

## **URGENT ACTIONS**

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**Recommendation: that the Committee undertake a review of the Council's Urgent Actions Procedure.**

### **1. BACKGROUND**

This 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 at this meeting.

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.

### **2. ISSUES TO BE CONSIDERED**

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 Council's current procedures are detailed within the constitution and are shown for reference at Appendix "A".

#### **A. Legal and Procedural**

##### **Legal**

Incorrect decision making can lead to decisions being made that can cause the decisions being challenged through the courts or through other avenues such as the Ombudsman. The task and finish group will need to answer a number of questions such as:

- What are the legal implications of using the urgent actions procedures?
- Is the Council leaving itself open to external challenge by using this procedure?
- Should urgent actions be open to scrutiny and potentially called in?
- Should urgent actions be reported to Scrutiny Committee as well as the Executive?

## **Procedural**

Council decision making procedures should be clear, transparent and effective. The task and finish group will need to answer a number of questions such as:

- Does the urgent actions procedure achieve clear lines of accountability?
- Are all urgent decisions really that urgent?
- Is there another procedure that the Council can use that would be more effective?
- Are decisions recorded in a proper manner?
- Can this procedure be more robust?
- Are decisions available to scrutiny from the public?
- Are the right people being consulted?
- Is the guidance on urgent actions being properly applied?

Tim Capper, the Council's Democratic Services Manager will be available at 11.00 am to provide evidence on these areas.

## **B. Financial**

A number of the urgent actions currently being undertaken by the council involve tenders and the negotiation of contracts. The use of urgent actions can have an unnecessary effect on the Council's financial reporting systems and budget planning process. The task and finish group will need to answer a number of questions such as:

- How do urgent actions comply with financial regulations?
- Is there a sufficient audit trail?
- What effect does the use of urgent actions have on the budgetary process?

Sue Bamforth, as the Council's Section 151 Officer, will be available at 11.30am to provide evidence on this area.

### **C. Executive**

As these are decisions that would normally be made by the Executive it would be important to get the views of the Executive on the adequacy and efficiency of the urgent action procedure.

- Are the Executive happy with the number of urgent decisions being used?
- Would it prefer to see some of these decisions being made at meetings of the Executive?

Elaine Woodburn, Leader of the Council, will be available at 12.00 noon to provide evidence on this area.

### **3. 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

### **4. BENCHMARKING**

The other Councils in Cumbria have been asked what their procedures are for allowing urgent actions and how often they have used them in the last year. The results of this as well as other authorities in England are at Appendix "B".

### **5. CONCLUSION**

The Committee is invited to undertake its review of the Council's urgent actions procedure.

#### **List of Appendices**

Appendix A – The Council's current procedures

Appendix B – Other authorities' procedures

Appendix C – 2006 and 2007 Urgent Actions

#### **List of Background Documents:**

None