

REPORT OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE:

URGENT ACTIONS

LEAD MEMBER: Cllr P Connolly, Chair, Overview and Scrutiny Management Committee

LEAD OFFICER: Neil White

REPORT AUTHOR: Neil White

RECOMMENDATIONS: That (A) the Executive be requested to:

- (1) ask Corporate Team to advise all officers that there have been too many urgent actions used over the last two years,
- (2) ensure that the guidance notes appended to this report be used as the Council's procedure for urgent action,
- (3) ensure that officers are informed that part A of the guidance note requiring that the reasons for urgency are adequate be more stringently applied,
- (4) ensure that the report back to the Executive on the urgent action should include the results of the action that has been taken,
- (5) ensure that a list of urgent actions detailing the current position of the actions covering the financial position particularly the effect on contingencies be made available to all members of the council,
- (6) ensure that when an urgent action has been signed by all the relevant signatories a copy of the completed form be sent to all those signatories,
- (7) review the financial limit that can be used as delegated authority by Executive Portfolio Holders, and

(B) that the use of urgent actions be monitored and a report be submitted to the Overview and Scrutiny Management Committee in six months time on progress made.

1. BACKGROUND

The Overview and Scrutiny Management Committee at its last meeting on 13 July 2007 agreed that a review of the Council's Urgent Actions Procedure should be undertaken and completed by the Committee.

The Committee further agreed that the terms of reference for the review would be to:

- 1) ensure that the process used is prompt, transparent and accountable and is understood by officers and members alike; and
- 2) ensure that the process is running correctly and achieves its aims.

The Sub Group met on 10 August 2007 and heard evidence from:

Tim Capper, Democratic Services Manager
Sue Bamforth, Head of Finance and Business Development
Councillor Elaine Woodburn, Leader of the Council

2. EVIDENCE CONSIDERED

Legal and Procedural Advice

The Management Committee considered evidence from Tim Capper, Democratic Services Manager on the legal and procedural implications of the council using its urgent actions procedure.

The Committee noted that Urgent actions are the procedure that the Council uses to enable action to be taken between meetings of the Executive that is deemed too urgent to wait for the next meeting of the Executive to determine.

The Committee were informed that decisions of the Executive could be delegated and the council had set out a procedure for dealing with urgent actions within the council's constitution.

The Committee were further informed that there was no current guidance given to officers on the urgent actions procedure but a draft guidance note had been prepared by the Head of Legal and Democratic Services and the Democratic Services Manager. The draft guidance had though not been circulated to other officers. The issuing of these guidance notes would enable the procedure to be more robust.

The Committee noted that as long as the rules set out in the constitution were correctly followed the council would not leave itself open to external challenge.

The Committee further noted that it would be possible to establish a better monitoring of the use of this procedure to ensure that a full audit trail can be established.

Financial Advice

The Management Committee considered evidence from Sue Bamforth, Head of Finance and Business Development, as the Council's Section 151 Officer, on the financial implications of the council using its urgent actions procedure.

The Committee were informed that where urgent actions involved the use of contingencies these were inputted into the budgetary process following the report back to the Executive. There was a danger that the Council could over commit its funds if this was incorrect when the Executive considered other budgetary implications. It was important that the council knew all the calls on its budget.

The Committee noted that the Council's Section 151 Officer would challenge the use of an urgent action if there were financial concerns with it.

Executive

The Management Committee considered evidence from Councillor Elaine Woodburn, Leader of the Council, on the Executive's views on the adequacy and efficiency of the urgent actions procedure.

The Committee were informed that the Executive had six months ago made it clear to the Council's Corporate Team that it was unhappy with the amount of urgent actions that were being used.

The Committee noted that a report was submitted to the next meeting of the Executive following the signing of the urgent action form. However that report was only a copy of the completed pro forma with no further information on the progress of the action.

