

THE EXECUTIVE

3 AUGUST 2004

REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

URGENT ACTION PROVISIONS	FOR DECISION
<i>This report is submitted in accordance with the Council's Constitution, specifically Article 1 (Member Meetings General), Paragraph 17.</i>	
<u>Summary</u>	
<p>To consider amending the Constitution by changing the Urgent Action Provisions to more accurately reflect the roles of Members in the decision making process.</p>	
<p>The Council's procedures for dealing with urgent actions are laid down in the Constitution and require Chief Officers to formally consult with the Leader of the Council, and the Chairs of the Assembly and Scrutiny Management Board (SMB). The involvement of the Leader and Chair of the Assembly relates to the strategic and policy functions of the Executive and Assembly, whilst the involvement of the Chair of the SMB is to ensure any urgent actions taken remain the subject of scrutiny and to confirm the need for urgency.</p>	
<u>Recommendation</u>	
<p>Mindful of the Member's concerns, but in recognising the importance of involving Scrutiny in the process of approving urgent matters, it is proposed to clarify the roles of nominated Members in the Urgency Provisions. On that basis the Executive is being recommended to ask the Assembly to amend paragraph 17.1 of Article 1 (Member Meetings General), so that when urgent actions are taken by the Chief Executive or the relevant or Lead Chief Officer (under delegated power) it is made clear that consultation with the Leader of the Council and Chair of the Assembly is about the basis for taking the decision, whilst consultation with the Chair of the SMB is about recognising the need for urgency to take the decision.</p>	
<p>For any urgent action the procedure will require that clearance be sought from the Chief Executive, Director of Finance, and the Monitoring Officer, or in their absence, their nominated deputies, prior to any consultation with Members. (see Appendix A for the revised wording of the paragraph that will appear in the Constitution)</p>	
<p>The decisions taken under the urgent actions procedure will then be reported to the next Executive meeting, rather than the next appropriate meeting as currently worded. This will allow the opportunity through the Call In procedure for non-Executive Members to challenge the principles around why a particular decision was taken, albeit the actual decision could not be overturned.</p>	
<p>The Call-in procedure as laid out in Article 5C of the Constitution will be amended accordingly.</p>	

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