



# Agenda

Meeting: **Constitution Working Group**  
Date: **24 October 2023**  
Time: **9.00 am**  
Place: **Zoom – Remote meeting**

**PLEASE NOTE, THIS MEETING IS NOT OPEN TO THE PUBLIC  
BUT WILL BE STREAMED LIVE TO**  
<https://bit.ly/YouTubeMeetings>

To: Councillors Mrs Jennifer Hollingsbee, Jim Martin, Connor McConville,  
Tim Prater and Paul Thomas

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes**

To agree as a true record the minutes of the meetings held on 31 August and 26 September 2023.

4. **Confirmation of proposals discussed at the September Working Group and Group responses**

To discuss the responses from the group, following the proposals discussed at the previous meeting relating to the committee structure, role of spokespersons, recission process and referral to committee process.

5. **Financial limits for and between committees and council**
6. **All member workshop content**

## **Queries about the agenda? Need a different format?**

Contact Jemma West – Tel: 01303 853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk)  
or download from our website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

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# Minutes

## Constitution Working Group

Held at: Hybrid – Teams and Boulogne Room - Civic Centre Folkestone

Date Thursday, 31 August 2023

Present Councillors Mrs Jennifer Hollingsbee, Jim Martin, Connor McConville, Tim Prater and Paul Thomas

Apologies for Absence None.

Officers Present: Ellen Joyce (Democratic Services Trainee), Amandeep Khroud (Assistant Director), Susan Priest (Chief Executive), Kirsty Roberts and Jemma West (Democratic Services Senior Specialist)

Others Present: Phillip McCourt (Bevan Brittan).

### 1. **Declarations of interest**

There were no declarations of interest at the meeting.

### 2. **Minutes**

The minutes of the meeting held on 12 July 2023 were agreed as a true record.

### 3. **Meeting arrangements (public access)**

A discussion took place around the arrangements for the Constitution Working Group meetings, and whether they should be open to members of the public.

Proposed by Councillor Prater,  
Seconded by Councillor J Martin; and

#### **RESOLVED:**

That meetings of the Working Group be held online/as hybrid meetings, and broadcast on the Internet for the public to view, but the public would not be able to attend meetings in person. This would take effect from the next meeting of the Working Group.

(Voting figures: 3 for, 2 against, 0 abstentions).

### 4. **Responses to the design questions**

Phillip McCourt opened the discussion and outlined the main themes of the responses received from Members in respect of the design questions which had been circulated.

He advised on the three options in terms of a committee structure, which were:

- (a) Two service Committees – one main Policy and Resources, dealing with major policy and financial decisions, and one Committee with less delegations, dealing with community issues.
- (b) One Service Committee and an Overview and Scrutiny Committee.
- (c) Two service Committees with a split down the middle in terms of delegations.

Members expressed a preference for Option (a) shown above, with the Committees being given the working titles of Policy and Resources (dealing with major policy and financial decisions), and Communities and Environment (dealing with community engagement, performance, policy development, and task and finish work).

Members commented on various issues and there was discussion on the following points:

- It would be useful to have spokespersons acting as a focal point for certain council areas. These would usually be the Chairs and Vice-Chairs of Committees and would not have any individual decision-making powers. A role description could be included in the constitution, and the Committees could appoint Members to the roles and decide on their remits. It was proposed that the number of these roles would be capped at 9, potentially mirroring the current number of Cabinet Portfolio holders.
- A forward plan showing key decisions would be a good way to show members what matters were coming forward for consideration at Committees.
- Officers would have greater delegations to ensure that matters can be dealt with in a timely manner. Key decisions would continue to be shown on the forward plan. Members could then have an option to 'call-in' any key-decision matters which they feel should be considered.
- There was no similar position to the current Leader of the Council in a committee model, but in other models the Chair of the Policy and Resources Committee would act as the leader.
- There would be the ability for Members to call-in decisions via a rescission process built into the constitution.

It was noted that at the next meeting, Philip McCourt would provide the following information:

- Two policy committee structure and working title of P&R and Communities. Along with the draft terms of reference and a diagram showing the decision-making route.

