

Item No. 54	Classification: OPEN	Date: 6 MARCH 2003	MEETING NAME OVERVIEW & SCRUTINY COMMITTEE
Report title:		Call-in: Short Life Returns 2002 – Approval of Tender Package 1 (Decision taken under delegated authority)	
Ward(s) or groups affected:		Cathedrals	
From:		Borough Solicitor & Secretary	

RECOMMENDATION

1. That the Committee consider a call-in request relating to the decision taken by the Director of Housing under delegated authority on 26 February 2003 to accept a tender for refurbishment of six properties in Brook Drive, (referred to as Package 1), prior to their return to the Council's stock after having been "short-lived" to Housing Associations for a number of years.

BACKGROUND INFORMATION

1. On 26 February 2003 the Director of Housing considered a Closed report from Library Street Neighbourhood Housing Office seeking approval for the acceptance of a tender for refurbishment of six properties in Brook Drive, (referred to as Package 1), prior to their return to the Council's stock after having been "short-lived" to Housing Associations for a number of years. A copy of the Closed report from Library Street Neighbourhood Housing Office is presented in the Closed section of the Agenda papers.
2. The Director of Housing approved the tender.
3. On 3 March 2003 the Chair of Overview & Scrutiny Committee, Councillor Kim Humphreys, and three members of the Committee (Councillors Aubyn Graham, Barrie Hargrove and Andy Simmons) requested a call-in of this decision.
4. The reasons given for the call-in were as follows:

"To review whether there were "any alternative options for consideration" [para 4.1] and to consider the recent management of these properties".
5. Copies of briefing information and previous reports/minutes relating to this item are attached as follows, i.e.

Appendix A: Shortlife Review Programme – Officer Briefing

Appendix B: Correspondence: Southwark Federation of Shortlife Users to Southwark Housing [7/04/00]

Appendix C: Report to Ratification Committee 3/07/00 – Item 8 "A Programme for Shortlife Properties"

Appendix D: Minute of decision of Ratification Committee 3/07/00 - Item 8 "A Programme for Shortlife Properties"

- Appendix E: Report to Executive Committee 3/12/02 – Item 144 “Disposal of Former Shortlife Properties”
- Appendix F: Minute of decision of Executive 3/12/02 - Item 144 “Disposal of Former Shortlife Properties”
- Appendix G: Reports to Housing Committee 13/10/99 – Item 64 “Request for Deputation: Southwark Federation of Shortlife Housing Users” & Item 65 “Shortlife Review – Options Report”
- Appendix H: Minute of decision of Housing Committee 13/10/99 - Item 64 “Request for Deputation: Southwark Federation of Shortlife Housing Users” & Item 65 “Shortlife Review – Options Report”

THE FOLLOWING REPORT IS NOT FOR PUBLICATION AND IS AVAILABLE AS A CLOSED ITEM

Appendix I: Closed Report to Strategic Director of Housing 24/01/03

KEY ISSUES FOR CONSIDERATION

6. Requests for call-in should normally only be made if there is evidence that the Executive [*or officer to whom responsibility for that decision was delegated*] 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
7. 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.
8. 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.

9. The Members of the Executive with relevant portfolio responsibilities have been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

10. 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 6 of this report. The decision of the Director of Housing is not contrary to the policy framework and accords with the budget.

REASONS FOR LATENESS AND/OR URGENCY

11. The call-in request was received by the Proper Officer on 3 March 2003. Officer advice and information to support Member consideration of this matter was not available for despatch until today.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Executive Committee: <i>Agenda & Minutes</i>	Constitutional Support (Executive), Town Hall, Peckham Road SE5 8UB	Ian Millichap T: 020 7525 7225
Overview & Scrutiny Committee: <i>Agenda & Minutes</i>	Constitutional Support (Scrutiny), Town Hall, Peckham Road SE5 8UB	Lucas Lundgren T: 020 7525 7224

Audit Trail

Lead Officer	Deborah Holmes, Borough Solicitor & Secretary	
Report Author	Shelley Burke, Constitutional Support (Scrutiny) Manager	
Version	Draft	
Dated	4 March 2003	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Director of Housing	Yes	-
Chief Finance Officer	No	No
Executive Member	No	No
Date final report sent to Constitutional Support Services	-	