

F&HDC Draft process for

REFERRAL OF OFFICER KEY DECISIONS TO COMMITTEE

1. Overview

Members of the Council may request that a Key Decision published on the Forward Plan and due to be taken by an officer acting under delegated authority is, instead, to be considered by a policy Committee of the Council.

2. Process

The Forward Plan will publish a Key Decision and will normally do so at least 28 days in advance of the decision being made and will include where the decision is to be made by an officer.

The Forward Plan is published monthly on the Council's website [and a copy is provided to all members].

A request may be made for the delegated authority to the officer to make a decision in respect of that item of business to be removed and, instead, the item be referred to a meeting of the Resources Committee or Communities Committee, or relevant Sub-Committee, for consideration.

A request must be made in writing (which may be by email) to the Monitoring Officer or Chief Executive:

- (i) supported or signed by [five Members from the membership of either or both of the Resources Committee or the Communities & Environment Committees, including from at least two political groups and inclusive of the relevant spokesperson or a committee chair or vice-chair];
- (ii) submitted before the expiry of [three] full working days prior to the date on which the Forward Plan states that the item of business was due to be determined;
- (iii) stating which Committee or Sub-Committee the item should be referred to; and
- (iv) setting out the reasons why the request is made.

3. Criteria

The request must set out why the proposed decision should not be made by an officer and why it is of sufficient public interest that it should be subject to determination by a policy committee of the Council.

The Monitoring Officer or Chief Executive (or their nominee), in consultation with the Chair or Vice Chair of the Committee concerned, will confirm or reject the referral request. This will be based on the significance of the Key Decision and an assessment of the reasons provided in the request.

4. Effect

Where a request is accepted, the item will be placed on the agenda of the next meeting of the Committee or Sub-Committee concerned. The report published in respect of the item of business will state that it has been the subject of a referral and set out the supporting reasons.

Where the Monitoring Officer or Chief Executive (or their nominee) consider necessary, in consultation with the Chair or Vice-Chair of the Committee or Sub-Committee concerned, an extraordinary meeting of the Committee or Sub-Committee will be called to consider the referred item of business.

5. Urgency exclusion from referral

- (a) An officer acting under delegated authority may determine that a Key Decision due to be taken by them is not to be subject to referral to a committee or sub-committee, but instead shall remain to be taken by them, in the circumstances where:
 - (i) in the opinion of the officer acting under delegated authority as decision-maker, any delay likely to be caused by the process for removal of delegation and reconsideration would seriously prejudice the Council's or the public's interest;

- (ii) the Chief Executive (or in his or her absence their nominee) agrees both that the decision proposed is reasonable in all the circumstances and that it should be treated in this manner; and
 - (iii) the decision maker causes a record to be made and notice published that the decision is not to be subject to referral and of the reasons for that determination
- (b) The Chief Executive (or in his or her absence their nominee) may in all other circumstances decline to act on a request made under paragraph 2 above in those circumstances where they consider that it would be likely that the removal of delegation in respect of a Key Decision due to be taken by an officer and to be referred to a policy Committee for determination would cause serious prejudice to the Council's or the public's interest.
- (c) Application of this exclusion to the removal of delegation and reconsideration procedure must be reported to the next available meeting of the appropriate policy committee, together with the reasons for doing so.