

Item No: 1	Classification: Open	Date: 6 March 2006	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-In: Gateway 2 – Contract Award Approval - Peckham Pulse Water Leak Repairs Contract - Construction works by Makers UK Ltd (the preferred contractor)	
Ward(s) or Group affected:		Peckham and other wards	
From:		Head of Overview & Scrutiny	

RECOMMENDATION

1. That Overview & Scrutiny Committee considers a call-in request relating to the decision taken by the Strategic Director of Environment and Leisure on 22 February 2006 in respect of Gateway 2 – Contract Award Approval - Peckham Pulse Water Leak Repairs Contract - Construction works by Makers UK Ltd (the preferred contractor).

BACKGROUND INFORMATION

2. On 22 February 2006 the Strategic Director of Environment and Leisure approved the recommendations of a report about Gateway 2 – Contract Award Approval - Peckham Pulse Water Leak Repairs Contract - Construction works by Makers UK Ltd (the preferred contractor) [Appendix A].
3. On 1 March 2006 the Chair of Overview & Scrutiny Committee - Councillor Kim Humphreys - and three members of the Committee (Councillors Barrie Hargrove, Fiona Colley and Andy Simmons) requested call-in of the decision on the grounds of the Quantity Surveyors, Franklin & Andrews, being unable to recommend acceptance of Maker's (the proposed Contractor) tender:

“Within Franklin & Andrews’ Tender Stage 2 Report there are numerous reasons given for this and consequently this gives grounds for considerable doubt as to the proposed Tender/Contractor's suitability to complete the contract according to the Council's (& by extension Fusion's), the Council taxpayers’ and the Peckham Pulse Users’ best interests.”

4. It is considered that this decision is in breach of section 18.2(b) of the Overview and Scrutiny Procedure Rules in the Constitution in respect of the principles of decision-making, i.e. due consultation and the taking of professional advice from officers.

KEY ISSUES FOR CONSIDERATION

5. 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:
 - Proportionality (i.e. the action must be proportionate to the outcome);
 - Due consultation and the taking of professional advice from Officers;
 - Respect for human rights;
 - Presumption in favour of openness;
 - Clarity of aims and desired outcomes;
 - The link between strategy and implementation must be maintained;

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.

6. 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.
7. 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.
8. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

9. Rule 18.6 of the Overview and Scrutiny Procedure Rules requires a call-in to be requested 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.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Gateway 1 – Procurement Strategy Approval Peckham Pulse Water Leak Repairs	Environment & Leisure Department, Sport & Parks Division, 186 Walworth Road, London SE 17	Nigel Robinson, Strategic Development Manager for Sport
Gateway 2 – Contract Award Approval Pre-Construction Services Contract Peckham Pulse Water Leak Repairs		
Report of the Director of Environment and Leisure Services to the Executive Committee (22 November 2005) Peckham Pulse – Swimming Pool Restoration		

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	01/03/06	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	No	
Chief Finance Officer	No	
Strategic Director of Regeneration	No	
Executive Member	No	