

<b>Item No:</b> 1	<b>Classification:</b> OPEN	<b>Date:</b> 6 <sup>th</sup> APRIL 2004	<b>Meeting Name:</b> OVERVIEW & SCRUTINY COMMITTEE
<b>Report Title:</b>		Call-In: Community Council Capital Programme	
<b>Ward(s) or Group affected:</b>		All Wards	
<b>From:</b>		Head of Corporate Strategy	

### RECOMMENDATION

1. That the Committee considers a call-in request relating to the decision taken by the Executive on 30<sup>th</sup> March 2004 in respect of the capital resource allocations made to Community Council for *Cleaner, Greener, Safer* expenditure.

### BACKGROUND INFORMATION

2. On 2<sup>nd</sup> March the Executive allocated £3m from the Capital Programme to Community Councils for local expenditure on *Cleaner, Greener, Safer* projects. At this meeting the Executive asked for a further report in respect of the allocation formula for the overall programme and the bidding process for *Improvements to Playgrounds*.
3. On 30<sup>th</sup> March 2004 the Executive considered the Chief Executive's report [Agenda Item 7: Community Council Capital Programme], which sought approval for the *Cleaner, Greener, Safer* Capital Programme objectives and criteria, and the Executive's selection of an allocation formula for 2004/05. The Executive approved the objectives and criteria for the programme as a whole, for the Improvement to Playgrounds Capital Programme, and recommended that Community Councils consider those bids for tree-planting that had not been successful in 2003/04. In addition, the Committee agreed that capital resource allocations to Community Councils for *Cleaner, Greener, Safer* expenditure within their own boundaries be based on Option F as set out in the report.
4. On 5<sup>th</sup> April 2004 the Chair of Overview & Scrutiny Committee - Councillor Kim Humphreys - and three members of the Committee (Councillors Barrie Hargrove, Billy Kayada and Andy Simmons) requested a call-in of this decision.

The reason given for the call-in was as follows:

*"There is no apparent link between crime levels and money to be allocated for community safety purposes".*

5. Previous reports/minutes relating to this item are attached as follows, i.e.

Appendix A: Executive report [30<sup>th</sup> March 2004]: Community Council Capital Programme;

Appendix B: Executive Minutes of 30<sup>th</sup> March 2004 meeting;

Appendix C: Call-In request dated 5<sup>th</sup> April 2004.

### **KEY ISSUES FOR CONSIDERATION**

6. Requests for call-in should normally only be made if there is evidence that the Executive did not take a decision in accordance with the principles of decision making as set out in the Constitution:
  - (a) Proportionality (i.e. the action must be proportionate to the outcome)
  - (b) Due consultation and the taking of professional advice from Officers
  - (c) Respect for human rights
  - (d) Presumption in favour of openness
  - (e) Clarity of aims and desired outcomes
  - (f) The link between strategy and implementation must be maintained
  - (g) Decision-making generally, whether by individual Officers, individual Executive Members or the Executive collectively, should have reference to the policy framework and be in accordance with the budget
7. The Overview and Scrutiny Procedure Rules require the Committee to consider any call-in request and in particular whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget. Advice should be sought from appropriate Chief Officers including the Monitoring Officer and the Chief Finance Officer.
8. If, having considered the decision and all relevant advice, the Overview & Scrutiny Committee is still concerned about it, then it may either:
  - refer it back to the decision-making body [*or officer to whom responsibility for that decision was delegated*] for reconsideration, setting out in writing the nature of its concerns; or
  - refer the matter to Council Assembly if the decision is deemed to be outside the policy and budget framework.
9. The Members of the Executive with relevant portfolio responsibilities have been advised of this meeting.

### **LEGAL & FINANCIAL IMPLICATIONS**

10. Rule 18.6 of the Overview and Scrutiny Procedure Rules requires a call-in request to be signed by the Chair or Vice-Chair of the Overview and Scrutiny Committee plus three members of the Committee; the call-in request has been

validly made in accordance with this rule. Rule 18.2 which sets out the circumstances in which call-in requests should normally be made is reflected in paragraph 5 of this report. The decision of the Executive is not contrary to the policy framework and accords with the budget.

### BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Executive Agenda, Reports and Minutes	Constitutional Team Town Hall, Peckham Road, London SE5 8UB	Everton Roberts Tel: 0207 525 7221

### AUDIT TRAIL

Lead Officer	Ian Hughes, Head of Overview & Scrutiny	
Report Author	Lucas Lundgren, Scrutiny Project Manager	
Version	Final	
Dated	6 <sup>th</sup> April 2004	
Key Decision ?		
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	No	
Chief Finance Officer	No	
Executive Member	No	