

Constitution Member Working Party – 18 September 2023

Proposed revisions to the Council's urgency provision (Standing Order 42)

The following amendments to Standing Order 42 are proposed. They seek to remove some of the administrative and reporting delays that are associated with pursuing physical signatures. The Monitoring Officer and Head of Democratic Services are satisfied that the proposal offers a similar level of accountability to that which exists now because the digital safeguards associated with authorising decisions by email maintain clarity over individuals' agreement with decisions.

42. Urgent Action

42.1 If a matter which would ordinarily need a decision or authority from the Council, a Committee (including the Licensing Committee), or a Sub-Committee arises when it cannot reasonably be delayed until the next meeting of the Council or the appropriate Committee or Sub-Committee, then any necessary decision can be taken by a Chief Officer whose departmental functions include the subject matter or by the Chief Executive. The Chief Officer must not act until he has consulted any other relevant Chief Officers and obtained the agreement of the Chief Executive and Chairman and Vice Chairman of the Committee whose functions include the function in question. In the absence of either the relevant Chairman or Vice Chairman the Chief Officer must obtain the agreement of the Leader of the Council, or in his absence the Deputy Leader to ensure two Members are consulted ~~in regard to~~ regarding the proposed action. ~~In the unlikely event that both Chairman and Vice Chairman~~ of the Committee or Sub-Committee are absent, the Leader and Deputy Leader can act on their behalf.

If the Chairman and Vice Chairman are Leader and Deputy Leader of the Council and are absent, then the Chairman and Vice Chairman of the Standards and Audit Committee will be consulted on the proposed action.

42.2 A written record of decisions taken under this Standing Order, utilising any template(s) authorised by the Corporate Head of Law and Governance, shall be maintained. Officer and Member agreement may take the form of signed documents, or electronic authorisation from the individual's Council email account, either of which (as appropriate) shall be retained alongside the written record of the decision.

~~Action taken under this Standing Order shall be recorded in writing, signed by the Officer responsible, and countersigned by the Member and Officers consulted.~~

Officers shall have regard to the Guidance issued by the Corporate Head of Law and Governance set out at the end of this Section of Standing Orders.

42.3 The relevant Chief Officer must notify the Corporate Head of Law and Governance of any action to be taken under paragraph 42.1 above (if practical the Corporate Head of Law and Governance will arrange the despatch of the consultation form to the Member concerned), ~~and the Corporate Head of Law and Governance must maintain a register of such action.~~ A report on the action taken must be submitted to the next practicable meeting of the appropriate Committee but requires no further approval or ratification.

42.4 This procedure may only be used for property acquisitions where the proposed acquisition is in accordance with the Property Investment Strategy adopted by the Council from time to time and the value of the acquisition is no greater than £1m excluding associated costs (e.g. stamp duty, agents fees).

(Note: This Standing Order has been approved by the Licensing Committee for the purposes of licensing functions under the Licensing Act 2003 and so ranks as a delegation of functions agreed by the Committee in accordance with that Act, in addition to its application to other functions of the Council)