The Committee further noted that the financial limit for Executive Portfolio Holders to vire money under delegated authority was currently £5,000 as long as it was within the Council's budget and policy.

3. RECOMMENDATIONS

The Management Committee, after considering all the evidence, agreed that there were a number of recommendations it would wish to make. These were:

The Management Committee noted that there had been 27 urgent actions used in 2006 and 18 so far in 2007. It considered that these were far too many and that the procedure should not be used so frequently.

(A) The Executive be requested to ask Corporate Team to advise all officers that there have been too many urgent actions used over the last two years.

The Management Committee considered that the draft guidance notes for the use of the urgent actions were particularly helpful. and should be used as the council's procedure for urgent action. The guidance note gave more clarity to the procedure and set out a more defined procedure for ensuring that the reasons for urgency were adequate.

The Committee made a number of changes to the draft guidance note that was appended to the report to the committee and agreed that the amended note should be used as the council's procedure for urgent action.

(B) ensure that the guidance notes appended to this report be used as the Council's procedure for urgent action,

Further to recommendation (A) the Committee felt that there was a need to tighten up the rules for urgent actions to ensure that only urgent actions were being applied to this procedure. The Committee noted that the proposed guidance note required a more explicit examination of the need for urgency under part A of the guidance note.

(C) that officers be informed that part A of the guidance note requiring that the reasons for urgency are adequate be more stringently applied,

The Committee noted that at present the completed pro forma for urgent action was copied to the Executive as the reporting back part of this process. Whilst this information included the reasons for urgency it gave no indication as to what had happened and the success or not of the urgent action.

It was felt that to give the Executive and the Overview and Scrutiny Management Committee a better understanding of the issues involved that this report back should include the results of the urgent action.

(D) that the report back to the Executive on the urgent action should include the results of the action that has been taken,

The Committee noted that whilst there was a list of urgent actions kept in members services that enabled the urgent actions to be monitored to ensure reports were submitted to the Executive following the signing of the pro forma this was not available to members of the council.

The Committee felt that it would be useful for all members of the public to see a list of the urgent actions that was regularly updated so that they were kept up to date particularly for actions that fell within their wards.

It was also important that as a number of urgent actions had financial implications that this list include the budgetary implications especially where it involved the use of contingencies.

(E) that a list of urgent actions detailing the current position of the actions covering the financial position particularly the effect on contingencies be made available to all members of the council,

The Committee were concerned that at present there did not seem a full distribution of the completed pro forma once it had been fully signed back to the signatories to the form.

It was particularly important for this to be sent to the Finance Department as soon as the forms had been signed to ensure that the Department recorded the action at that stage and the budgetary implications assessed. The Committee did not want to see a mistake being made on the level of contingencies due to a delay in the recording of an urgent action.

(F) when an urgent action has been signed by all the relevant signatories a copy of the completed form be sent to all those signatories,

The Committee noted that Executive Portfolio Holders were allowed to vire up to £5,000 from existing budgets under delegated authority as long as it was within the Council's budget and policy framework.

The Committee felt that as this figure had not been increased for a number of years it would be worthwhile to review this financial limit to find out if a higher figure would now be more appropriate.

(G) the executive review the financial limit that can be used as delegated authority by Executive Portfolio Holders, and

The Committee felt it would be worthwhile for the use of urgent actions to be monitored and a report submitted to the committee in six months time on the progress that has been made,

(H) that the use of urgent actions be monitored and a report be submitted to the management committee in six months time on progress made.

4. CORPORATE PLAN

There is one applicable action in the Corporate Plan. This is:

Action	Outcomes (measurable)	Target date
Undertake a review of governance and constitutional issues	A fit for purpose organisation recognised through external scrutiny	2012

5. CONCLUSION

The Executive is invited to consider the recommendations of the Overview and Scrutiny Management Committee at the head of this report.

List of Appendices

Appendix "A" – Guidance Notes on Urgent Actions

List of Background Documents:

None