

CONSTITUTION COMMITTEE AGENDA



Monday 24th April, 2006

at 5:00 p.m.

in Committee Room 'A'

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond,

Councillors: Fenwick, Flintoff, Griffin, James, A Marshall, J Marshall, Dr. Morris,
Preece Richardson and Young

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes in respect of the meeting of the Constitution Committee held on 30th March 2006 (attached)
 - 3.2 To receive the minutes in respect of the meeting of the Constitution Working Group held on 11th April 2006 (attached)
- 4. ITEMS REQUIRING DECISION**
 - 4.1 General Exception and Special Urgency Provisions – *Chief Solicitor*
- 5. ANY OTHER ITEMS THAT THE CHAIRMAN CONSIDERS ARE URGENT**

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

30th March 2006

Present:

Councillor Richardson (Chair)
Councillors Griffin and Dr Morris

Officers Tony Brown, Chief Solicitor
 Amanda Whitaker, Democratic Services Team Manager

36 Adjournment of Meeting

Due to unforeseen circumstances, there were Members who were unable to attend the meeting. A suggestion was made, therefore, by the Chairman that the meeting be adjourned. The Chairman determined that the meeting be reconvened, later that day, at 4.50pm which was a time more convenient to Members.

Upon reconvening the Meeting, the following Members were present:-

Councillor Richardson (In the Chair)
Councillors Flintoff, Griffin, James, A Marshall, Dr Morris and Preece

Officers Tony Brown, Chief Solicitor
 Amanda Whitaker, Democratic Services Team Manager

37 Apologies for Absence

The Mayor, Stuart Drummond and Councillors Fenwick, J Marshall and Young

38 Declarations of interest by members

None

39 Minutes

(i) The minutes of the Constitution Committee held on 31 January 2006 were confirmed

(ii) The minutes of the Constitution Working Group held on 9th March 2006 were received. Arising from minute 30(i), the Chief Solicitor had circulated a briefing note which set out current procedures to deal with instances of overspend on contracts. The briefing paper had been prepared following discussion with the Chief Financial Officer. Members agreed that it would be

appropriate for the briefing paper to be referred to the Constitution Working Group for consideration.

40 Honorary Alderman and Freeman – Process for Election *(Chief Solicitor)*

The Chief Solicitor reminded Members that a draft scheme, for the election of honorary aldermen and freemen, had been considered at the meeting of the Constitution Working Group on 27th September 2005. The Group had asked that the draft document, incorporating the amendments suggested by members of the group, be circulated to the political groups and independent members for comment, prior to being considered by this Committee.

Members were advised that the only comments of any substance had been submitted by the Labour Group, namely “happy to leave the matter in the hands of the Constitution Working Party, but considered that more work was needed by the Working Party to come up with a system which was fair and equitable, as well as being plainly perceived to be so”.

The draft procedure was submitted as an Appendix to the report. Members were invited to consider the draft in the light of all the issues raised. The Committee was asked to consider two particular features as follows:-

- Frequency of nomination, having regard to working groups comments in this respect, and as the draft does not deal with this issue, and
- Consultation with the community on the process.

Members agreed that the Constitution Working Group give further consideration to the procedure and made the following observations:-

- Under ‘Consideration of Nominations’, reference to be made to the one resident representative and one representative from the Community Empowerment Network being non-voting members of the Civic Honours Committee
- Under nomination criteria, it was considered that nominees for election as an honorary freeman should be amended as follows:-

c have or have had strong established links to the Borough and/or
d in some manner have brought distinction upon the Borough

RESOLVED – (i) That the report be noted

(ii) That the input received from Members be acknowledged.

(iii) That the Working Group consider the scheme further, in the new Municipal Year.

41 **Contract Procedure Rules** (*Chief Solicitor and Head of Procurement and Property Services*))

At its meeting on 24th January 2005 Cabinet had approved the revised Procurement Strategy for the Council, and the Portfolio Holder had endorsed an updated version of this strategy on 8th August 2005. The amended Contract Procedure Rules were considered at the meeting of the Constitution Working Group on the 9th March 2006.

