

DRAFT PROTOCOL ON THE USE OF URGENCY POWERS BY OFFICERS

This Protocol clarifies expectations on the use of urgency powers by officers of the council and is to be read with reference to **the Officer Flowchart** and **the Officer Checklist** provided below.

When may officer urgency powers be used?

General delegations in [Part 6 of the Scheme of Delegations](#) provide Chief Officers with urgency powers in two contexts:

- 1) where an emergency has been declared or where an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures; and
- 2) in any situation where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.

The use of urgency powers in accordance with 1) is not dealt with in this Protocol, which governs the use of urgency powers in scenario 2) only.

A: Officer Flowchart: is it possible to obtain the prior approval of a Committee or Sub Committee as a first resort?

Officers are required to follow the Flowchart below. This summary is to be read alongside it.

When a decision needs to be made urgently, officers are expected to ask themselves the following questions in sequence, having regard to [the Council Procedure Rules](#):

1. Can the matter be put to an ordinary Committee meeting? The dates for the council's committees are scheduled considerably in advance.
2. If a meeting of the Committee is either not scheduled within relevant deadlines or is happening too soon for members to have opportunity to scrutinise the proposals, then officers should ask: is it practicable to convene a special meeting (CPR rule 19)? These may be called by the Chair or Deputy Chair or by one quarter of the voting members to the Committee by requisition. The process involves scheduling an additional meeting of the entire Committee to consider one or more agenda items.
3. If it is not practicable to convene a special meeting, whether for timetabling, room availability or other reasons, then officers should ask: is it practicable to convene an Urgency Sub Committee of the Committee (rule 22)? This involves convening a dedicated meeting of three members of the Committee on a cross party basis. The fact that it may be called at short notice mitigates against optimum scrutiny as any decision is made by a smaller pool of members (albeit on a cross party basis).

If 1, 2 and 3 have been considered but are not possible, then officers may consider exercising delegated urgency powers. The expectation is that all relevant decisions will be referred to a member body unless it is not reasonably practicable to convene one of 1-3 above.

B: Officer Checklist: Exercising Urgency Powers

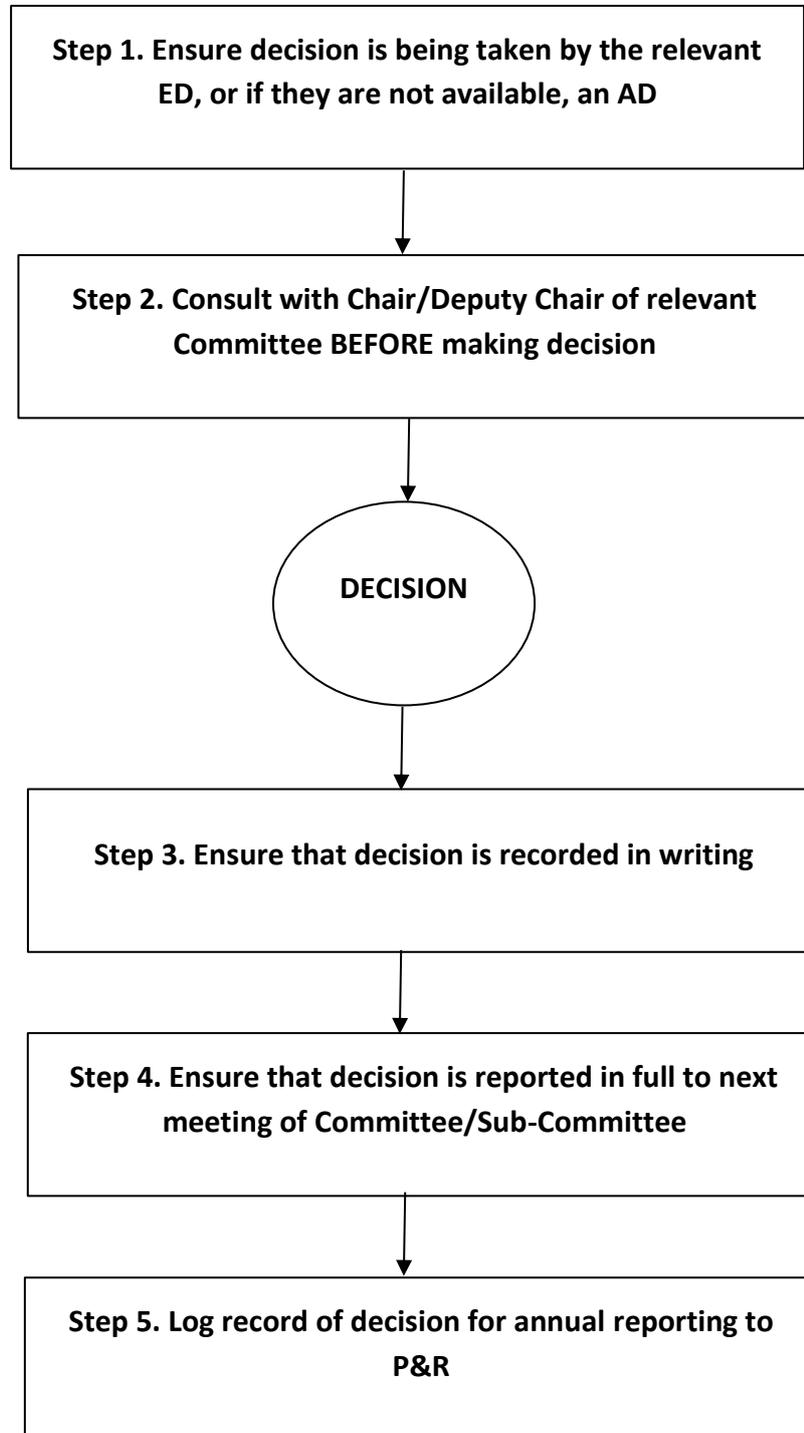
The Officer Checklist below is to be used only where it is not considered reasonably practicable (having reviewed the Flowchart) to obtain Committee or Sub Committee approval

