
REFERENCE UP OF COMMITTEE DECISIONS

1 SUMMARY

- 1.1 The Sub-Committee is invited to consider the efficacy of the Council's arrangements for referencing-up of decisions.
- 1.2 There is no statutory requirement to have a system for referencing decisions up.

2 INTRODUCTION

- 2.1 Earlier this year some Members expressed their concern about the Council's arrangements for referencing up of decisions. It was suggested that the issue should be considered by this Sub-Committee.

3 REFERENCING UP DECISIONS

- 3.1 The Council's arrangements for referencing up decisions are set out in Standing Order 18. In short, a decision taken by a Committee or Sub-Committee must be reported to the full Council or a parent Committee if 1/5 of the voting members present at a meeting so request. If 2/5 of the Members make this request, then the decision may not be implemented until it has been further considered by the Council or parent Committee. Standing Order 18 also provides that, within 4 working days of a meeting of a Committee or Sub-Committee, 3 Members may request that a decision taken at that meeting is referred to the next meeting of the full Council. The 3 Members must make this request in writing to the Chief Executive and no action is taken on any decision until the Council has considered the matter. The only exceptions to the provisions of Standing Order 18 are decisions of a quasi-judicial nature including appeals from staff or applicants for Council services. These may not be referred up.
- 3.2 Many other Councils have similar arrangements to those of this Authority.
- 3.3 The main benefit of referencing up is that it allows a period of time for reflection on a decision before it is implemented. This can be particularly beneficial in the case of highly sensitive or political decisions. It also enables those Members who have not been present at a meeting when a decision is taken to have the opportunity to participate in the debate on a decision. However, against this, it is often argued that the process results in a delay in the decision making process particularly where there may be a period of several weeks between the meeting of a Sub-Committee and the full Council. As a result of the 4 working day rule, it is not possible for decisions to be implemented before the deadline in case they are referred up.

Implementation of all Committee and Sub-Committee decisions are therefore delayed.

- 3.4 Since April 1998, 23 decisions have been referenced up at a Committee or Sub-Committee and 16 decisions under the 4 working day rule.

4 ISSUES

- 4.1 Some Members have expressed concern about the delay that can arise in the decision making process particularly if the original decision is simply confirmed when it is considered a second time.
- 4.2 A further problem is that very often the minutes of a meeting are not received until after the 4 working day deadline has passed. Thus some members may not be aware of the decisions reached by a Committee or Sub-Committee in time to request a reference up. The delay in issuing minutes is largely an administrative issue caused by the time taken to finalise and publish the minutes of a meeting and the days that Members' mail is despatched. The move to two despatches each week has helped improve matters but there are still occasions where the minutes are not delivered within 4 working days of the meeting. An increase in the number of working days before decisions are implemented could be considered although this would result in further delays in implementing those decisions which are not subsequently referenced up.
- 4.3 It has also been suggested that the requests submitted under the 4 day rule should not need the signatures of 3 Members but instead might be signed by a Group Leader or simply accepted orally. The ending of the need for signatures would also make it easier for requests to be submitted by email in future.

5 RESOURCE IMPLICATIONS

- 5.1 Costs may arise from delays in the decision making process either through the loss of income or an increase in expenditure. Budgetary provision may not exist to meet these.

6 LEGAL IMPLICATIONS

- 6.1 There are no specific legislative provisions concerning the referencing up of decisions. However, in the event that Members are minded to extend the provisions to quasi judicial decisions, it would be necessary for the full information to be presented when the decision is further considered, including any presentation of appellants, objectors etc.

7 RECOMMENDATION

- 7.1 It is proposed that the Sub-Committee considers the current arrangements for referencing up of decisions and whether any changes need to be made to the provisions of Standing Order 18. (HAMS)

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Background Papers:

None

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