The officers' report to the Constitution Working Group was circulated. In the course of discussion by the working group, a number of issues had been raised which officers advised were not directly relevant to the approval of the Contract Procedure Rules – e.g. accountability, the role and remit of the Contract Scrutiny Panel, the incidence of procurement cards – in respect of which the working group requested further information. The group were also of the view that the number of members of the Contract Scrutiny Panel who were present at the opening of tenders should be not less than 3. Subject to clarification of existing procedures providing appropriate accountability, the working group were content with the draft rules with one amendment, namely:-

Section G, Paragraph 12 - 'That in relation to the opening of tenders, tenders shall be opened at one time and only in the presence of at least three members of the Contracts Scrutiny Panel.'

The draft rules were included in the appendix, the required amendment having been made. Details of current procedures, such as to address the accountability issues raised by members of the working group, had been circulated prior to the meeting of the committee by way of a briefing note (minute 39 refers).

RESOLVED – That it be recommended to Council that the revised Contract Procedure Rules be approved and inserted in the Constitution in place of the current rules.

42 **Any Other Business**

The following additional items of business were raised:-

(i) General Exception and Special Urgency Procedures – It was considered that the application of the General Exception and Special Urgency Procedures should be considered by the Constitution Working Group and this Committee during this Municipal Year.

RESOLVED – That an additional meeting of the Constitution Working Group and the Constitution Committee be convened, this Municipal year, to consider the application of the General Exception and Special Urgency Procedures.

(ii) Work Programme – It was highlighted that the General Purposes

Committee and the Standards Committee did not appear to have any 'reporting mechanisms'. It was considered that such anomalies should be dealt with in a work programme compiled for the Committee in respect of the forthcoming Municipal year.

(iii) Local Strategic Partnership – The current processes, together with accountability concerns, in respect of Council representatives on the Local Strategic Partnership were highlighted. It was considered that the issues raised should be reviewed by the Committee early in the next Municipal Year.

RESOLVED – That the issues, detailed above, be considered in the work programme for the Committee in respect of the next Municipal Year.

C RICHARDSON

CHAIRMAN

CONSTITUTION WORKING GROUP

MINUTES AND DECISION RECORD

11th April 2006

Present:

Councillor Richardson (In the Chair)

Councillors Flintoff, Griffin, James, Dr Morris and Preece

Officers: Tony Brown, Chief Solicitor
Amanda Whitaker, Democratic Services Team Manager

31. Apologies for Absence

Councillor Fenwick

32. Declarations of interest by members

None

33. Minutes of the meeting held on 9th March 2006

Confirmed

34. General Exception and Special Urgency Provisions

(Chief Solicitor)

At the meeting held on 31st January 2006, the Constitution Committee had expressed a desire to consider the operation of the provisions of the Constitution regulating the taking of urgent decisions by the executive.

Members were advised that the provisions were within the Access to Information Rules of the Constitution. Those rules were statutory rules made under s.15 Local Government Act 2000, whereby the Secretary of State was empowered to make regulations requiring information regarding executive decisions to be made available to the public and members of the authority. The regulations made by the Secretary of State were the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000, Part III of which entitled "Additional requirements in respect of key decisions and public meetings". This part of the regulations covered procedures relating, amongst other things, to key decisions, access to agendas and connected papers, publicity for key decisions, the forward plan, and concluded with provisions relating to 'General Exceptions' and 'Cases of Special Urgency'. The Chief Solicitor also provided an extract on the

Guidance on Local Authority Constitutions published by DETR to assist local authorities in constructing their constitutions.

It was noted that the provisions included a system of advance notice for key decisions which required such decisions to be included in a forward plan. The provisions were part of the regime for 'Access to Information' ie the system whereby the public were able to be aware of the nature of decisions made, and to be made, by, in this context, the executive of the authority, and the reasons for the decisions made. The forward plan was required to be updated on a monthly basis and be produced not less than 14 days before the commencement of the period covered by the plan. However, it was recognised – as was highlighted by the guidance quoted above – that circumstances could arise when a decision was required which had not been included in the forward plan and was needed before it could be included in the next forward plan. In such a case, the General Exception procedure enabled the requirement for public notice to be fulfilled by requiring not less than 5 clear days notice to be published and notification of the scrutiny chair. Further, if circumstances were such that a decision was required even more quickly i.e. within the 5 days notice period required under the General Exception procedure, then, under the Special Urgency procedure, a decision could be made so long as the scrutiny chair agreed that the matter was sufficiently urgent.