## Constitution Working Group - 31 August 2023

- Draft Key Decisions and call-in process for members, allowing more comfort as a trade-off from an enhanced scheme of delegation by exception for committees and especially for officers.
- Draft role descriptions for Council spokespersons.
- Examples of a process for a rescission procedure on policy committee decisions (as opposed to old O&S Call-in procedure).

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## Constitution Working Group

Held at:	Remote meeting (Zoom)
Date	Tuesday, 26 September 2023
Present	Councillors Mrs Jennifer Hollingsbee, *Jim Martin, Connor McConville, Tim Prater and Paul Thomas
Apologies for Absence	None.
Officers Present:	Jake Hamilton (Committee Services Officer), Ellen Joyce (Democratic Services Trainee), Amandeep Khroud (Assistant Director), *Susan Priest (Chief Executive), Kirsty Roberts and Jemma West (Democratic Services Senior Specialist)
Others Present:	Philip McCourt (Bevan Brittan)
	* For part of the meeting

### 1. **Declarations of interest**

There were no declarations of interest at the meeting.

### 2. **Structure of the new Committee governance arrangements**

The Assistant Director of Governance and Law advised that a webpage had been created on the council's website, including information about the change in the council's governance arrangements. The webpage would be updated as things progressed.

She also added that at Full Council the previous week, it had been agreed to extend the term of the existing IRP Members, and recruit an additional IRP Member. The IRP would be convened later in the year to consider and make recommendations on a new allowances scheme for Members.

Phillip McCourt then gave a presentation setting out the proposed structure of the new committee system, and listing the functions for each of the two proposed service committees. He advised that it was down to Members to decide how the functions were to be divided up between service committees. The presentation also included a draft role description for the spokesperson

role. He also outlined the three further documents, relating to the process for referring a decision to a committee, a rescission process, and an outline of a key decision/forward plan process.

Members of the Working Group commented on various issues, and the following points were discussed:

- Would the proposed structure slow down decision making?
- The Planning and Audit and Governance Committees would remain separate, as per current arrangements.
- A two service committee system would enable the pool of members involved in decision making to be widened. With two committees made up of 12 Members, this would give 24 out of the 30 members an opportunity for input into decision making.
- The proposed split of functions seemed sensible, and the Communities Committee should have a Housing Sub-Committee.
- Business relating to Oportunitas and Otterpool Park LLP would be considered at the Shareholder Sub-Committee, which was considered good governance.
- It was preferable that there be no double handling of items between committees, and therefore vital that there was clarity as to what items needed to go to which committees. This could delay decision making and cause confusion with officers.
- It would be possible for Members to be part of both service committees.
- It was important that there was no ability for committees to keep 'recycling' items, and could only be referred to Council once. There should also be an urgency provision built into any ability to call items in.
- A rescission process was useful, but the criteria should be set high, ie 50% of the Council and cross party, to ensure it could only be used in exceptional circumstances.
- What powers did the Leader have?

Phillip McCourt added the following points:

- Having a set financial threshold for which items would automatically go to the Resources Committee would allow clear parameters for decision making.
- An agreement as to the final structure and terms of reference for each committee needed to be reached within the next two months, but there was still time to make changes at present. Working Group Members would be expected to discuss the proposed structures within their political groups, and feedback to the Working Group for the final agreement.
- The referral and rescission processes both contained provisions for urgency.
- Few authorities in a committee system had a provision for rescission of decisions.
- The Leaders role was as a consultee.



## Constitution Working Group - 26 September 2023

The Assistant Director of Governance and Law asked that Members feedback their views on the proposed structure. She also gave apologies for the fact that the papers for the meeting had not been provided to the Working Group until the day of the meeting, and advised that papers would be circulated in sufficient time prior to the next meeting.

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## GROUP RESPONSES for October Constitution Working Group

Following the September Working Group meeting, feedback was requested on the following:

- The proposed Committee structure (Resources Cttee and Communities Cttee) and the split of delegations between them
- The role description for the spokesperson
- Process for referring a decision to committee
- Process for rescinding a decision
- Key decisions.

