

AMENDMENTS TO CONSTITUTION – URGENT BUSINESS

Executive Summary

There is currently no process set out in the Constitution for dealing with items of Urgent Business. This report therefore proposes the adoption of a new section in the Constitution. Urgency is usually defined as a decision which cannot reasonably be delayed or deferred.

Following reference to the Local Government Act 1972, the proposed new section is set out in Appendix 1 and will be added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 9. References to other sections within the Constitution will be added where appropriate once the proposed revisions have been agreed by Council.

The addition set out in this report will have the effect of providing clarity and certainty for the management of items raised as Urgent Business.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

“7. Provisions for Urgent Business.

Members welcomed the proposed definition of Urgent Business at meetings of the Council to be added to the Constitution, which would be referred to in the event of a request for Urgent Business being received. It was noted that there was currently no process set out in the Constitution for dealing with these items. Members of the Working Group supported the proposed wording.”

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the section on Urgent Business (Appendix 1) be added to the Council’s Constitution under Section 1 of Part 4;**
- (ii) the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and**
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.**

The item(s) above will need to be dealt with by way of a recommendation to Council.

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Background Papers: None.

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Amendments to Constitution – Urgent Business

1.0 Introduction

- 1.1 There is currently no process set out in the Constitution for dealing with items of Urgent Business. This report therefore proposes the adoption of a new section in the Constitution. Urgency is usually defined as a decision which cannot reasonably be delayed or deferred.
- 1.2 The next section will be added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 9. References to other sections within the Constitution will be added where appropriate once the proposed revisions have been agreed by Council.
- 1.3 The 1972 Local Government Act states that:

“An item of business may not be considered at a meeting of a principal council unless either—

- (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
- (b) by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.”

2.0 Proposed Addition to the Constitution

1.0	Urgent Business
1.1	When an urgent matter has arisen after the despatch of an appropriate agenda (i.e. of the Council, the Executive, Overview and Scrutiny Committee, a Committee or Sub Committee that has the power to consider the matter) the following procedure applies.
	Agreeing an Item of Urgent Business
1.2	The Mayor or Chairs, in consultation with the Monitoring Officer, have the authority to agree to take urgent items of business, not on the agenda, at their respective meetings.
1.3	The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:
	(a) the item has arisen between the compilation of the agenda and the date of the meeting; and
	(b) the item requires an urgent decision in the public interest which cannot be dealt with by other means.
1.4	In all cases the reason for the urgency shall be clearly stated and recorded. When there is a good reason why the decision cannot wait until the next ordinary meeting of the Council, the Executive or the appropriate Committee

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or Sub Committee having the power to determine the matter, the alternative procedures apply (1.5 to 1.10).

Special Meeting

- 1.5 A special meeting of the Council, Executive, Overview and Scrutiny Committee, Committee or Sub Committee can be called.
- 1.6 The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days' notice. Provision exists for this to happen under the Local Government Act 1972 (as amended).

Urgent Non-Executive Committee And Council Functions

- 1.7 The Chief Executive or appropriate Director has been delegated authority to take a decision which would normally be taken by a Committee or Sub Committee, or the Council, provided that:
- (i) the matter is urgent;
 - (ii) the decision is within Council policy;
 - (iii) the action is taken after consultation with the Chair or Vice-Chair of the Committee and the Group Leaders; and
 - (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.

Urgent Executive Decisions

- 1.8 An executive decision may be taken by an Executive Member on an urgent matter within their portfolio, provided that the provisions of Access to Information Rules are followed (Section 6 of Part 4).

Emergency Arrangements

- 1.9 The Chief Executive is authorised to undertake any action they consider appropriate to address situations where it is neither practicable nor possible to effect the Council's normal procedures or arrangements for either executive or non-executive business. The action taken will be recorded and subsequently reported to the first available ordinary meeting of the relevant body (Part 3, Section 3).

Absence Procedure

- 1.10 In the absence of any of the Executive Members, Chairs or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy of the Councillor or Officer. Any reference in the Constitution to the Leader of the Council, Chair of the Overview and Scrutiny Committee, Committee or Sub-Committee or any other office held by a Member of the Council, or to a named Officer, shall be taken also to refer to any nominated deputy (or deputy where specified in the Constitution) in that role. Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.

3.0 Implications

Finance and Risk

- 3.1 There are no financial or risk implications arising from this report or its recommendations.

Equalities and Human Resources

- 3.2 There are no equalities or Human Resources implications arising from this report or its recommendations.

Legal

- 3.3 There are no legal implications arising from this report or its recommendations, which are in-line with the provisions of the 1972 Local Government Act.

4.0 Engagement and Consultation

- 4.1 The Corporate Governance Working Group has been consulted on these proposals with a view to recommending accordingly to Council. The Leader of the Council has been consulted on the report.

REPORT ENDS

Urgent Business – Proposed Addition

Urgent Business

- 9.1 When an urgent matter has arisen after the despatch of an appropriate agenda (i.e. of the Council, the Executive, Overview and Scrutiny Committee, a Committee or Sub Committee that has the power to consider the matter) the following procedure applies.

Agreeing an Item of Urgent Business

- 9.2 The Mayor or Chairs, in consultation with the Monitoring Officer, have the authority to agree to take urgent items of business, not on the agenda, at their respective meetings.
- 9.3 The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:
- (a) the item has arisen between the compilation of the agenda and the date of the meeting; and
 - (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means.
- 9.4 In all cases the reason for the urgency shall be clearly stated and recorded. When there is a good reason why the decision cannot wait until the next ordinary meeting of the Council, the Executive or the appropriate Committee or Sub Committee having the power to determine the matter, the alternative procedures apply (1.5 to 1.10).

Special Meeting

- 9.5 A special meeting of the Council, Executive, Overview and Scrutiny Committee, Committee or a Sub Committee can be called.
- 9.6 The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days' notice. Provision exists for this to happen under the Local Government Act 1972 (as amended).

Urgent Non-Executive Committee And Council Functions

- 9.7 The Chief Executive or appropriate Director has been delegated authority to take a decision which would normally be taken by a Committee or Sub Committee, or the Council, provided that:
- (i) the matter is urgent;
 - (ii) the decision is within Council policy;
 - (iii) the action is taken after consultation with the Chair or Vice-Chair of the Committee and the Group Leaders; and
 - (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.

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Urgent Executive Decisions

- 9.8 An executive decision may be taken by an Executive Member on an urgent matter within their portfolio, provided that the provisions of Access to Information Rules are followed (Section 6 of Part 4).

Emergency Arrangements

- 9.9 The Chief Executive is authorised to undertake any action they consider appropriate to address situations where it is neither practicable nor possible to effect the Council's normal procedures or arrangements for either executive or non-executive business. The action taken will be recorded and subsequently reported to the first available ordinary meeting of the relevant body (Part 3, Section 3).

Absence Procedure

- 9.10 In the absence of any of the Executive Members, Chairs or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy of the Councillor or Officer. Any reference in the Constitution to the Leader of the Council, Chair of the Overview and Scrutiny Committee, Committee or Sub-Committee or any other office held by a Member of the Council, or to a named Officer, shall be taken also to refer to any nominated deputy (or deputy where specified in the Constitution) in that role. Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.