The Chief Solicitor advised that the essential difference between the General Exception procedure and the Special Urgency procedure was that –

- The General Exception procedure was a notification procedure where it was 'impracticable' to include the decision in the forward plan and not less than 5 days notice could be given before the decision was required. The use of the word 'impracticable' implied some reason for not holding back the report short of urgency (as to the meaning of which see the next comment regarding Special Urgency). Unless the matter was urgent such as to justify reliance upon the Special Urgency provision (and this would often be the case), the consequence of not applying the General Exception provision could, depending upon the time at which the requirement for the decision was appreciated, result in a delay of up to 6 weeks.
- The Special Urgency procedure was a consent procedure where a decision was required as a matter of urgency and the 5 day rule could not be adhered to. The writers of the rules considered that the test of 'urgency' was whether the decision was required within less than 5 days. In this respect, it was implicit that some significant damage or loss would be occasioned or suffered by the Council or some other person or body if the decision was not made within the next 5 days.

At the previous meeting of the Working Group, Members had expressed concern regarding the use of the General Exception procedure on 2 successive occasions with regard to the Briarfields decision for re-

instatement of the allotments. The Chief Solicitor had agreed that in the case of the second Briarfields decision, referred to by the Vice-Chair, this should have been included in the forward plan as the regulations required that when a decision had not been made, it should be included in the next forward plan. Unfortunately this had not been done and this had only come to light when he had been asked to look at this matter shortly before the meeting. Upon the advice of the Chief Solicitor, notification to the Chair of Scrutiny Coordinating Committee had included the history of the decision, an extract of which was set out in the report. Members highlighted that the Forward Plan was a public document and expressed concern that the fact that the Briarfields decisions had not been included in the Forward Plan meant that the public had not been made aware, in advance, of the proposed decisions.

At the meeting of the Working Group held on 31st January 2006, the Vice-Chair and Members of the Committee had been concerned that the procedures could be used to 'get around the decision making system'. The Chief Solicitor had indicated that in every case these procedures had been applied he had always been involved. The procedures were only used when matters came forward urgently or unexpectedly. The Chief Solicitor had stated that there was nothing in any of the applications of these two procedures to date where he considered that officers were seeking to avoid part of the democratic process. In particular, when considering the position in advance of the issue of the Briarfields General Exception notices, the Chief Solicitor was conscious that all Council members were aware of the Briarfields issue and they were generally concerned to see the matter progressing without undue delay.

Details of the occasions upon which the General Exception and Special Urgency Provisions have been implemented were submitted as an appendix.

With regard to the scope for alteration of/guidance on the Rules, the Chief Solicitor confirmed that the regulations did not give any scope for local variation of the General Exception or Special Urgency provisions. It was not open to the Council to adopt rules inconsistent with the provisions. The issue therefore amounted to one of practice, in the application of the rules. It could be that consideration could be given to the issues to be considered in any judgment that was called for in deciding whether or not to rely on the rules –

- is it impracticable to hold back the decision in order to enable it to be included in the next forward plan – would holding back the report, potentially up to 6 weeks, give rise to difficulties that could be avoided by application of the general exception procedure.
- Is the matter urgent – would delay even of less than 5 days give rise to significant loss or damage to the Council or others?

Consideration could also be given to 'bolting-on' procedures (e.g. a protocol for consultation; the provision of additional information etc).

Members reiterated their concerns regarding the use of General Exception

provisions and sought to ensure that the appropriate 'checks and balances' were in place. Taking on board the concerns of Members, the Chief Solicitor gave an undertaking that whenever a General Exception Notice was issued, it would be accompanied by sufficient information to make the Chair of the Scrutiny Co-ordinating Committee aware of all issues and including an explanation as to why General Exception provisions were applicable.

RECOMMENDED – (i) That the report be noted.

(ii) That the course of action proposed by the Chief Solicitor be approved ie a General Exception Notice be accompanied by sufficient information to make the Chair of the Scrutiny Co-ordinating Committee aware of all issues, including an explanation as to why General Exception provisions are applicable.

