

URGENT ACTIONS

Council	Policy	Used
CUMBRIAN AUTHORITIES		
Allerdale (constitution)	<p>(a) Unless other arrangements are in place, the council will make arrangements for the discharge in urgent circumstances of the functions of the authority. This may be done by appointing either:</p> <p>(i) A Task Group of not fewer than three voting councillors from among its membership; or</p> <p>(ii) A member of staff, to discharge those functions</p> <p>(b) Before acting under such arrangements:</p> <p>(i) A member of staff so appointed will consult as far as practicable representatives nominated by the political groups on that body.</p> <p>(ii) any member of staff or task group so appointed will record the urgent circumstances which made it necessary for action to be taken before the meeting of the committee could be arranged.</p> <p>(c) When action is taken under this Rule, a report of the action, including a note of the circumstances which made it necessary will be presented to the next meeting of the committee.</p> <p>(d) In very urgent circumstances where the matter cannot be put before the Council, the Chief Executive may exercise the functions of the council after consultation with the Mayor and leader of the council</p> <p>(e) Where an action is taken under paragraph (d), a report of that action, including a note of the circumstances which made it necessary, must be presented to the next meeting of the council</p>	0
Allerdale (Authority to Act)	<p style="text-align: center;">Urgent Decisions outside the budget or policy framework</p> <p>(a) The executive, a committee of the executive, an individual member of the executive and any staff, area</p>	0

URGENT ACTIONS

	<p>committees or joint arrangements, discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency.</p> <p>However the decision may only be taken:</p> <ul style="list-style-type: none"> (i) If it is not practical to convene a quorate meeting of the full council; and (ii) If the majority of the four co-chairs, in the event of this not being possible; (iii) Two of the co-chairs (one from each committee, not of the same political persuasion), the event of this not being possible; (iv) Any two of the four co-chairs. <p>The reasons why it is not practical to convene a quorate meeting of full council and Scrutiny's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.</p> <p>(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.</p>	
Cumbria CC	<p>Cabinet members have the power to exercise Executive functions within their remit and area of responsibility in an emergency or other cases of urgency. This has to happen in consultation with the Leader, or in his absence the Deputy Leader, in any case where any delay likely to be caused by deferring a decision to the next meeting of the Cabinet would prejudice the Council's or the public's interests. In the absence of the Cabinet Member concerned, the Leader can exercise such functions in an emergency or other cases of urgency.</p>	1
Cumbria CC	<p>The Chief Executive is also able to take any action on behalf of the Council "as may lawfully be taken in any case of urgency, subject to reporting thereon to the Council".</p>	3
Eden	<p>Eden District Council does not have an executive decision-making system and operates instead under alternative arrangements (see sec.31 of the Local Government Act 2000) which comprise of four policy committees. These policy committees are subject to proportionality rules and the four members who chair them act as the Council's joint leaders.</p> <p>If urgent action is required to be taken in between any meeting of a policy committee, the relevant chief officer will take the decision in consultation with the relevant committee chairman and vice-chairman and the matter will be reported to the next meeting of the committee. In practice it is often the case that the chief officer will also consult with members who represent the minority political groups on the committee, although technically this is good</p>	

URGENT ACTIONS

	practice rather than strict procedure.	
Barrow	<p>The call-in procedure set out above shall not apply where the decision being taken by a policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.</p> <p>The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making body, the decision is an urgent one, and therefore not subject to call-in.</p> <p>The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman, the vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.</p> <p>The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.</p>	0
South Lakeland	<p>15. GENERAL EXCEPTION</p> <p>If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:</p> <p>(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;</p> <p>(b) the proper officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;</p> <p>(c) the proper officer has made copies of that notice available to the public at the offices of the Council; and</p> <p>(d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public unless the information is exempt.</p> <p>16. SPECIAL URGENCY</p> <p>If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of</p>	4

URGENT ACTIONS

	<p>each relevant overview and scrutiny committee is unable to act, then the agreement of the chairman of the Council, or in his/her absence the vice chairman will suffice.</p> <p>In any event the leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) 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.</p> <p>Urgent decisions outside the budget or policy framework</p> <p>(a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:</p> <ul style="list-style-type: none"> i. if it is not practical to convene a quorate meeting of the full Council; and ii. if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency. <p>The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant overview and scrutiny committee the consent of the chairman of the Council, and in the absence of both the vice-chairman, will be sufficient.</p> <p>(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.</p>	
	OUTSIDE CUMBRIA	
<p style="text-align: center;">North Tyneside Council</p>	<p>An urgent decision can only be taken if the Executive obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. Where the Chair of the Overview and Scrutiny Committee is not available, then the agreement of the Chair of the Council, or in his/her absence the Deputy Chair must be obtained.</p> <p>Under the Constitution, the Mayor will submit quarterly reports to the Council on the executive decisions taken under the urgency provisions in the preceding three months. The report will include a summary of the subject</p>	<p>Nov 2005 – Jan 2006: (0)</p>

URGENT ACTIONS

	matter of the decisions taken.	
Rossendale	<p>Rule 15 Where a key decision is not included in the Forward Plan, it may still be made in accordance with Rule 15 of the access to information rules where:</p> <p>(a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the Forward Plan relates; and</p> <p>(b) The Chief Executive has informed the Chair of the Overview and Scrutiny Management Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made; and</p> <p>(c) The Chief Executive has made copies of that notice available to the public at the offices of the Council; and</p> <p>(d) At least 3 clear days have elapsed since the Chief Executive complied with (a) and (b).</p> <p>3 decisions under Rule 15</p> <p>Special Urgency: Rule 16 Special Urgency Rules can also apply in exceptional circumstances (Rule 16 of the Access to Information Procedure Rules). This Rule applies when the requirements of Rule 15 cannot be complied with. In particular, the urgency of the decision means that 3 clear days cannot be given.</p> <p>3 decisions under Rule 16</p> <p>The Leader of the Council is required to submit a report to the Council on those decisions taken under the Rule 16 of the urgency provisions.</p>	April 06 – Jan 07 (6)
Barking and Dagenham	<p>In exceptional circumstances and where delay will be prejudicial to the interests of the Council, the Chief Executive or the relevant or lead Chief Officer, as appropriate, is authorised to take urgent action which is not otherwise delegated to them subject to:</p> <p>(i) ensuring the actions are cleared firstly with the Chief Executive (in the case of other Chief Officers), the Head of Corporate Finance and the Monitoring Officer, or in their absence their nominated deputies,</p> <p>(ii) consultation with the Leader of the Council and the Chair of the Assembly on the specific reasons for taking the action, together with the Chair of the Scrutiny Management Board as to why the decision cannot wait until the next</p>	

URGENT ACTIONS

meeting of the Executive.

Where, for any reason, it is not possible to consult with the said Members, then the Deputy Leader, the Deputy Chair of the Assembly and the Deputy Chair of the Scrutiny Management Board will deputise respectively. In the event that the necessary decision cannot be obtained through this procedure within 24-48 hours, then the matter may be dealt with, provided that at least two of the six Members are consulted, one of whom should be the Chair/Deputy Chair of the Scrutiny Management Board.

(iii)

compliance with the Constitution and, in particular, relevant rules where appropriate, and

(iv)

the decisions taken under the urgent actions procedure being reported to the next available meeting of the Executive.

Urgent actions taken under these provisions will be subject to the Call-In procedure, allowing only the principles for making the decision to be challenged. In such instances the actual decision cannot be overturned.