

# Overview and Scrutiny Committee

Monday February 1 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

## Supplemental Agenda

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| <b>Item No:</b><br><b>8</b>       | <b>Classification:</b><br>OPEN | <b>Date:</b><br>1 February 2010 | <b>Meeting Name:</b><br>Overview & Scrutiny Committee |
| <b>Report Title:</b>              |                                | Councilor Call for Action:      |   |
| <b>Ward(s) or Group affected:</b> |                                | All                             |   |
| <b>From:</b>                      |                                | Head of Overview & Scrutiny     |   |

## RECOMMENDATION

1. That the committee consider whether a councillor call for action received from Councillor Smeath is valid in accordance with the councillor call for action protocol.
2. If it is considered valid, that the committee refer the call for action to an appropriate scrutiny committee.

## BACKGROUND INFORMATION

3. The councillor call for action (CCfA) is a means for members to escalate matters of ward concern to an overview and scrutiny committee. A CCfA is intended to be a measure of last resort and not to be used until all other avenues have been exhausted.
4. The ward member must demonstrate that they have sought to address the issue through all existing means. The committee or sub-committee giving the CCfA initial consideration will not agree that it is valid, or refer it on for scrutiny, unless it is satisfied that:
  - the councillor has made all reasonable efforts to resolve the matter via dialogue with council officers and or relevant partners; and
  - the issue of concern is a matter in respect of which the council has a statutory power or duty to deal with which is not precluded by legislation; and
  - the issue of concern has a demonstrable impact on a part or the whole of a councillor's ward.
5. Before referral on for scrutiny, the member sponsoring the CCfA must provide documentation to show that they have taken the following steps:
  - made the relevant service request/members' enquiry/letter to relevant other agency;
  - raised the issue with executive member or senior representative of partner agency;

- raised the issue of concern at Safer Neighbourhood Panel (for relevant crime and disorder matters) or
  - raised the issue of concern at area level
6. The scrutiny committee giving the CCfA initial consideration may reject it as not valid if it is:
- not a matter for which the local authority or its partners has a responsibility, or does not affect the borough
  - defamatory, frivolous or offensive
  - substantially the same as a CCfA which has been put to any meeting of the council in the past six months
  - a matter relating to a planning decision
  - a matter relating to a licensing decision
  - a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or appeal by or under any enactment

#### **CALL FOR ACTION**

7. The CCfA received from Councillor Smeath is attached as Appendix A.
8. The protocol requires that the CCfA set out:
- which councillor is sponsoring (if more than one councillor sponsoring)
  - agency responsible for service(s)
  - background – including details of attempts to resolve matter via other means
  - issues for consideration
  - desired outcomes
  - a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or appeal by or under any enactment
9. After initial consideration of the CCfA by the committee, the head of overview & scrutiny will inform the sponsoring councillor within three working days of whether the CCfA is considered valid or is rejected. If valid, the CCfA will be referred to an appropriate scrutiny committee. If rejected, the committee may give advice and or signposts on other appropriate ways forward to help resolve the matter.

**BACKGROUND DOCUMENTS**

| <b>Background Papers</b>               | <b>Held at</b>                      | <b>Contact</b>  |
|--|-------------------------------------|---|
| Agenda – Overview & Scrutiny Committee | 160 Tooley Street<br>London SE1 2TZ | Peter Roberts<br>Constitutional Team<br>020 7525 4350 |

**Audit Trail**

|   |  |                          |
|---|--|--------------------------|
| <b>Lead Officer</b>   | Shelley Burke, Head of Overview & Scrutiny |                          |
| <b>Report Author</b>  | Peter Roberts, Scrutiny Project Manager    |                          |
| <b>Version</b>  |  |                          |
| <b>Dated</b>  |  |                          |
| <b>Key Decision?</b>  | No   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b> |  |                          |
| <b>Officer Title</b>  | <b>Comments Sought</b>                     | <b>Comments included</b> |
| Communities, Law & Governance   | Yes  | -                        |
| Executive Member  | No   | -                        |

## APPENDIX A

Councillor Call for Action Proforma**Presentation of information on the changing facilities at Homestall Road and the one o'clock club on Peckham Rye Common.**

|  |  |
|--|--|
| 1. Councillor's name<br>(this will be the 'lead councillor')   | Cllr Robert Smeath   |
| 2. Please set out here the nature of the issue you wish to raise as a CCfA and the agency responsible – please include reference to any key documents you wish the scrutiny team to include: | I would like OSC to consider the way in which information was presented in the lead up to the decision by the Executive to authorise expenditure on changing facilities at Homestall Road and the one o'clock club on Peckham Rye Common.  |
| 3. Please set out chronologically the attempts that have been made to resolve the matter previously and the outcomes of these:   | (Note: please include dates and accompanying evidence or references where appropriate).<br><br>The matter was discussed at a number of meetings of the Nunhead and Peckham Rye Community Council. I am advised that much of the information is contained within the Council's systems as the matter has been considered at all stages of the complaints procedures.  |
| 4. Please set out the purpose of raising the issue as a CCfA and what you would like to happen as a result:  | There are three main purposes:<br>1. It has been suggested that the way in which information was presented by officers was in breach of the constitution. Clearly any such matter should be thoroughly examined.<br><br>2. It took officers considerable time to return to Community Council with a proposal on which the Executive could make a decision. In a ward like Peckham Rye with a lack of community space and a well used facility like the one o'clock club which was operating from cramped premises this delay was not welcome. It appeared that one officer was grappling with the matter alone and that there was no clear line management structure which would provide an impetus to a swifter decision.<br><br>3. A feasibility study was commissioned which was said to favour the split site option but which it has been alleged was not conclusive and missed certain key information or which was misinterpreted. Clearly any decision maker needs the best and clearest information and if this was not the case then the decision is weakened. If this was the case then lessons need to be learned. |

|   |   |
|---|---|
|   | <p>My reason for calling for this action is to see what lessons can be learned for the future and to make recommendations (if appropriate) for a better process for similar projects in future. If as a result of the scrutiny any improvements can be made to the facilities in Peckham Rye Ward that would be good, although as work has already started this seems unlikely.</p> |
| <p>5. Please set out any suggestions you have for individuals (whether officers of the council, partners or otherwise) who you would like invited to the meeting to contribute to the discussion:</p> | <p>The officers involved with the CGS projects and the MUC proposal in particular as well as those who supervise the team and the process would be useful. In addition, the consultants who prepared the feasibility study should be asked to attend.</p>   |

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|  |                      | Roy Fielding, GMB/APEX Office, Manor Place Depot<br>30-34 Penrose Street, SE17 3DX | 1         |
| <b><u>EDUCATION REPRESENTATIVES ON OSC</u></b> |                      |  |           |
| Revd Nicholas Elder                            | 1                    | Mick Young, TGWU/ACTS, 177-179 Walworth Rd<br>London SE17 1RW                      | 1         |
| Colin Elliott                                  | 1                    |  |           |
| Jane Hole                                      | 1                    |  |           |
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| Councillor Nick Stanton                        | 1                    |  |           |
| Councillor Kim Humphreys                       | 1                    |  |           |
| <b><u>OTHER MEMBERS</u></b> [on request]       |                      |  |           |
| Councillor Peter John                          | 1                    | <b>TOTAL HARD COPY DISTRIBUTION</b>  | <b>60</b> |

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