

Item No: 2	Classification: OPEN	Date: 13 July 2004	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Executive Decision of 22 June 2004, Item 19: Motion Referred From Council Assembly on 28 April 2004 – East Dulwich Estate.	
Ward(s) or Group affected:		All Wards	
From:		Head of Overview and Scrutiny	

RECOMMENDATION

1. That the Committee considers a call-in request relating to the decision taken by the Executive on 22 June 2004 in respect of the refurbishment of the East Dulwich Estate.

BACKGROUND INFORMATION

2. On 28 April 2004, Council Assembly heard a deputation from the East Dulwich Estate Tenants and Residents Association requesting that alternatives to the current proposals for the refurbishment of the estate are considered which do not involve block demolition to pay for required works. The current Council policy was a £20million refurbishment of the estate with £4.9million of this funding being raised from land sales on the estate.
3. The following motion was carried at Council Assembly, and referred to Executive for consideration:
 - That the commitment from the Leader of the Council in October 2002 to support the proposal for funding regeneration of the East Dulwich Estate without the need for any land sales or demolition of homes on the Estate, subject to such a proposal being lawful, be noted
 - that in light of the representations from the deputation as to the impact of new government funding regulations effective from 1st April 2004, that Executive urgently take appropriate legal advice and consider the implementation of the alternative funding proposal for the regeneration of the Estate
 - that Executive report back on the progress of this matter at the June 2004 Council Assembly.
4. On 22 June 2004 the Executive considered the motion, and heard a deputation from the East Dulwich Estate Tenants and Residents Association. Executive agreed that officers continue with the current council policy (i.e. that there be a £20 million refurbishment of the estate with £4.9 million of this funding being

raised from land sales on the Estate). Executive also agreed that as far as possible, officers should do their utmost to offer every tenant affected by demolition a straight choice of remaining on the estate as a council tenant or as a registered social landlord tenant.

5. On 2nd July 2004 the Chair of Overview & Scrutiny Committee - Councillor Kim Humphreys - and three members of the Committee (Councillors Fiona Colley, Barrie Hargrove and Andy Simmons) requested a call-in of this decision.

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

"Concerns regarding the analysis of the project based on historic valuations of land, both on the East Dulwich Estate and other associated disposals"

6. Previous reports/minute relating to this item are attached as follows, i.e.

Appendix A: Executive report [22 June 2004]: Item 19: Motion referred from Council Assembly on 28th April 2004 – East Dulwich Estate

Appendix B: Executive Minutes of 22 June 2004 meeting

Appendix C: Call-in request dated 2 July 2004.

KEY ISSUES FOR CONSIDERATION

7. 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.
8. 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.

9. 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.
10. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

11. 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	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Carina Kane, Scrutiny Project Manager	
Version	Final	
Dated	6 July 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	-