C RICHARDSON

CHAIRMAN

CONSTITUTION COMMITTEE

24th April 2006



Report of: Chief Solicitor

Subject: GENERAL EXCEPTION AND SPECIAL URGENCY PROVISIONS

1. PURPOSE OF REPORT

The purpose of this report is to invite the Committee to consider issues regarding the operation of the General Exception and Special Urgency Provisions of the Access to Information Rules included in Part 4 of the Constitution.

2. BACKGROUND

The Constitution Working Party discussed the provisions at their meeting on 11th April 2006, members of the committee having expressed concerns at a previous meeting.

3. ISSUES FOR CONSIDERATION

A copy of the Chief Solicitor's briefing paper submitted to the working party is attached at Appendix 1. The paper sets out the source and nature of the rules which are statutory rules imposed by the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000.

The essential difference between the General Exception procedure and the Special Urgency procedure is that –

- The General Exception procedure is a notification procedure where it is 'impracticable' to include the decision in the forward plan and not less than 5 days notice can be given before the decision is required. The use of the word 'impracticable' implies some reason for not holding back the report short of urgency (as to the meaning of which see the next comment regarding Special Urgency). Unless the matter is urgent such as to justify reliance upon the Special Urgency provision (and this

will often be the case), the consequence of not applying the General Exception provision could, depending upon the time at which the requirement for the decision is appreciated, result in a delay of up to 6 weeks.

- The Special Urgency procedure is a consent procedure where a decision is required as a matter of urgency and the 5 day rule cannot be adhered to. Clearly, the writers of the rules consider that the test of 'urgency' is whether the decision is required within less than 5 days. In this respect, it is implicit that some significant damage or loss will be occasioned or suffered by the Council or some other person or body if the decision is not made within the next 5 days.

As the rules are statutory rules, the Council are required to comply with the rules and there is no scope for variation of the rules. However, as indicated in the briefing paper, the Council are able to provide guidance as to the judgments to be made in applying the rules -

- is it impracticable to hold back the decision in order to enable it to be included in the next forward plan – would holding back the report, potentially up to 6 weeks, give rise to difficulties that could be avoided by application of the general exception procedure.
- Is the matter urgent – would delay even of less than 5 days give rise to significant loss or damage to the Council or others?

Consideration could also be given to 'bolting-on' procedures (e.g. a protocol for consultation; the provision of additional information etc).

At the meeting of the working group, members concerns focussed exclusively on the general exception procedure with particular reference to the number of occasions upon which that procedure was invoked. A number of points were made by members –

- They considered that the operation of the rule, whereby a key decision is made without having been included in the executive's forward plan, had the effect of diminishing the ability of the public to be aware of the business being conducted by the executive.
- They also considered that the rule enabled member participation to be avoided, by denying them the advance knowledge of the intention to make a decision which the forward plan is intended to facilitate.
- Concern was expressed that, given the 'notice' nature of the general exception provision, the practice had developed that, when an intention to apply the provision arose, the Chair of Scrutiny Coordinating Committee received no more than a bare notice informing her of the intention to take the decision.
- The view was expressed that the principal cause of the reliance upon the provision was the failure of officers to fulfil their responsibility to ensure that future decisions were identified and included in the forward plan. The operation of the provision enabled the consequences of that failure – delay in the decision making process to be avoided.
- The Briarfields decision, in the course of which a general exception notice was issued on 3 occasions, was commented on critically by members.

In responding to the members' concerns the Chief Solicitor accepted that, to some degree, the reliance upon the general exception procedure arose from a failure by an officer to anticipate the need for a decision, or to recognise the decision as a key decision. It was apparent that the frequency of application of the rule had diminished in the time that the executive arrangements had been in operation, presumably as a greater appreciation of the requirements of the arrangements developed. But the Chief Solicitor was very clear that there was no underlying motive of excluding members from participation in the decision-making process. In the context of the Briarfields decision, he drew attention to the high degree of public and member knowledge of the matter and the desire to progress a solution without undue delay.

The Chief Solicitor commented on his role in the process, whereby any wish to implement the procedure was referred to him for approval. Arising from that responsibility, the Chief Solicitor was able to offer 2 suggestions as to future practice –

1. that in considering whether to authorise the use of the procedure, particular regard would be had to the justification, in the particular case, for the denial of public awareness (other than the 5 days statutory notice) of the decision
2. that when issued, a special exemption notice would be accompanied by sufficient details of the background to enable the Chair of Scrutiny Coordinating Committee to have an appreciation of the reasons and justification for the matter proceeding to a decision without prior inclusion in the forward plan.

