

## Regulatory and Audit Committee

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<b>Title:</b>	<b>Response to consideration of the urgency rule during the election period</b>
<b>Date:</b>	19 November 2013
<b>Author:</b>	Anne Davies
<b>Contact officer:</b>	Clare Gray
<b>Local members affected:</b>	Ryemead and Micklefield

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### Summary

At the last meeting of the Finance, Performance and Resources Select Committee Members considered a request submitted by a Member who was concerned about the use of the urgency rule for a Cabinet Member decision during the election period; as urgent decisions cannot be 'called-in'. Members of the Select Committee agreed that the Regulatory and Audit Committee should consider whether the process was adequate or whether any changes should be made.

### Recommendation

**That the Regulatory and Audit consider whether any changes should be made to the constitution on the urgency rule and to consider the recommendations put forward by the Monitoring Officer.**

### Supporting information to include the following if a decision is being requested:

Attached is the report (Appendix 1) that was submitted to the Select Committee on assessing the use of the urgency rule for a Cabinet Member decision. Three Members did not believe that a cabinet member decision that was taken through the urgency rule was not genuinely urgent and that this took away the Member's rights to have a call-in of the decision. The reason for urgency was that a number of e-petitions were presented to the Council which delayed the process for a key decision being made and this was exacerbated by the elections in May, which delayed the decision even further. Details of the process are contained with the report at Appendix 1.



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The Select Committee considered the report and agreed that this process should be reviewed by the Regulatory and Audit Committee. Their concerns could be summarised as follows:-

- Concern around the wording in the constitution 'that a call in should not normally be made during the six weeks immediately before at County Council election'.
- The inability to challenge a key decision during the period before an election.
- The decision making process should not disenfranchise the local member or anyone who wanted to challenge the decision.
- Giving the Local Member notice of an urgent decision being made (Local Members are consulted and copied into any Cabinet Member decisions affecting their area).

The Monitoring Officer's response to these concerns are to make amendments to the constitution as follows:-

- Remove reference to a call in not being allowed during the election period.
- Where possible, give Group Leaders 48 hours notice of any urgent decision being taken. This does not apply to decisions being taken under the Major Emergency Procedure.

Attached is a copy of tracked changes in the constitution (Appendix 2). Members are asked to consider these proposed amendments.

### **Resource implications**

The proposal can be "contained within existing resources".

### **Legal implications**

The Service Director, Legal and Democratic Services is the author of the report and has considered legal implications.

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## **Background Papers**

Finance Performance and Resources Select Committee – 5 September 2013  
Cabinet Member decision – Transfer of five County Council run Children's Centres to the management of Barnardo's.

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