

# Allerdale Borough Council

**Council - 01 March 2023**

## **Urgent Delegated Decision**

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<b>Portfolio holder</b>	Councillor M. Fitzgerald PH for Policy, Governance and People Resources
<b>Report from</b>	Lee Jardine – Senior Specialist, Elections
<b>Wards affected</b>	All Saints Ward and Allhallows and Waverton Ward
<b>Is this a key decision</b>	No

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### **1.0 The reason for the decision**

1.1 To report on the urgent delegated decision taken since the last report to Council on 07 December 2022.

### **2.0 Recommendations**

2.1 To note a summary of the CEO Urgent Action decision taken on 21 February 2023.

### **3.0 Background and Introduction**

3.1 Section 4.35.4 of the Constitution gives the Chief Executive the power to exercise functions of the Council in very urgent circumstances, following consultation with the Mayor and Leader of the Council. Those decisions must be reported to the next meeting of the Council.

### **4.0 Delegated Decisions**

4.1 Between 07 December 2022 and 01 March 2023 the following decision was taken under the Chief Executive Urgent Action Powers

#### **Community Governance Reviews (Allhallows Parish Council and Embleton and District Parish Council)**

Date: 20 February 2023

Reason for urgency:

Town and Parish Elections are scheduled for 04 May 2023 and elections will be held for both Allhallows and Embleton and District Councils.

The Notice of Election will be published on 20 March 2023 and this will show the number of Councillor vacancies per parish.

For any amendments from the Community Governance Reviews to take effect for the May 2023 elections, the Local Government Reorganisation Orders need to be made by Cumberland (Shadow) Council prior to 20 March 2023.

The final meeting of Cumberland Council before 20 March 2023 is scheduled for 01 March 2023 (AM), where the decision to make the Local Government Reorganisation Orders will be made.

The recommendation to Cumberland Council is a function of Allerdale Borough Council. The next meeting of Allerdale Borough Council is also on 01 March 2023 (PM).

As the next meeting of Allerdale Borough Council is after the final meeting of the Cumberland Council (before 20 March 2023) it is not possible for Allerdale Borough Council to make the recommendations, and as such, Chief Executive Urgent Action is required.

If the recommendation is not made, then Cumberland Council cannot approve the Local Government Reorganisation Order by 20 March 2023.

This would mean that the Elections for the Parishes subject to the review (Allhallows and Embleton and District) would take place for the existing number of Parish Councillors.

#### Action Taken

The formal consultations for the Community Governance Reviews for Allhallows and Embleton and District Parish Councils have concluded.

The decision maker for the Community Governance Reviews is Cumberland Council, Allerdale Borough Council needs to make a recommendation. The recommendation Allerdale Borough Council made through Urgent Delegate Decision was to amend the Parish Councillors on each Council as follows.

Allhallows Parish Council	8 Seats (11)
Embleton and District Parish Council	9 Seats (13)

## **5.0 Delivery arrangements**

5.1 Not applicable to this report

## 6.0 Implications and Impact

### 6.1 Legal and Governance Implications

Section 4.35.4 of the Councils Constitution gives the Chief Executive the power to exercise functions of the Council in very urgent circumstances, following consultation with the Mayor and the Leader of the Council. Those decisions must be reported to the next meeting of the Council.

### 6.2 Risk Analysis

A scored and mitigated risk log

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>	<b>Mitigated score</b>
Decision making arrangements not effectively monitored and reported	Lack of transparency, breach of constitutional procedures	Regular reporting to Council	Low

### Background documents available

<b>Name of background document</b>	<b>Where it is available</b>
CEO Urgent Action decision notice and Report (including Appendix)	<a href="http://democracy.allerdale.gov.uk">http://democracy.allerdale.gov.uk</a>

### Report author(s) and contact officer(s):

*Lee Jardine*

*Job title – Senior Specialist – Electoral Services*

*Email address – [lee.jardine@allerdale.gov.uk](mailto:lee.jardine@allerdale.gov.uk)*

*Tel no – 01900 516768*