

Item No: 1	Classification: Open	Date: January 22 2007	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: 45 Urlwin Street Planning Decision: Potential Challenge to Secretary of State's Decision (Strategic Director of Regeneration December 19 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 strategic director of regeneration on December 19 2006 in respect of 45 Urlwin Street Planning Decision.

BACKGROUND INFORMATION

2. On December 19 2006 the strategic director of regeneration considered a report on 45 Urlwin Street Planning Decision: Potential Challenge to Secretary of State's Decision. The open report is attached as an appendix. The closed report, not for publication by virtue of category 5 of paragraph 10.4 of the Access to Information Procedure Rules, is included in the closed agenda.
3. The strategic director of regeneration decided not to pursue an appeal under s288 of the Town and country Planning Act, 1990, in respect of the Inspector's decision for 45 Urlwin Street (APP/5840/A/06/2013946).
4. On January 5 2007 the Chair of Overview & Scrutiny Committee - Councillor Fiona Colley - and three members of the Committee (Councillors Barrie Hargrove, Dominic Thorncroft and Althea Smith) requested call-in of the decision on the following grounds:

"Overview & Scrutiny Procedure Rules – rule 18.2(b), lack of due consultation and the taking of professional advice from officers: This decision is completely contrary to public opinion and to the opinion of ward councillors. There has been no consultation by the Chief Executive and the Strategic Director of Regeneration and this is a decision which has been taken without proper engagement with councillors.

Rule 18.2 (d): This whole process has been carried out behind closed doors and has not been open to public or council scrutiny. There is a feeling from local residents that the council is now trying to cover their own back following failures by the planning department. This needs to be opened up and there needs to be debate about this decision where the community can engage."

KEY ISSUES FOR CONSIDERATION

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
Key decisions taken under delegated authority	Town Hall, Peckham Road, London SE5 8UB	Richard Blakeley Constitutional Team 020 7525 7232

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version	Final	
Dated	12/01/07	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	-
Executive Member	No	