

URGENT ACTIONS – SCOPING

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Recommendation: that

(A) a review of the Council’s Urgent Actions Procedure be taken at the meeting on 10 August 2007, and

(B) the Terms of Reference for the review be as set out in section 1.4 below.

1. BACKGROUND

1.1 The Overview and Scrutiny Performance and Resources Committee at its meeting on 15 March 2006 agreed that a review of urgent actions in the past year be undertaken (OSC-PR115).

1.2 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 “.

1.3 It is recommended that the Management Committee itself should undertake this review. It is anticipated that the witnesses could be considered at one meeting.

1.4 The Committee is invited to agree a terms of reference for the review. A proposed terms of reference is:

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

2. ISSUES TO BE CONSIDERED

As an internal corporate process the Council needs to ensure the robustness of the urgent actions procedure. The key areas to consider are legal,

procedural and financial.

A. 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?

It is suggested that Martin Jepson, the Council's Monitoring Officer be requested to provide evidence on this area.

B. 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?

It is suggested that Tim Capper, the Council's Democratic Services Manager be requested to provide evidence on this area.

C. 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?

It is suggested that Sue Bamforth or Catherine Nicholson, as the Council’s Section 151 Officer, be requested to provide evidence on this area.

D. Executive

As these are decisions that would normally be made by the Executive it would 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 meeting of the Executive?

It is suggested that Elaine Woodburn, Leader of the Council and/or Alan Holliday, as the relevant Portfolio Holder be requested to attend to give their views on these issues.

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. PUBLIC CONSULTATION AND PUBLICITY

As an internal procedure there has been no public consultation or publicity given on this matter.

6. CONCLUSION

The Committee is invited to approve and amend, as appropriate, the recommendations at the head of this report to enable the review of the Council's urgent actions to be undertaken.

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