

<b>Item No:</b> <b>1</b>	<b>Classification:</b> OPEN	<b>Date:</b> 6 January 2005	<b>Meeting Name:</b> OVERVIEW & SCRUTINY COMMITTEE
<b>Report Title:</b>		Call-In: Executive decision of 14 December 2004 in respect of Integrated Waste Management Solutions Programme – PFI DEFRA Affordability Requirements	
<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 Closed key decision taken by the Executive on 14 December 2004 in respect of Integrated Waste Management Solutions Programme – PFI DEFRA Affordability Requirements.

### **BACKGROUND INFORMATION**

2. On 14 December 2004 the Executive approved the revised affordability position required by the Department for Environment, Food & Rural Affairs [DEFRA].
3. On 22 December 2004 the Chair of Overview & Scrutiny Committee - Councillor Kim Humphreys - and three members of the Committee (Councillors Barrie Hargrove, Peter John and Billy Kayada) requested call-in of this decision [Appendix B]. The reasons given for the call-in request were as follows:

*“So that the impact of various possible changes in assumptions can be fully explored, that the implication of DEFRA’s offer of £34.5 million PFI credits rather than the £40 million bid for be examined, and before this Council becomes considerably closer to being committed to a 25 year PFI contract which will inevitably create budgetary pressures during this period.”*

4. The Executive 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 The papers are not for publication by virtue of category 8 of paragraph 10.4 of Southwark Council’s Access to Information Procedure Rules.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:
  - 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 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

<b>Lead Officer</b>	Shelley Burke, Head of Overview & Scrutiny	
<b>Report Author</b>	Lucas Lundgren, Scrutiny Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	4 January 2005	
<b>Key Decision ?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/EXECUTIVE MEMBERS</b>		
Officer Title	Comments Sought	Comments Included
Borough Solicitor & Secretary	No	-
Chief Finance Officer	No	-
Executive Member	No	-