

<b>Item No:</b> <b>1</b>	<b>Classification:</b> Open	<b>Date:</b> 27 February 2006	<b>Meeting Name:</b> Overview and Scrutiny Committee
<b>Report Title:</b>		Call-In: Chief officer-delegated decision of 31 January 2006 in respect of Herne Hill and North Dulwich Controlled Parking Zone Review	
<b>Ward(s) or Group affected:</b>		All Wards	
<b>From:</b>		Head of Overview & Scrutiny	

### **RECOMMENDATION**

1. That Overview & Scrutiny Committee considers a call-in request relating to the key decisions taken by the Strategic Director of Environment and Leisure on 31 January 2006 in respect of "Herne Hill and North Dulwich Controlled Parking Zone Review".

### **BACKGROUND INFORMATION**

2. On 31 January 2006 the Strategic Director of Environment & Leisure approved the recommendations of a report about the Herne Hill and North Dulwich Controlled Parking Zone Review [Appendix A]. The second recommendation was that the proposed North Dulwich proposed CPZ would not be furthered for implementation.
3. On 9 February 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. It is considered that this decision is in breach of section 18.2(e) of the Overview and Scrutiny Procedure Rules in the Constitution in respect of the principles of decision-making, i.e. clarity of aims and desired outcomes.

### **KEY ISSUES FOR CONSIDERATION**

4. 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.

5. 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.
6. 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.
7. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

#### **LEGAL & FINANCIAL IMPLICATIONS**

8. 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**

<b>Background Papers</b>	<b>Held at</b>	<b>Contact</b>
Record of key decisions taken under delegated authority	Constitutional Team Town Hall, Peckham Road, London SE5 8UB	Ian Millichap Tel: 0207 525 7225

## Audit Trail

<b>Lead Officer</b>	Shelley Burke, Head of Overview & Scrutiny	
<b>Report Author</b>	Carina Kane, Scrutiny Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	10/02/06	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	No	
Chief Finance Officer	No	
Strategic Director of Regeneration	No	
<b>Executive Member</b>	No	