

OVERVIEW AND SCRUTINY BOARD – 10th September 2019

GENERAL EXCEPTION AND SPECIAL URGENCY 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 16 – 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 16 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 17 – 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 17 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 17 applies the decision is exempt from call-in.

**For the Municipal Year 2019/2020 the Chair of the Overview and Scrutiny Board is
Councillor McLaren**

Subject Matter	Officer	Rule Applied	Date of Decision and Date of authorisation	By	Reason(s) for the decision
Proposed Acquisition of Freehold Interest held in Forge Industrial Estate	Bryn Cooke, Head of Strategic Housing and Property Partnerships	Rule 16	Decision Authorisation: 1 st August 2019	Councillor McLaren	<p>DECISION AUTHORISED:</p> <p>For the recommendation in the report to be agreed. The decision could not be reasonably deferred in order to meet the timescales of the vendor to complete the acquisition.</p>
Delph New Road/A62 Huddersfield Road Flood Alleviation Scheme	Eleanor Sykes Transport Policy Officer	Rule 16	Decision Authorisation: 1 st August 2019	Councillor McLaren	<p>DECISION AUTHORISED:</p> <p>For the recommendation in the report to be agreed. The decision had not been placed on the 28 Day Decision Notice for Cabinet for the decision to be taken in private.</p>
Construction and Highways Services Framework	Emma Barton, Director of Economy	Rule 17	Decision Authorisation: 30th Aug 2019	Councillor McLaren	<p>DECISION AUTHORISED:</p> <p>For the recommendations in the report to be agreed. The decision could not be reasonably deferred in order to follow legal and procurement advice and consultation with the Portfolio holder.</p>