

Item No: 1	Classification: Open	Date: November 7 2006	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Appointment of an LEA primary school governor to Cathedrals School (Borough & Bankside Community Council October 17 2006) – Cover report	
Ward(s) or Group affected:		Cathedrals	
From:		Head of Overview & Scrutiny	

RECOMMENDATION

1. That Overview & Scrutiny Committee considers a call-in request relating to the decision taken by Borough & Bankside Community Council on October 17 2006 in respect of appointment of an LEA primary school governor to Cathedrals School.

BACKGROUND INFORMATION

2. On October 17 2006 Borough & Bankside Community Council appointed a governor to Cathedral Primary School.
3. On October 25 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 decision on the following grounds:

“Concerns about the lack of due consultation and the taking of professional advice from officers and a lack of openness and clarity of the aims and desired outcome of the decision taken. No reasons for the decision have been published although various reasons have been informally given by members of the committee and the administration.

Concerns have also been raised regarding the length of time taken to make this appointment and the participation of a Member with a personal interest.”

KEY ISSUES FOR CONSIDERATION

4. Borough & Bankside Community Council took its decision in closed session. Relevant papers have been circulated separately and must be considered by Overview & Scrutiny Committee in closed session.
5. 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.

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 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
Borough & Bankside Community Council – Agenda & minutes	Town Hall, Peckham Road, London SE5 8UB	Beverley Olamijulo Community Councils Team 020 7525 7234

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	30/10/06	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	-
Executive Member	No	