
Report to OVERVIEW AND SCRUTINY BOARD

GENERAL EXCEPTION AND SPECIAL URGENCY DECISIONS REPORT

Portfolio Holder: Various

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Purpose of the Report

The Board is requested to note the decisions that have been taken under Rules 13 and 14 of the Council's Constitution since the last meeting of the Overview and Scrutiny Board held on 20th October 2020.

Executive Summary

A key decision may not be taken unless 28 days clear notice has been given of the intention to take those decisions. If 28 days clear notice of a matter has not been given, an agreement will be needed to be obtained with the relevant Overview and Scrutiny Chair and a notice made available as a 'General Exception Key Decision Notice' (Rule 13). After five days have elapsed, the decision can be made. General exceptions will be reported to the next relevant Overview and Scrutiny Committee. Where a date by which an executive decision that would be a key decision and compliance with the Key Decision and General Exception (Rule 13) procedures were impracticable, the decision shall only be made where the decision maker has obtained agreement with the relevant Overview and Scrutiny Committee Chair (Rule 14). Where this rule is applied, the decision is also exempt from call-in. These exemptions will be reported to the next relevant Overview and Scrutiny Committee.

Members are asked to note the decisions taken in response to the Covid-19 Pandemic. These were taken to address urgent issues as they arose in order to authorise the support as directed nationally and locally to Covid-19 response.

If a detailed explanation is required and an officer is to attend the meeting to provide further information, please contact Constitutional Services by 12.00 noon on Thursday, 26th November 2020.

Recommendations

The Overview and Scrutiny Board is asked to note decisions

Background

The Chair (or their nominee) is given powers in the Council's Constitution to give authorisation for key decisions to be made under the following rules:

Rule 13 – General Exception

Where the decision has not been placed on the Forward Plan, but it is possible to give 5 clear days-notice of the decision to be made, Rule 13 allows that the decision may be made where the relevant Executive Director has obtained agreement in writing from the Chair of the Overview and Scrutiny Board (or his/her nominee) of the matter about which the decision is to be made. Notice of this setting out the reasons why compliance with the 28-day notice period was impracticable will be made available at the offices of the local Authority and be published on the Council's website. Any decision made in this way is still subject to a potential call-in.

Rule 14 – Special Urgency:

In certain circumstances it may be impracticable both to:

1. Place the decision on the Forward Plan, and
2. Give 5 clear days-notice prior to the decision being made

Rule 14 allows that in these circumstances the decision may still be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Board (or his/her nominee) or if not available the Mayor or in their absence the Deputy Mayor. As soon as it is reasonably practicable after the decision maker has received agreement from the Chair of Overview and Scrutiny that the decision is urgent and cannot be reasonably deferred, a notice will be made available at the offices of the local Authority setting out the reasons why compliance with the 28 days was impracticable and this will be published on the Council's website. Where Rule 14 applies the decision is exempt from call-in.