
PROCEDURE FOR EXERCISING THE CHIEF EXECUTIVES'S EMERGENCY DELEGATION UNDER STANDING ORDER 7. A-3

This process is only intended for decisions that according to Standing Orders would normally be determined by Members at a meeting of the Authority or a Committee but now need to be determined under the emergency delegation to the Chief Executive.

It is based on the principle that the emergency delegation should only be used when the Authority has no other option so alternative approaches should be considered first.

For this reason the process attempts to follow the usual process for making decisions at a meeting but with a different decision maker at the end. The decision date will be the date on which the meeting would normally have been held.

It is suggested that for development management issues we continue with the current monthly cycle but for other matters it is recognised that under the current circumstances the Authority may need to make decision which cannot wait until a scheduled date. In this situation we would follow the process we would use if we were setting up an extra meeting. Where possible we should still give 5 clear days' notice but if a decision cannot wait we could shorten the timescales as long as we have good documented reasons for doing so.

Step 1 - Consulting Applicants and Agents (Planning Committee Only)

The Head of Planning and his team will try to make contact with applicants and agents for applications which cannot be determined under the existing Officer delegation to establish if under the circumstances they are prepared to withdraw their application or agree to a delay.

If the applicant is prepared to wait it will be added to the relevant forward plan to go to the next scheduled meeting when they start again.

If it cannot wait go to step 2.

Step 2 – Identifying decisions

With support from report writers Customer and Democratic Support to pull together a list of items that would have been going to a Committee or meeting of the Authority in accordance with the current agenda planning deadlines.

Go to step 3

Step 3 – Agreeing that the Emergency Delegation will be used

This list is circulated by email to the Management Team to make sure that there are no missing items and for each item establish whether it can wait for a future meeting or it needs to be determined under the Chief Executives Emergency Delegation.

In deciding whether the emergency delegation should be used Officers should have regard to section 7. A-2 in the Officer Delegation Scheme which relates to Member Involvement in decision making and make use of the risk matrix provided there. Paragraph 7 A-2 is reproduced at the end of this document.

If the issue can wait it goes back on the relevant forward plan to the next scheduled meeting.

If it cannot wait go to step 4.

Step 4 – Deciding who should make the decision

If the Chief Executive is of the view that another senior officer is better placed to make a decision they may in certain circumstances delegate down to another officer, subject to any further conditions they wish to impose. (This is most likely to happen with Planning matters)

From this information a record will be made of each item that will be dealt with under the Emergency delegation and who will exercise that delegation.

Go to step 5.

Step 5 – Advising on our intention to make decisions under the Emergency Delegation

Using the list an agenda¹ is published on modern.gov by CDST with all the relevant documents according to the usual timescales for publishing a meeting ie 5 clear days before the date on which the decision is to be made. As normal the agenda will be published on the website along with reports using the usual report template

Go to step 6

Step 6 – Inviting Representations

After publication, instead of registering to speak, applicants or agents, members of the public, Authority Members and others who have an interest may make representations of not more than 400 words² by email to democraticservices@peakdistrict.gov.uk up until the usual deadline of 12 noon on the Wednesday before the decision is to be made.

These representations will be considered by the decision maker before making a decision.

Go to step 7

Step 7 – Consultation requirements set out in Standing Orders

In accordance with the conditions of the Emergency Delegation, after publication the decision maker must consult with the Chair of the Authority (or the Deputy Chair), the Chief Finance Officer (Only if the decision has financial implications for the Authority) and the Monitoring Officer (In all

cases). These are the minimum required by Standing Orders but the Chief Executive may choose to consult more widely on specific issues.

As mentioned previously if the Chief Executive delegates down their Emergency Delegations they may impose additional conditions so for example for Planning decisions they may ask that the Chair of Planning is consulted (or an alternative if he is not available)

Before moving to Step 8 the decision maker must inform the Chair (or Deputy Chair) of the Authority the decision they intend to make and invite comments.

Step 8 – Making and recording Decisions

On the day of making the decision the decision maker will decide, based on the information before them, whether to approve or amend the recommendation in the report. It is acceptable that on the basis of all the information before them they may decide to defer or reject a recommendation. Reasons for this must be recorded.

There is no requirement that the decision must be made in public.

To ensure that due process is followed the Customer and Democratic Support Team should be involved in recording and publishing the decision

Go to step 9

Step 9 – Publishing Decisions

Once made the decisions will be published by CDST on modern.gov and a decision sheet circulated to all Members by email.

Go to step 10

Step 10 – Reporting decisions in accordance with the conditions of the delegation

Once meetings are re-established the CDST will compile a report of all decisions taken under the Emergency Delegation to the relevant Committee or Authority meeting.

NOTES

¹ This will be a list of items rather than an agenda as technically there is no meeting.

² The average reading speed is 130 words per minute. It is not anticipated we will be strict on this limit but it will give an indication that pages of representations is not acceptable.

AMENDED 10/08/20 and Updated in November 2023 following organisational staffing changes.

Extract from Officer Scheme of Delegation on Member Involvement

7.A-2	Member Involvement																					
	<p>In exercising these delegations Officers should make sure that, where appropriate, Member input has been considered.</p> <p>For guidance this means that in exercising delegated authority the proposed decision is in accordance with the POLICY framework agreed by the Authority and the APPROACH agreed by the relevant Committee. Where an Officer intends to make a decision outside of either the agreed Policy or Approach it must be taken back to a meeting of the Authority or relevant Committee as appropriate.</p> <p>A general principle of any delegation to an Officer is that there will be occasions when, for example due to reputational risks, they decide it may be prudent not to exercise their delegation and refer a matter back to a meeting involving Members for a decision. In exercising this judgement the Officer should have regard to the following risk matrix, with impact and likelihood testing the impact/likelihood on Corporate Strategy outcome delivery or the Authority’s reputation.</p> <div style="text-align: center;"> <table border="1"> <thead> <tr> <th colspan="2" rowspan="2"></th> <th colspan="3">Impact</th> </tr> <tr> <th>Low</th> <th>Medium</th> <th>High</th> </tr> </thead> <tbody> <tr> <th rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Likelihood</th> <th>High</th> <td style="background-color: #90EE90;">Accept but monitor</td> <td style="background-color: #FFD700;">Manage and monitor</td> <td style="background-color: #FF0000;">Significant focus and attention</td> </tr> <tr> <th>Medium</th> <td style="background-color: #90EE90;">Accept but review periodically</td> <td style="background-color: #FFD700;">Management effort worthwhile</td> <td style="background-color: #FFD700;">Manage and monitor</td> </tr> <tr> <th>Low</th> <td style="background-color: #90EE90;">Accept</td> <td style="background-color: #90EE90;">Accept but monitor</td> <td style="background-color: #FFD700;">Closely monitor</td> </tr> </tbody> </table> </div> <p>If an item is identified as red it should automatically come to Members, if it is amber Officers should speak to the relevant Chair to decide on whether Member input is needed and what form it should take.</p>			Impact			Low	Medium	High	Likelihood	High	Accept but monitor	Manage and monitor	Significant focus and attention	Medium	Accept but review periodically	Management effort worthwhile	Manage and monitor	Low	Accept	Accept but monitor	Closely monitor
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