
ARRANGEMENTS FOR DEALING WITH URGENT BUSINESS

1 SUMMARY

- 1.1 This report invites Members to consider the future arrangements for the discharge of urgent business.
- 1.2 Although there is no statutory requirement for the Council to make arrangements for the discharge of urgent business, any arrangements that it does make must be in accordance with the provisions of the Local Government Act 1972.

2 INTRODUCTION

- 2.1 At the Annual Meeting of the Council this year, it was agreed that this Sub-Committee should undertake a review of the Council's arrangements for dealing with urgent business. Pending the outcome of this review, items of urgent business are referred to the Group Leaders' Panel. This decision was taken in response to concerns expressed by some Members about the previous arrangements for dealing with urgent business.

3 BACKGROUND INFORMATION

- 3.1 The Local Government Act 1972 requires all business to be transacted at meetings of the full Council, a Committee or a Sub-Committee. The Council may also delegate its powers to a Committee set up jointly with another Council or simply to another Council. It may also delegate powers to individual officers but not to individual councillors. The Local Government Bill 2000 proposes changes to these arrangements but until such time as the Bill receives Royal Assent the provisions of the Local Government Act 1972 apply to all Councils.
- 3.2 The Local Government Act 1972 also provides that meetings of the Council must be convened at 3 clear working days notice with a summons also being issued to each councillor. Public Notice of a meeting and copies of the agenda and reports must be made available for public inspection at least 3 clear working days before the meeting or, if a meeting is convened at shorter notice, as soon as it is convened. In common with most local authorities, this Council issues a combined summons and agenda for meetings. Similar arrangements apply to meetings of Committees and Sub-Committees.
- 3.3 Although Section 100E of the 1972 Act deals with the issue of agenda and reports for meetings of the Council convened at less than 3 clear days notice, there is no specific statutory power that permits a Council to convene meetings at less than 3 days notice. The power is

therefore implied and may be regarded as a necessity in order to allow Members to deal with any urgent business facing the Authority. Nevertheless, current advice suggests that the calling of meetings at less than 3 clear days notice should be restricted to “truly exceptional” cases (Knowles on Local Authority Meetings).

- 3.4 It should be noted that once an agenda for a meeting has been published, items of business may only be added to that agenda with the express agreement of the Chairman on the grounds of urgency. Those grounds must then be recorded in the minutes.
- 3.5 The timetable of meetings agreed by the Council sets out the dates of meetings of the Council and Standing Committees and Sub-Committees. Within the provisions of the 1972 Act set out above, additional meetings may be convened on other dates throughout the year. Ad hoc Sub-Committees such as Appeals Panels are convened as and when required, but again within the legislative provisions set out above.
- 3.6 In common with most other local authorities, this Council has recognised that it is not always practical to convene meetings of the Council or a Committee at short notice. Under the Council’s own Standing Orders therefore, provision exists for the appointment of an Urgency Sub-Committee for each Committee (Standing Order 17 refers). The Urgency Sub-Committee comprises the Chairman and Vice-Chairman of the Committee and (by virtue of Standing Order 15) one other member.
- 3.7 Meetings of Urgency Sub-Committees must still conform to the 3 clear days rule for the convening of meetings save where exceptional urgency might be deemed to exist. The cases where exceptional urgency applies should by definition be few and far between, and in all cases the reason why meetings are called must be recorded in the minutes of Sub-Committee meetings and reported to the parent Committee.
- 3.8 In recognition that there may be many other situations where decisions need to be taken on issues between the dates of scheduled meetings, this Council delegates certain matters to officers (shown in the scheme of delegated powers to Officers within the Member Handbook). Instead of the establishment of Urgency Sub-Committees set out above, some authorities also make use of a system of qualified delegation to officers to deal with urgent matters that would normally be referred to a Committee. Qualified delegations involve a named officer being given authority to take decisions where there is urgency after first consulting with the Chairman, Vice-Chairman or Group Leaders. Similar provisions existed at Rochford until the mid-1990’s.

4 ISSUES

- 4.1 By the very nature of the Council's operations, there will from time to time be a need to take decisions urgently. Until this year, the Council has arranged for these to be dealt with either at scheduled meetings of the Council and Committees; under Officers' delegated powers; by the Chairman of a meeting agreeing that an item be added to the agenda on grounds of urgency; by convening additional meetings of the Council or a Committee; or by convening meetings of an Urgency Sub-Committee. However, circumstance arose towards the latter part of the last municipal year where it became necessary to convene several Urgency Sub-Committee meetings each month. This situation gave rise to the concerns expressed by several members of the Council at this year's annual meeting. Pending this Sub-Committee's review of the arrangements for discharging urgent business, items of urgency have been delegated to the Leaders' Panel.

5 OPTIONS

- 5.1 Given the provisions of the Local Government Act 1972, the options for dealing with urgent business are limited. The Sub-Committee are however invited to consider the following:

1. Keep the arrangements approved by Annual Council whereby the Leaders' Panel takes urgent decisions.
2. Reinstate the arrangements set out in paragraph 4.1 above.
3. Convene additional meetings of the Council or Committees as necessary in accordance with the current scheme of delegation to Committees.
4. Delegate power to the Chief Executive and/or the Corporate Directors to take decisions in cases of urgency after consultation with the Chairman or Vice Chairman of the Council or the appropriate Committee – or alternatively with Group Leaders. This provision could include the requirement for all decisions taken in this manner to be reported to the first next meeting of the Council or the appropriate Committee.

None of these options require a change in Standing Orders although if the intention is to do away with Urgency Sub-Committees, Members may wish to consider deleting Standing Order 17. Further, if Urgency Sub-Committees were to be retained, it would probably be helpful to clarify within Standing Order 17 that the membership "comprises the Chairman and Vice-Chairman of the Committee and one other Member or their named substitutes."

- 5.2 If Members are minded to support options 1, 2 or 3, the Sub-Committee may also wish to require the Monitoring Officer (the Corporate Director (Law, Planning and Administration), the Head of

Administrative and Member Services or the Head of Legal Services to certify the grounds of urgency for each matter determined under the urgency procedure.

6 RECOMMENDATION

- 6.1 It is proposed that the Sub-Committee **RECOMMENDS** to the Finance and General Purposes Committee what arrangements the Council should have in place for dealing with items of urgent business.
(HAMS)

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Background Papers:

Knowles on Local Authority Meetings

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