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## **Urgent and short notice decisions/removal of Executive Decision Database – amendments to Part 4, Standing Orders**

### **Urgent and short notice decisions**

The paragraphs below replace the current Standing Orders 3.45 to 3.51 and 5.21 to 5.25. Other cross references will be updated accordingly.

### **Decisions to be taken urgently or with short notice**

#### **Council and non-Executive Committees**

- 3.45 The Chief Executive or Director of Law and Assurance may be invited to decide that a matter is sufficiently urgent that it cannot wait for the next meeting of the County Council or relevant non-executive committee for that matter to be decided. The Chief Executive or Director of Law and Assurance shall consult any relevant director/assistant director and the County Chairman (for County Council decisions) or the relevant non-Executive committee Chairman before deciding whether to proceed to determine the matter before the next meeting.
- 3.46 Public notice of the decision and the reason for urgency will be published on the Council's website, in the next edition of The Bulletin and on the agenda for the next meeting of the Council or non-Executive committee.
- 3.47 In the case of a County Council decision for a Policy Framework that needs to be taken urgently the Chief Executive or Director of Law and Assurance shall arrange for the decision to be taken with the agreement of the County Chairman and the Leader. The County Council is able to consider any such matter at a meeting after the urgent decision has been taken.

#### **Executive Decisions**

- 3.48 The Director of Law and Assurance and officers in Democratic Services will advise any Executive decision maker on the appropriateness of using any of the urgent action or short notice procedures set out below.
- 3.49 Executive decisions are taken by the Cabinet, by individual cabinet members or by officers under delegated authority. If the decision is a key decision notice of the proposed decision is published in the Forward Plan of key decisions (Standing Order 5.16).
- 3.50 While urgent decisions cannot be called in, nothing shall prevent the relevant scrutiny committee from considering the matter after a decision has been taken. References seeking the agreement of the Chairman of a scrutiny committee in connection with urgent decisions shall include the County Chairman or Vice-Chairman when the scrutiny committee chairman is not available.
- 3.51 In respect of any Executive decision needing to be taken on short notice or urgently and where the usual decision-maker is not available the Leader (in the case of a Cabinet or cabinet member decision), the Chief Executive or Director of Law and Assurance shall determine who has authority to take the decision.

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### **Urgent Cabinet or Cabinet Member non-Key Decisions**

- 3.52 For non-key decisions where it is considered that the decision is urgent and cannot wait for a possible call-in for consideration by the relevant scrutiny committee the decision maker must obtain the agreement of the Director of Law and Assurance or the Chief Executive and that officer will arrange to secure the agreement of the chairman of the relevant scrutiny committee.
- 3.53 Public notice of the decision and the reason for urgency will be published on the Council's website and in the next edition of The Bulletin.

### **Urgent Executive Key Decisions that have appeared in the Forward Plan**

- 3.54 For key decisions that have appeared in the Forward Plan of key decisions for at least 28 days, the usual decision maker may consider that the matter is sufficiently urgent that it should be taken without being subject to possible call-in for scrutiny by the relevant scrutiny committee. The decision maker must obtain the agreement of the Director of Law and Assurance or Chief Executive and that officer must secure the agreement of the appropriate scrutiny committee chairman to the decision being taken in this way.
- 3.55 Public notice of the decision and the reason for urgency will be published on the Council's website and in the next edition of The Bulletin.

### **Executive Key Decisions that have not appeared in the Forward Plan and need to be taken at short notice (Regulation 10)**

- 3.56 If a key decision has not appeared in the Forward Plan for at least 28 days or at all and it is considered that the decision needs to be taken as soon as possible the Director of Law and Assurance may agree to publish a five-day notice of the proposed decision and shall, if doing so, notify the relevant scrutiny committee chairman, or if they are not available, all members of the relevant scrutiny committee. The decision can then be taken in the usual way and will be subject to call-in (Standing Order 7.24).

### **Executive Key Decisions that have not appeared in the Forward Plan and need to be taken urgently (Regulation 11)**

- 3.57 If a key decision has not appeared in the Forward Plan for at least 28 days or at all and it is considered that the matter is sufficiently urgent that it cannot be taken through the usual process or through the Regulation 10 process above, the Director of Law and Assurance or Chief Executive may agree to the decision being taken urgently and shall obtain the agreement of the appropriate scrutiny committee chairman to taking the decision urgently. The decision will then be taken and published without being subject to call-in.
- 3.58 Public notice of the reason for urgency will be published on the County Council's website together with details of the decision. The decision will be published in the next edition of The Bulletin. The use of this procedure for any decision shall be reported by the Leader to the County Council on at least an annual basis, including the particulars of each decision made and the reason for urgency.
- 3.59 A register shall be maintained by the Director of Law and Assurance of every decision taken using the procedures in Standing Orders 3.45, 3.52, 3.54 and 3.57.

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## Removal of references to the Executive Decision Database

(additions shown in bold, italic text, deletions struck through)

### The Bulletin

- 4.35 The Director of Law and Assurance shall publish The Bulletin for distribution to all members and make it available to the press and public. The Bulletin shall include information summaries of:
- (a) all proposed Cabinet and cabinet member decisions and key decisions by an officer published ~~via the EDD~~ in the previous week;

### Executive Decisions

- 5.10 The Director of Law and Assurance shall ***publish details of decisions on the County Council's website so they are*** ~~maintain the Executive Decision Database (EDD) and make it available to all members, the press and public.~~ ***This will*** ~~The EDD shall~~ include summaries of:
- (a) proposed decisions by the Cabinet or by individual cabinet members;
  - (b) proposed decisions by the Executive for recommendation to the County Council on matters within the Policy Framework; and
  - (c) proposed key decisions by an officer.

### Call-in Protocol

- 7.25 Once a proposed decision is published ~~in the Executive Decision Database (EDD)~~, members are encouraged to read the reports and the relevant background papers if considering making a call-in request.
- 7.26 A member wishing to request the call-in of a proposed decision must notify the Monitoring Officer by, at the latest, 5 p.m. on the seventh working day after the proposal is published ~~via the EDD~~. The request must be supported by four (including the requester) members of the County Council. The request should be in writing (which includes e-mail), should contain the reason for the request and the outcome being sought. The decision whether to call-in a proposed decision will be taken by the Monitoring Officer or, in his or her absence, the Deputy Monitoring Officer.
- 7.27 If a call-in request is received, the call-in period will end at 5 p.m. on the eighth working day after the publication of the proposal ~~in the EDD~~ (subject to, for example, bank holidays). If a call-in request is not accepted by the Monitoring Officer or Deputy Monitoring Officer the proposal will take effect at the end of the call-in period i.e. on the ninth working day after publication.
- 7.30 If a call-in request is received, the Monitoring Officer or Deputy Monitoring Officer must notify the statutory Scrutiny Officer in writing (which includes e-mail) by no later than 5 p.m. on the eighth working day after the publication of the proposal ~~via the EDD~~, of the intention to call-in the proposal and of any requirement for Cabinet Member, and/or officer attendance. If a decision is taken not to call-in the item, then the Monitoring Officer or Deputy Monitoring Officer will confirm this in writing to the statutory Scrutiny Officer and the call-

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in requester by the deadlines set out above explaining the reasons for the rejection, which will also be published on the next set of Committee papers. See paragraph 5.11 for when decisions will take effect following a call-in.