

- 8.24 The minutes of the meeting, presented in Appendix 15(c) make it clear members were "willing to grant approval over the telephone in an emergency" (see minute no.29).
- 8.25 The committee paper (16.12.87) in Appendix 15(a) is a further revision of Secure Accommodation procedures "incorporating the views expressed by the Sub-Committee on 4.12.87". The changes incorporated in paras 4.2.1. and 5.2.1. act to strengthen the Chair/Vice-Chair's involvement in an emergency. However, it is important to note new paras 4.2.2. and 5.2.2. introduce the need for an immediate written record of action taken concerning an emergency placement or an application for an order respectively.
- 8.26 Appendix 16(b) contains the appropriate minutes of the meeting which confirm member's agreement to the amendments.
- 8.27 It is this sequence of decision-making which established a practice which is counter to the general understanding of Chair's action in the regulation of the business of the Council.
- 8.28 In Standing Orders (Appendix 10) Urgent Action on behalf of the committees of the Council is spelt out in paragraph 69(1). The Code of Practice for Members (Appendix 11) states categorically in paragraph 4.3 "The Council has no legal power to delegate functions to any individual member, nor can Urgent Action between committees be taken by the Leader or Chairs of committees acting alone". In Appendix 4 of the Code of Practice Urgency Action is fully explained.
- 8.29 Despite this, it had become "custom and practice" that before an urgent request for secure accommodation could be made the oral "agreement" of the Chair or Vice-Chair had to be sought. This is precisely what happened in N's case. To discover exactly how the decision was made has meant relying on the memories of the people involved, largely because "custom and practice" has been not to minute formally decisions other than those which result in obtaining a secure accommodation order, despite the procedure in paras 4.2.2. and 5.2.2. and the proforma in the revised manual agreed on 16.12.87 (Appendix 16(a)).
- 8.30 In N's case it would appear that social worker advice that N should, for a period, be placed in secure accommodation was not agreed by the Chair and the outcome was that secure accommodation was not sought.
- 8.31 Several points flow from this statement. Whatever the outcome, decisions made in this manner are, in effect, taken by officers, even if those decisions are contrary to their own advice, because the "council has no legal power to delegate functions to any individual member". However, the Investigator is not entirely convinced that members fully recognised this as a fact.
- 8.32 It is important to point out that all members shortly after election do sign the Declaration of Acceptance of Office (see Appendix 18); that certainly after the last local government elections a day's induction seminar was arranged for newly elected members (see Appendix 17) and there is a printed form for action under Written Urgency Procedures (Appendix 19). So there should be no confusion.