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From Cllr Martin (Green Group)

I am quite content with the two committee structure. The split of delegations seems sensible. I think we need to allow some flexibility to make changes and improvements in the future.

The role of the spokesperson should be to reflect the thoughts of the committee.

Processes for referring and rescinding decisions should be efficient and frictionless.

Key decisions should be highlighted so as many members as possible can have an input.

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From Cllr McConville (Labour & Co-op Group)

My group are largely in favour of the 2 committees, policy and communities, at the last meeting it was stated that what they would cover was still up for debate and there was possibly a workshop event which could thrash out those finer details, however they wouldn't be very different from the draft version.

No major issues with the drafts of referral and rescission, with regards to the numbers required, for a decision i think that to refer an item to full council it should require 16 members to agree and 7 out of the 12 on the policy committee. To also be across 2 political groups. This would ensure decisions are not held up or officers/councillors time not used on potentially vexatious political sideshows. Hopefully with the committees being cross party there would be no need for rescission but rather if a committee felt strongly that a decision was too great it would refer that decision to full council in the first place.

No major issues with the key decision definitions and terms, I think with more discussions the practicality of key decisions and what committees will discuss and make decisions on will naturally evolve.

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Cllr Hollingsbee (Conservative Group)

Appointing nine Spokespeople is, in our opinion, just a different name to a Cabinet Member albeit, there is no power to make a delegated decision! Why nine when we are moving to a two director structure? Why not two (or perhaps four) spokespeople – one for each Director for each committee? If Officers are expected to brief the chair (and probably vice chair) and the spokespeople as well as prepare reports for the Committee this could lead to resource and cost issues?

Will Licensing sub-committees still be three members? It is often difficult for Committee Admin to get together 3 people during the day and for it to then be politically balanced, although the process works perfectly well and is not always politically balanced! All Members currently have the opportunity to serve on the Licensing Sub-Committee. Is the Personnel Committee not politically balanced currently?

The split of delegations between the two policy committees probably about right, although we might have a discussion on Housing? There seems to be a lack of financial coverage in the Resources Committee – although I assume it is part of Policy decisions?

From Cllr Prater (Liberal Democrat Group)

We support the "two policy committee" structure (rather than one), although would prefer naming to be "Resources" and "Communities & Environment" to more closely reflect the priorities of the Council. Sometimes the label on the bottle matters as much as the contents. A one policy committee system although mirroring more closely our existing structure does not as fully spread input and decision making through Council: the benefits are much more limited, and frankly I'd like to see us get the big structural changes in place then "refine" over coming years rather than take the change in a variety of steps, because there is always a risk you just stop.

The split of delegations to Policy Committees looks about right to us, but would be one of the areas to "refine" when we have some learning in the new system.

With high thresholds (probably including cross-group support if the Council has more than one group, and probably a Council majority for rescission), we have no issue with the referring or rescission process, and welcome their being there as a check and balance. I'd hope they are little used, but I think the same about airbags, and would still fit them in cars... The key decision process also seemed to be reasonable and transparent.

Role descriptions for Spokespeople seemed reasonable: I'm not against a limited SRA to be honest, but would not want the total allowance budget to increase, and by limiting SRAs at the start that may help. Maybe one for the Independent Panel, might be one for "refining" in future years.

# Constitution Working Group

Folkestone & Hythe DC



For 24<sup>th</sup> October 2023

# From the last meeting

- Two policy committee structure, each of 12, and working title of:
  - Resources Committee – budget, financial decisions above [£?] and all functions either not reserved to council or delegated to -
  - Communities & Environment Committee – discreet delegations to be agreed
- Other committees largely the same but:
  - separate Planning Committee (development control decisions)
  - Licensing Regulatory Committee (ordinary) and Licensing Act Committee (statutory) same members
- No adoption of O&S functions/committee.
- Retain use of key decisions and forward plan
- Scheme of delegation to officers by exception
- A process for members to refer officer key decisions to committee (except urgency).
- A process for rescission (removal of delegation) on key decisions to ‘call in’ a decision made to review and re-take – a safety valve requiring 50% of council members
- Role descriptions for Council spokespersons drafted. Starting point of 9 cabinet portfolios including the leader and deputy leader (as chair and vice chair of Resources Cttee)
- Noted comparator table from then to current





**COUNCIL**

**Resources Committee**  
-politically balanced ordinary  
c'ttee

**Budget finance and  
cross-cutting functions**  
*inc. spending and policy not  
reserved to Council or  
delegated to Communities  
C'ttee*

Staffing  
Sub-  
C'ttee  
interview

Sub-C'ttee  
for  
shareholder  
function

Sub-C'ttee  
for housing  
services

**Communities and  
Environment Committee**  
-politically balanced ordinary  
c'ttee

**Services functions for  
housing, environment and  
community inc. spending  
and policy not reserved to  
Resources Committee or  
Council**

**Licensing Regulatory  
Committee**  
- politically balanced ordinary  
c'ttee  
+ Licensing Act Committee  
- statutory c'ttee

*Non-executive decisions  
for licensing + policy and  
regulatory decisions for LA  
2003*

Sub  
c'ttees for  
regulatory  
hearings

Sub  
c'ttees for  
Lic Act  
hearings

**Planning Committee**  
- politically balanced ordinary  
c'ttee

*Non-executive decisions  
for planning*

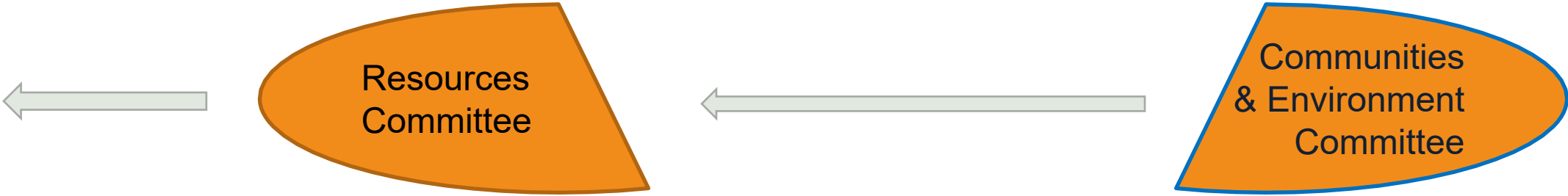
Sub  
C'ttees  
for stds  
hearings

**Audit and Governance  
Committee**  
-politically balanced ordinary  
c'ttee

*Non-executive functions  
for corporate health and  
oversight inc functions for  
accounts and member  
standards*







### Resources Committee

To provide strategic direction to the operation of the Council, including the exercise all functions of the Council not specifically delegated to another committee or reserved to full Council under this scheme of delegation, standing orders or procedure rules.

- To exercise the council's functions in respect of matters which have corporate budgetary or policy implications, as **referred** to it by chief officers or the Communities & Environment Committee, where required to:
  - authorise virements under the Budget and Policy Framework Procedure Rules in excess of £N? (capital) or £N? (revenue).
  - award of contracts in excess of £N?;
  - acquire or dispose of any land of a value in excess of, or likely to exceed, £N?.
- To manage matters concerning companies or limited liability partnerships which are regulated or influenced by the Council, [through the appointment of a Shareholder Sub-Committee,] including matters reserved to the shareholder or partner, financing, contracts and acquisition and disposals.
- To undertake responsibility for emergency planning, in compliance with the emergency plan, and business continuity.
- To establish the framework for human resources policies and procedures, and terms and conditions and, through the appointment of relevant Senior Officer Appointments & Staffing Sub-Committees, to recommend or make appointments and related matters in respect of chief officers, as set out at Part 4(n) of the Constitution, together with oversight of employment policies, terms and conditions.
- To appoint Council representatives or nominees as required

### Communities & Environment Committee

To exercise functions of the Council not specifically reserved to Council or another committee in respect of:

- community leadership, community safety, equalities and community cohesion, neighbourhood and community development, health and wellbeing, including recreational, cultural and sports provision;
- the Council's response to climate change;
- promoting and widening access to services;
- the supply and demand for housing, including the council's landlord functions, housing strategy, private sector housing and homelessness;
- maintenance and improvement of the environment and the health of the community;
- planning policy, regeneration, development and sustainable infrastructure issues, including proposals under the Local Development Framework and associated matters and neighbourhood plans;
- economic development activity including tourism;
- car parking, transport and utility provision;
- provision of public open space, sport, recreation and heritage;
- environmental health and street trading;
- exercising the council's enforcement powers and duties in respect of all statutory provisions which fall within the remit of this committee



# Council/Committee Spokespersons – Possible role description

## 1 Function

A policy Committee may appoint individual Members to take on a specific role to highlight and enhance an area of that Committee or the Council's terms of reference. Spokespersons hold no formal legal position but undertake the role to assist the Leader/Chair and Committee in fulfilling their wider leadership functions.

## 2 Appointment

- (a) The Council or Committee holding the corresponding functions within its terms of reference may by simple resolution appoint a Spokesperson from one of their number.
- (b) The Spokesperson holding a portfolio for a highlighted area may be the Leader/Chair, Vice-Chair or any other member of the Committee but shall be limited to 9 Members in total (including the Chair and Vice-Chair of Resources Committee).
- (c) Where the subject of a Spokesperson covers functions across the terms of reference of more than one Committee, the Committees may jointly appoint the Spokesperson from either of their Committees' number.

## 3 Role

The role of a Spokesperson is to act in support of the Chair (Leader), and on behalf of the Committee and Council, by providing a policy focus for the Council, partners, stakeholders and communities in order to:

- (a) To develop their expertise and knowledge in respect of that highlighted area
- (b) To provide political focus and leadership for that highlighted area within the Committee and Council.
- (c) To lead the development of approaches to policy and operational issues on behalf of the Committee and Council.
- (d) To be the Committee's lead spokesperson and first political point of contact within the Committee and Council.
- (e) Raise the profile of that highlighted area of the Council and Committee's functions, and in conjunction with the relevant Member(s), officers and partner(s), support community engagement activities and other related publicity campaigns;
- (f) Liaise with members, public sector partners and other stakeholders to promote key initiatives (as appropriate and required);
- (g) Act as an advocate for that highlighted area of the Council and Committee's functions and be required to familiarise themselves with related matters;
- (h) Seek out and share best practice from other areas of the UK;
- (i) Periodically present reports to the members of their Committee or other committees (as necessary and requested) setting out the actions taken and how those actions have contributed to the success and promotion of that highlighted area of the Council and Committee's functions;
- (j) Present, as appropriate, research papers and suggest new initiatives and ideas relating to highlighted area of the Council and Committee's functions for consideration by the Committee(s) or Council.

## 4 Do not normally attract SRA

# Officer Scheme of Delegation

- Scheme by exception – decisions are to be taken by officers unless reserved to a committee
- Decisions not reserved to or by a committee or sub-committee are expected to be taken by an officer only where:
  - the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of no more than [£N?] (unless the decision has specifically been delegated to the Officer by a Committee or Sub-Committee);
  - the item of business has not been previously requested by a Committee or Sub-Committee or the Chair or Group Spokesperson of a Committee to be referred to a Committee or Sub-Committee;
  - the item of business has not been referred to a Committee or Sub-Committee (as a Key Decisions due to be taken by an officer on the Forward Plan) under the Scheme for Referral; or
  - the officer concerned is not of the opinion that, due to its sensitive or high profile nature, the item of business is to be referred to a Committee or Sub-Committee for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).
- Officer Decision Notices published and Key Decisions subject to Rescission Scheme
- Proper Officer list and Leadership Team published in the Constitution
- Departmental Schemes published for further delegation



# Discussion

Folkestone & Hythe DC



24<sup>th</sup> October 2023



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## 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.



## F&HDC Draft process for

### REMOVAL OF DELEGATION FOR RECONSIDERATION (RESCISSION)

#### 1. Overview

Members of the Council may request that a decision taken by one of the policy committees or sub-committees, or of a Key Decision taken by an officer acting under delegated authority from a Committee, is re-considered by another Committee or Council.

The effect of this process is to remove delegated authority from the Committee or officer in respect of that item of business, so that the decision is nullified, allowing the Resources Committee or Council to confirm, refer back or make the decision afresh under this procedure.

Due to the costs and delay caused by reconsidering a decision, it is intended that it should only be used in exceptional circumstances. It is therefore subject to safeguards concerning:

- (i) the number of members required to make a valid request;
- (ii) the timescale in which a request must be made; and
- (iii) criteria for acceptable reasons to make a valid request

before the delegated authority is removed and the item of business referred to the next meeting of the Resources Committee or Council

#### 2. Process

Members may initiate a reconsideration of a decision taken by the Resources Committee, or of a Key Decision taken by an officer acting under delegated authority from one of those committees, by a meeting of another Committee or Council. This process will not apply to decisions made in the circumstances set out at paragraph 6 below.

A request for a reconsideration of an item of business must be made in writing (which may be by email) to the Monitoring Officer or Chief Executive and be made

- (i) before the expiry of [five/three?] full working days from the date on which the decision notice was published;
- (ii) supported or signed by at least half of the Members of the Council; and
- (iii) setting out why the request meets the criteria for reconsideration
- (iv) whether they wish the decision to be referred to the Resources Committee or full Council.

#### 3. Criteria

Such a request must be received by the Monitoring Officer or Chief Executive and must set out two or more of the following grounds in support, explaining why the decision is or might reasonably be felt to be:

- (a) a key decision but not treated as such;
- (b) inadequate consultation with stakeholders prior to the decision;
- (c) inadequate evidence on which to base a decision;
- (d) contrary to the budget or policy framework;
- (e) the action is not proportionate to the desired outcome;
- (f) a potential human rights or equalities challenge; or
- (g) insufficient consideration of legal and financial advice.

A request may not apply to individual staffing matters or a matter that has been implemented and directly affects a third party's financial interests.

#### **4. Effect**

Where the Monitoring Officer or Chief Executive consider these criteria have been met, delegated authority for that matter shall be withdrawn from the Committee or officer concerned and the decision shall be accordingly nullified and made subject to referral to the next meeting of the Resources Committee or Council as the Monitoring Officer or Chief Executive may determine or, if necessary, to an extraordinary meeting for the matter to be considered afresh.

#### **5. Decision**

Upon re-considering the referred item of business, the Resources Committee or Council may:

- (a) Uphold the previous decision, following which the original decision shall take effect by 9.30am the next working day following the day of the Resources Committee or Council meeting which considered the request.
- (b) Refer the matter back to the relevant Committee, Sub-Committee or officer with a recommendation from the Resources Committee or Council. The relevant Committee, Sub-Committee or officer shall reconsider the matter, taking into account any concerns and recommendations of another Committee or Council, before reaching a final decision. The decision may not be the subject of a further request for reconsideration and will take from the date on which the new decision notice is published
- (c) Determine the matter itself, whereby the Resources Committee or Council may determine the matter as it sees fit. the Resources Committee or Council will set out its reasons for coming to a different conclusion from the originating Committee, Sub-Committee or officer whose decision has been superseded. The decision may not be further reconsidered and will take effect from the date on which the new decision notice is published.

#### **6. Exclusion from reconsideration**

- (a) A decision making Committee, Sub-Committee or officer may determine that a decision being taken by them is not to be subject to removal of delegation and reconsideration in the circumstances where:
  - (i) in the opinion of the 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 removal of delegation and reconsideration and of the reasons for that determination
- (b) The Chief Executive (or in his or her absence their nominee) may otherwise decline to act on a request made under paragraph 2 above in those circumstances where he or she considers that it would be likely that the implementation of the process for removal of delegation in respect of a decision taken and its then reconsideration by the Resources Committee 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 Council, together with the reasons for doing so