

Item No: 2	Classification: OPEN	Date: 20 December 2004	Meeting Name: OVERVIEW & SCRUTINY COMMITTEE
Report Title:		Call-In: Gateway 2 – Contract Award Approval – Home To School Transport Contract Award	
Ward(s) or Group affected:		All Wards	
From:		Head of Overview and Scrutiny	

RECOMMENDATION

1. That Overview & Scrutiny Committee considers a call-in request relating to the Closed key decision taken by the Executive on 30 November 2004 in respect of Gateway 2 – Contract Award Approval – Home to School Transport Contract Award.

BACKGROUND INFORMATION

2. On 30 November 2004 the Executive approved the acceptance Gateway 2 – Contract Award Approval – Home To School Transport Contract Award.
3. On 8 December 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 call-in of this decision [Appendix B]. The reasons given for the call-in request were as follows:

“Reason – concerns about:

- (1) uncertainty surrounding TUPE implications*
- (2) uncertainty around financial implications of decisions*
- (3) use of telephone interviews*
- (4) equality implications*

Any alternative course of action will arise from the meeting. It is not clear if the decision is outside the policy or budget framework.”

4. The report on this item and record of the original Executive decision are contained in the closed Agenda for this meeting. The papers are not for publication by virtue of category 8 of paragraph 10.4 of Southwark Council’s Access to Information Procedure Rules.

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:
 - (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
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

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Fitzroy Williams, Scrutiny Project Officer	
Version	Final	
Dated	14 December 2004	
Key Decision ?	Yes	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBERS		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	No	-
Chief Finance Officer	No	-
Executive Member	No	-