

Item No: 1	Classification: Open	Date: January 8 2007	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Strategic Management Arrangements (Executive December 12 2006)	
Ward(s) or Group affected:		All	
From:		Head of Overview & Scrutiny	

RECOMMENDATION

1. That overview & scrutiny committee considers a call-in request relating to the decision taken by the Executive on December 12 2006 in respect of strategic management arrangements.

BACKGROUND INFORMATION

2. On December 12 2006 the executive considered a report on strategic management arrangements (attached as Appendix 1). The executive agreed that:
 - a) the consultation document issued by the chief executive on November 27 2006 be noted
 - b) the following recommendations that the executive were required to consider be noted:
 - Delete the posts of strategic director of housing and strategic director of regeneration
 - Create two new posts, strategic director of neighbourhood regeneration and strategic director of regeneration projects
 - Redesignate the strategic director of environment & leisure as the strategic director of environment & housing
 - Formulate and agree terms of reference for the executive to sit as the major projects board
 - c) these decisions be considered at a special meeting of the executive on Tuesday January 16 2007
 - d) it be agreed to take a key decision in respect of the current arrangements for building repairs and maintenance which is set out in a separate report elsewhere on the agenda
 - e) it be noted that the chief executive will consider feedback from the consultation and prepare a report for the meeting on January 16 with proposals for final arrangements that have taken into consideration feedback from the consultation

3. On December 20 2006 the Chair of Overview & Scrutiny Committee - Councillor Fiona Colley - and three members of the Committee (Councillors Barrie Hargrove, Dominic Thorncroft and John Friary) requested call-in of the decisions on the following grounds:

“Concerns that the decision by the Executive, “That these decisions [proposed reorganisation] be considered at a special meeting of the executive on Tuesday January 16 2007”, may be unconstitutional and may be outside the policy and budget framework. The post of strategic director of housing is specified in the articles of the council's constitution and alterations to the constitution are reserved to council assembly.

Members are also concerned that the consultation process agreed was insufficient to meet the Council's legal duties to consult with tenants and residents.

4. The four members have proposed a possible alternative course of action:

“To be considered fully at the meeting. Two obvious alternatives are:

- That the proposed changes to the strategic management arrangements be fully consulted on with tenants and leaseholders via the usual consultation processes (T&RAs, Area Forums, Tenant and Leaseholder Council).
- That the decisions regarding the proposed reorganisation be considered by Council Assembly rather than Executive.”

KEY ISSUES FOR CONSIDERATION

5. The Borough Solicitor has been asked to comment on the view that the executive decision may be unconstitutional and outside the policy and budget framework.
6. Requests for call-in should normally only be made if there is evidence that the decision was not taken 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 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 Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

10. 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

Background Papers	Held at	Contact
Executive – Agenda & minutes	Town Hall, Peckham Road, London SE5 8UB	Paula Thornton Constitutional Team 020 7525 4395

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	21/12/06	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	-
Executive Member	No	