4. RECOMMENDATIONS

That the proposals made by the Chief Solicitor be approved, and be incorporated in the Access to Information Rules as a 'Practice Note'

CONSTITUTION WORKING GROUP

11th April 2005

Chief Solicitor's Briefing Paper

1. General Exception and Special Urgency Provisions

At their meeting on 31st January 2006, the Constitution Committee expressed a desire to consider the operation of the provisions of the Constitution regulating the taking of urgent decisions by the executive. For ease of members' reference the rules are attached (**Appendix 1**).

Source of the Rules

The provisions are within the Access to Information Rules of the Constitution. Those rules are statutory rules made under s.15 Local Government Act 2000, whereby the Secretary of State is empowered to make regulations requiring information regarding executive decisions to be made available to the public and members of the authority.

The regulations made by the Secretary of State are the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000, Part III of which entitled "Additional requirements in respect of key decisions and public meetings". This part of the regulations covers procedures relating, amongst other things, to key decisions, access to agendas and connected papers, publicity for key decisions, the forward plan, and concludes with provisions relating to 'General Exceptions' and 'Cases of Special Urgency'.

The Guidance on Local Authority Constitutions published by DETR to assist local authorities in constructing their constitutions commented as follows:-

"Where key decisions need to be taken and timing means it is unfeasible to include them in the forward plan, regulation 15 allows that, in such cases, the person or body to whom the decision has been delegated will be able to make the decision even though it was not notified in the forward plan. However, at least 3 clear days notice of the decision will need to be given to the relevant overview and scrutiny committee(s) and the public before it is formally taken."

"In very rare circumstances it may be necessary for a decision to be taken with less than 3 clear days' notice. In such cases, regulation 16 states that the decision maker will need to obtain agreement from the chair of the relevant overview and scrutiny committee (and in her or his absence the chairman of the local authority or in her or his absence the vice-chairman of the local authority) that the decision could

reasonably be regarded as urgent in the circumstances. If the relevant person does not agree that the decision may reasonably be regarded as urgent in the circumstances then the decision cannot be taken without 3 clear days' notice for publication of the relevant papers"

Note – the reference to 3 clear days was changed to 5 clear days by order in 2002.

Purpose and nature of the Rules

In considering these provisions, it is relevant to note that they comprise part of the regime for 'Access to Information' i.e. the system whereby the public are able to be aware of the nature of decisions made, and to be made, by, in this context, the executive of the authority, and the reasons for the decisions made. There is thus, a system of advance notice for key decisions which requires such decisions to be included in a forward plan. The forward plan is required to be updated on a monthly basis and be produced not less than 14 days before the commencement of the period covered by the plan.

However, it is recognised – as is highlighted by the guidance quoted above – that circumstances may arise when a decision is required which has not been included in the forward plan and is needed before it can be included in the next forward plan. In such a case, the General Exception procedure enables the requirement for public notice to be fulfilled by requiring not less than 5 clear days notice to be published and notification of the scrutiny chair. Further, if circumstances are such that a decision is required even more quickly i.e. within the 5 days notice period required under the General Exception procedure, then, under the Special Urgency procedure, a decision can be made so long as the scrutiny chair agrees that the matter is sufficiently urgent.

The essential difference between the General Exception procedure and the Special Urgency procedure is that –

- The General Exception procedure is a notification procedure where it is 'impracticable' to include the decision in the forward plan and not less than 5 days notice can be given before the decision is required. The use of the word 'impracticable' implies some reason for not holding back the report short of urgency (as to the meaning of which see the next comment regarding Special Urgency). Unless the matter is urgent such as to justify reliance upon the Special Urgency provision (and this will often be the case), the consequence of not applying the General Exception provision could, depending upon the time at which the requirement for the decision is appreciated, result in a delay of up to 6 weeks.
- The Special Urgency procedure is a consent procedure where a decision is required as a matter of urgency and the 5 day rule cannot be adhered to. Clearly, the writers of the rules consider that the test of 'urgency' is whether the decision is required within less than 5 days. In this respect, it is implicit that some significant damage or loss will be

occasioned or suffered by the Council or some other person or body if the decision is not made within the next 5 days.

