civil emergency/disaster is made in Part C Section 5 – Officer Scheme of Delegation.

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4.2 For the purposes of this rule, a major emergency is any event or circumstance (happening with or without warning) that causes or threatens death or injury, disruption to the community, or damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

5. Quarterly Reports on Special and Major Emergency Urgent Decisions

5.1 The Leader will submit quarterly reports to the Council on the Key Decisions taken under the Special Urgency and/or Major Emergencies rules 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 and the reasons for urgency.

6. Urgent Decisions Outside the Budget or Policy Framework

6.1 Separate provision for these decisions is made in Part E Section 3 – Budget and Policy Framework Procedure Rules.