

'CALL IN' OF DECISIONS OF THE EXECUTIVE

This form is to be used for the 'calling in' of decisions of the above bodies, in accordance with the procedure set out in Section 1.3 of the Constitution.

TITLE OF MEETING	The Executive
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DATE OF MEETING	25 July 2006
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MINUTE No. AND TITLE OF ITEM	TEX 61 Recycling Service
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1. Reason for Call-In/Is it claimed to be outside the policy or budget framework?

The decision may be outside the policy framework, because the decision to bring the service in-house is contrary to Council policy to work in partnership with the voluntary sector and has the potential to adversely affect service delivery.

The Report is deficient. The situation as described is disputed by the contractor and the Terms of Business cited are the subject of a proposal for Arbitration under the contractor's contract with the Council. Council officers failed to mention the dispute and arbitration, except in passing in a last-minute laid round paper in response to the contractor's solicitors' representations. No explanation of the significance of the contractor's call for arbitration was reported.

The Executive omitted to question officers about the dispute although the Council appears to be in breach of its contractual obligations, presenting further risk.

The decision may also be outside the policy framework because no environmental or broader sustainability (including social impacts) assessment was carried out of the options.

The decision is outside the budget framework, because the decision to bring the service in-house involves unquantified risks to the budget including adverse effects on the qualifications for grants towards the service.

2. Variation of Action Proposed

This decision has exposed the council to unacceptable and as yet unquantified risks of service disruption and additional costs. We request

that the Overview and Scrutiny Committee refers the decision back to the Executive and recommends that it amends its resolutions on this item as follows:

2. Delete and insert "That negotiations with Recycling Works Services to settle terms of business for 2005/06 and 2006 be completed, and that full consideration is given to the option of the extension with RWS to the end of 2009 consistent with the recommendation (3) below.

Add new recommendation:

3. That the analysis of all the financial, service delivery, environmental and social outcomes, and risk factors for all the options for the provision of this service be carried out; and the options for recycling service delivery re-evaluated taking full account of these performance measures, including the open book accounting provisions of the existing contract, so that an option may be recommended which maximises environmental and social outcomes, maximises grants and other financial support and minimises service delivery and financial risks.

Signed:

Councillor: *Bob Hare* (Please print name): *K.V.R. HARE*

Countersigned:

1. Councillor: *J. Oakes* (Please print name): *JOHN L. OAKES*

2. Councillor: *Ben Pitkeathley* (Please print name): *BEN PITKEATHLEY*

3. Councillor: *Susan Oatway* (Please print name): *SUSAN OATWAY*

4. Councillor: *Gail Engert* (Please print name): *GAIL ENGERT*

Date Submitted:

Date Received : *2 August 2006 @ 16.27HRS*
(to be completed by the Principal Support Manager (Council))

[Signature]

Notes:

1. Please send this form to:
Clifford Hart (on behalf of the Proper Officer)
Principal Support Manager (Council)
7th Floor
River Park House
225 High Road, Wood Green, London N22 8HQ

Fax: 020 8489 2660
2. This form must be received by the Principal Support Manager (Council) by 10.00 a.m. on the fifth working day following publication of the minutes.
3. The proper officer will forward all timely and proper call-in requests to the Chair of the Overview and Scrutiny Committee and notify the decision taker and the relevant Director.
4. A decision will be implemented after the expiry of ten working days following the Chair of Overview and Scrutiny Committee's receipt of a call-in request, unless a meeting of the Overview and Scrutiny Committee takes place during the 10 day period.
5. If a call-in request claims that a decision is contrary to the policy or budget framework, the Proper Officer will forward the call-in requests to the Monitoring Officer and /or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall outside the policy or budget framework.