Members concerns – Briarfields

At their previous meeting Members expressed concern regarding the use of the General Exception procedure on 2 successive occasions with regard to the Briarfields decision for re-instatement of the allotments. The Chief Solicitor agreed that in the case of the second Briarfields decision, referred to by the Vice-Chair, this should have been included in the forward plan as the regulations referred to above require that when a decision has not been made, it shall be included in the next forward plan. Unfortunately this had not been done and this had only come to light when he had been asked to look at this matter shortly before the meeting at which it was desired to give the decision further consideration. Upon the advice of the Chief Solicitor, the notification to the Chair of Scrutiny Coordinating Committee included the following comments –

"The Chief Solicitor has suggested that I comment on the history of this decision. You will no doubt recall that this decision was the subject of the general exception procedure when it was referred to the Cabinet in November 2005. When the Cabinet failed to make a decision, the matter should have been included in the next Forward Plan, but did not do so. The Chief Solicitor has advised that, when a decision is deferred, it should be included in the next Forward Plan and that consequently, in order to enable this decision to be taken on 24th January, it is necessary to rely on the general exception procedure again.

Now that the requirement for a decision held over to a later meeting to be included in the next forward plan has been highlighted in this way, we will ensure that that occurs in future, when necessary.

As a final comment, we are also arranging to include in future notifications an explanation for the application of the general exception procedure in the particular case - but it seemed inappropriate to introduce that feature of the notification in this instance!"

At the meeting on 31st January 2006, the Vice-Chair and Members of the Committee were concerned that the procedures could be used to 'get around the decision making system'. The Chief Solicitor indicated that in every case these procedures had been applied he had always been involved. The procedures were only used when matters came forward urgently or unexpectedly. The Chief Solicitor stated that there was nothing in any of the applications of these two procedures to date where he considered that officers were seeking to avoid part of the democratic process. In particular, when considering the position in advance of the issue of the Briarfields General Exception notices, the Chief Solicitor was conscious that all Council members were aware of the Briarfields issue and they were generally concerned to see the matter progressing without undue delay.

Details of the occasions upon which the General Exception and Special Urgency Provisions have been implemented appear in **Appendix 2**.

Scope for alteration of/guidance on the Rules

As explained above the rules are imposed on local authorities by legislation. The regulations do not give any scope for local variation of the General Exception or Special Urgency provisions. It is not open to the Council to adopt rules inconsistent with the provisions. The issue therefore amounts to one of practice, in the application of the rules. It may be that consideration could be given to the issues to be considered in any judgment that is called for in deciding whether or not to rely on the rules –

- is it impracticable to hold back the decision in order to enable it to be included in the next forward plan – would holding back the report, potentially up to 6 weeks, give rise to difficulties that could be avoided by application of the general exception procedure.
- Is the matter urgent – would delay even of less than 5 days give rise to significant loss or damage to the Council or others?

Consideration could also be given to 'bolting-on' procedures (e.g. a protocol for consultation; the provision of additional information etc).

20 General exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rule 21 (special urgency), the decision may still be taken if:

- i) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- ii) the proper officer has informed the chair of the Scrutiny Co-ordinating Committee;
- iii) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- iv) at least five clear working days have elapsed since the proper officer complied with (i) and (ii).

21 Special urgency

If by virtue of the date by which a decision must be taken rule 20 (general exception) cannot be followed, then the decision can only be taken if the decision taker or the chair of the body making the decision, obtains the agreement of the chair of the Scrutiny Co-ordinating Committee that the taking of the decision cannot be reasonably deferred (the Chair of the Scrutiny Co-ordinating Committee should not unreasonably withhold consent). If the chair of the Scrutiny Co-ordinating Committee is unable to act, then the agreement of the chair of the Council, or in his/her absence the vice-chair will suffice.