Where the flowchart indicates that it is not reasonably practicable to obtain Committee approval, then urgency powers may be available as long as the following safeguards are met:

- The Officers must firstly consult the Chair of the Committee or Sub Committee before taking any decision;
- The Officer must complete an Officer Decision Record using the template (see annex at the end] and including a record of the consultation undertaken;
- The officer decision must be taken at Chief Officer level or in their absence at Assistant Director level;
- After the decision has been taken, it must be reported to the next scheduled Sub Committee or Committee for information so as to ensure as much transparency as possible;
- A copy of the Officer Decision Record must be logged with Democratic Services so that it can be included in the annual report to P&R which reports on decisions taken by officers using urgency powers.

B: OFFICER CHECKLIST: EXERCISING URGENCY POWERS

(NB Only applicable where not reasonably practicable to obtain approval from a member body – see flowchart)



Extract from [the Scheme of Delegations to Officers – Urgency Powers](#):

7. Urgency Powers (with relevant provisions are highlighted in grey).

(1) In cases where an emergency has been declared or when an officer acting as gold command considers it necessary to take appropriate steps under the Council's emergency planning, resilience or business continuity procedures:-

(a) After consultation with the Leader of the Council or a Deputy Leader, to exercise any of the functions, whether within the service area of the chief officer or otherwise, in cases of urgency where it is not practicable to obtain prior approval of the relevant Committee or Sub-Committee. See also notes (i) to (iv) below.

(b) To approve expenditure of up to £1,000,000, the action taken to be reported for information to the Leader of the Council and Group Leaders as soon as practicable. See also notes (i) to (iv) below.

NOTES

(i) Contact the Emergency Planning & Resilience Duty Officer on 07540 675 169 in connection with the exercise of the above delegated powers.

(ii) The Leader of the Council or in his / her absence a Deputy Leader shall be informed as soon as is practicable if it appears likely that any such emergency will be declared.

(iii) If it is not possible or practicable for an officer who would normally exercise the above delegated powers to do so, the powers may be exercised by the officer who is designated to be in charge under the Council's emergency planning or business continuity procedures or any officer appointed by him / her to act on his / her behalf.

(iv) If it is not possible or practicable for the officer to consult the Leader or a Deputy Leader before exercising the above delegated powers, the officer may exercise the powers without doing so but shall take such steps as appear appropriate at the time to keep Members informed of the action taken.

(2) In any other cases of urgency:-

(a) After consultation with the Chair (or in his / her absence, a Deputy Chair) of the relevant Committee or Sub-Committee, to exercise any of the functions within the service area of the officer in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee or Sub-Committee.

(b) The action taken shall be reported, as appropriate, to the Committee or Sub-Committee.

This record relates to urgent decisions taken by Chief Officers under the Scheme of Delegation to Officers Paragraph 7(2).

**RECORD OF URGENT DECISION
TAKEN BY [insert Job Role]**

SUBJECT:

CONTACT OFFICER:

REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO HOLD A SPECIAL MEETING OR URGENCY SUB-COMMITTEE:

DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF RELEVANT COMMITTEE:

DATE OF CONSULTATION WITH CHAIR/DEPUTY CHAIR:

THE DECISION:

REASONS FOR DECISION:

DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

LEGAL IMPLICATIONS:

Name

Date

FINANCIAL IMPLICATIONS:

Name

Date

DATE OF NEXT COMMITTEE MEETING TO WHICH THE DECISION WILL BE REPORTED:

Date:

Signed:

Executive Director

Logged by Democratic Services Officer for
Annual Report:

Name:

Date: