

Committee Procedure Rules (Part 4.5 of the Council's Constitution)

Annex 2

This Annex contains specific rules of procedure that relate to meetings of the Escalation Panel. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Escalation Panel shall have the following rules and procedures.

1. Meetings of the Escalation Panel

The Proper Officer shall call a meeting of the Escalation Panel when a decision of a Policy Committee has been escalated in accordance with these rules.

2. Membership of the Escalation Panel

Any member of the Council is eligible to sit on an Escalation Panel provided that they did not participate in the consideration of the decision that is to be escalated to the Escalation Panel.

The membership of any Escalation Panel shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

3. Chair of the Escalation Panel

The Chair of an Escalation Panel shall be held on rotation by the Political Groups on the Council in an order to be determined by the Party Group Whips.

4. Procedure for escalation of a decision to the Escalation Panel

- (a) When a decision is made by a Policy Committee or a key decision is made by an officer with delegated authority from a Policy Committee, the decision shall be published on the Council's website, within two clear working days of the decision being made.
- (b) That decision notice will bear the date on which it was published and will specify that the decision will come into force, and may then be implemented, unless the decision is escalated to the Escalation Panel by 5pm on the fifth clear working day from the date the decision was taken.
- (c) During that period, at least ten members of the Council may ask the proper officer to escalate a decision to the Escalation Panel using the appropriate 'escalation notice' pro forma.
- (d) Where an escalation notice has been received, the proper officer will first satisfy themselves that the following requirements have been met:
 - (i) the escalation notice has been received within the prescribed time scales;

(ii) the decision taker's decision has been properly identified and described;

(iii) the members seeking to escalate the decision to the Escalation Panel have identified those principles of Article 14 of the constitution which they believe have been breached; and

(iv) the proper officer is satisfied that none of the members seeking to escalate the decision participated in the consideration of the decision that is to be escalated to the Escalation Panel.

(e) If the proper officer is satisfied that the requirements are met, then within five clear working days the proper officer will call a meeting of the Escalation Panel to consider the decision.

5. Suspension of a decision pending consideration by the Escalation Panel

Where a decision has been escalated to the Escalation Panel, the implementation of the decision is suspended pending the outcome of the decision of the Escalation Panel.

6. Exclusion of urgent decisions from consideration by the Escalation Panel

A decision is exempt from escalation to the Escalation Panel where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the escalation to an Escalation Panel would seriously prejudice the council's or the public's interests.

The record of the decision and notice by which it is made public shall state whether, in the opinion of the Head of Paid Service and the Monitoring Officer, in consultation with the Chair of the relevant policy committee, the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Head of Paid Service, the consent of the Chief Financial Officer shall be required, and in the absence of the Monitoring Officer, the consent of the Deputy Monitoring Officer shall be required.

Decisions taken as a matter of urgency must be reported by the Chair of the relevant policy committee to the next available meeting of the Full Council, together with the reasons for urgency.

7. Procedure for a meeting of the Escalation Panel

A Meeting of the Escalation Panel shall have the following procedure:

(a) The Chair explains the purpose of the meeting and the decisions which the Escalation Panel is able to take.

- (b) The members escalating the decision present their case, explaining reasons for escalating the decision.
- (c) Members of the Panel ask questions and seek clarification from the members escalating the decision.
- (d) The Chair of the relevant policy committee and the relevant Strategic/ Service Director will explain the background to the decision.
- (e) Members of the Panel ask questions and seek clarification from the the Chair of the relevant policy committee and the relevant and Strategic/Service Director.
- (f) General debate during which Panel members may ask questions of both parties with a view to helping them make up their mind.
- (g) The Chair sums up and identifies the key issues arising out of the debate.
- (h) The Panel resolves either;
 - i. to take no further action;
 - ii. to refer the matter back to the relevant Policy Committee for reconsideration with issues (to be detailed in the minute) for the relevant Policy Committee to consider before taking its final decision;
 - iii. to recommend to Full Council that the decision is not implemented; or
 - iv. to refer the matter to Full Council for consideration.