GENERAL EXCEPTION 2002/2003		
Date Decision Taken	Subject Report	Decision Making Body
15 th July 2002 (Cabinet) 18 th July 2002 (Council)	Teesside International Airport (para 9)	Cabinet Council
29 th August 2002	Reconstruction of Stockton Road/Church Street Junction	Regeneration and Economy Portfolio
9 th September 2002	Pay Proposals	Cabinet
19 th September 2002	Queen's Meadow Business Park – Gateway Feature	19 th September 2002
15 th October 2002	The Slipway and Piazza, The Marina (exempt under par 9)	Resources and Performance Management Portfolio
21 st November 2002	Tees Valley Partnership: Single Programme 2002/03: Additional Resource	Regeneration and Economy Portfolio
17 th December 2002	Lynnfield Primary School – Community Learning Centre	Lifelong Learning and Skills Portfolio
13 th March 2003	The Henry Smith Foundation (Educational) Trust: Change of Corporate Trustee Status: Adoption of New Scheme	Lifelong Learning and Skills Portfolio
7 th April 2003	Planning Delivery Grant	Cabinet
15 th April 2003	Adoption and Permanence Panel and Fostering Panel	Social and Health Care Portfolio

GENERAL EXCEPTION 2003/2004		
Date Decision Taken	Subject Report	Decision Making Body
		Constitution Committee to Council
9 th June 2003	Quality Protects	Social and Health Care Portfolio
24 th June 2003	Insurance	Finance Portfolio
28 th July 2003	Neighbourhood Learning in Deprived Communities	Cabinet
31 st July 2003	Provision of Excluded Pupils and Pupils with Emotional and Behavioural difficulties	Lifelong Learning and Skills Portfolio
11 th August 2003	Capital Budget – Funding for Alleygates	Cabinet
8 th September 2003	Christmas Arrangements	Cabinet
22 nd September 2003	Housing Market Restructuring and Bid for Resources	Cabinet
26 th September 2003	Land at Earl Street, Hartlepool	Town Management Portfolio
20 th November 2003	Business Planning for Key Visitor Facilities and Accommodation Supply and Demand Strategy	Regeneration and Economy Portfolio
24 th November 2003	Neighbourhood Consultative Forums	Constitution Committee to Council
8 th December 2003	Change of Airport Name	Joint Mayor's Portfolio and Regeneration and Economy Portfolio
15 th December 2003	Short Term Accommodation Strategy	Cabinet
5 th March 2004	Job Centre Plus ESF Co-Financing	Regeneration and Economy Portfolio
11 th March 2004	Provision for Pupils with Autistic Spectrum Disorders (ASD)	Lifelong Learning and Skills Portfolio
22 nd March 2004	Tees Valley and South Durham NHS Lift and Hartlepool's Supported Accommodation (para 9)	Cabinet

**4.1
Appendix 2**

22 nd March 2004	Wynyard House and Associated Land	Cabinet
22 nd March 2004	The Way Forward	Cabinet
22 nd March 2004	Children's Centres	Cabinet
18 th May 2004	Adult Education Bids	Lifelong Learning and Skills Portfolio
7 th June 2004	Heugh Gun Battery – Phase 2 Proposals	Joint Regeneration and Economy Portfolio and Town Management Portfolio

GENERAL EXCEPTION 2004/2005		
Date Decision Taken	Subject Report	Decision Making Body
13 th December 2004	Reorganisation of Swimming Pools	Joint Liveability (Safe Clean and Green) Portfolio
6 th June 2005	Corporate Rate and Diversity Scheme	Cabinet
21 st October 2005	Tees Valley Living - Sub-Regional Housing Market Renewal Strategy	Regeneration and Liveability Portfolio
7 th November 2005	Briarfields Allotments	Cabinet
23 rd November 2005	Briarfields Allotments	Cabinet
24 th January 2006	Briarfields Allotments	Cabinet and Council

SPECIAL URGENCY 2002/2003		
Date Decision Taken	Subject Report	Decision Making Body
14 th May 2003	NHS Lift Scheme (para 9 and 11)	Cabinet

SPECIAL URGENCY 2003/2004		
Date Decision Taken	Subject Report	Decision Making Body
None		

SPECIAL URGENCY 2004/2005		
Date Decision Taken	Subject Report	Decision Making Body
13 th December 2004	Reorganisation of Swimming Pools	Joint Liveability (Safe Clean and Green) Portfolio and Children's Services Portfolio

SPECIAL URGENCY 2005/2006		
Date Decision Taken	Subject Report	Decision Making Body
6 th September 2005	Electronic Document, Records Management and Workflow System	Cabinet
9 th December 2005	Extra Care Housing for People with Learning Disabilities	Cabinet