

Item No: 3	Classification: Open	Date: March 12 2007	Meeting Name: Overview & Scrutiny Committee
Report Title:		Call-in: Integrated Waste Management Solution Contract – Invitation to Negotiate (ITN) evaluation and Preferred Bidder shortlist (Executive February 13 2007)	
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 February 13 2007 in respect of the Integrated Waste Management Solution Contract – Invitation to Negotiate (ITN) evaluation and Preferred Bidder shortlist.

BACKGROUND INFORMATION

2. On February 13 2007 the executive considered a report on the Integrated Waste Management Solution Contract – Invitation to Negotiate (ITN) evaluation and Preferred Bidder shortlist. The executive noted the matters set out in the open report, which is attached as an appendix. The closed report to the executive and the related decisions of the executive have been circulated as part of the closed agenda for this meeting.
3. On February 20 2007 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:

The decisions of the Council Executive were made without:

- sufficient explanation of the numerous key issues still to be resolved with a bidder, and as a consequence
- due consideration of openness and accountability, as follow-up reports with significant implications are requested to be made in a closed set of circumstances which are not open to scrutiny.”

KEY ISSUES FOR CONSIDERATION

4. 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.

5. 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.
6. 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.
7. The Executive Member with relevant portfolio responsibilities has been advised of this meeting.

LEGAL & FINANCIAL IMPLICATIONS

8. 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	02/03/2007	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	-
Executive Member	No	