



Haringey Council

Overview and Scrutiny Committee

On 27th June 2011

Report Title: **Monitoring Officer's Report on the Call-In of a Decision taken by the Cabinet at its meeting on 7 June 2011 relating to savings proposed in Adult Day Care provision.**

Report of: **The Monitoring Officer and Head of Legal Services**

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Wards(s) affected: All

Report for: **Consideration by Overview and Scrutiny Committee**

1. Purpose of the report

1.1. To advise the Overview and Scrutiny Committee whether or not the decision, taken by the Cabinet on 7 June 2011 on a report entitled "**Recommended Budget Savings Decision – Adult Services Proposals in 2011 – Older Persons' Drop-In Centres; Jacksons' Lane Luncheon Club; and Cypriot Elderly and Disability Project**" falls inside the Council's policy or budget framework.

2. Introduction by Cabinet Member (if necessary)

2.1. N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1.

- N/A

4. Recommendations

- 4.1. That Members note the advice of the Monitoring Officer and Chief Financial Officer that the decision taken by the Cabinet was inside the Council's policy and budget framework.

5 Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report:

- The Council's Constitution
- HSP Strategy "Experience Still Counts"

Background

- 6.1 Under the Call-In Procedure Rules, set out in Part 4, Section H of the Council's Constitution, any 5 Members may request a Call-In even though they do not claim that the original decision was in any way outside the Council's budget/policy framework. Members requesting a Call-In must give reasons for it and outline an alternative course of action. But it is not necessary for a valid Call-In request to claim that The Cabinet or Cabinet Member acted outside its powers.
- 6.2 The Call-In Procedure Rules require the Monitoring Officer to rule on the validity of the request at the outset. The Monitoring Officer has ruled that this Call-In request complies with all the 6 essential criteria for validity.
- 6.3 The Monitoring Officer must also submit a report to Overview and Scrutiny Committee (OSC) advising whether each Cabinet decision, subject to Call-In, was inside or outside the Council's policy framework (budget framework advice, when this is relevant, is provided by the Chief Financial Officer). This is still a requirement even when those Members requesting the Call-In do not allege that the Cabinet decision was outside the policy framework. While OSC Members should have regard to the Monitoring Officer's advice, it is a matter for Members' to decide whether the Cabinet decision was inside the policy framework or not.
- 6.4 This decision should be the subject of a separate specific vote and it should be expressly Minuted.
- 6.5 It is not every Council policy that forms part of the "Budget & Policy Framework". This framework is set out at Part 3 Section B of the Constitution. It contains the most important over-arching strategies, such as the Sustainable Community Strategy, and major service plans. There would have to be a clear contravention or inconsistency with such a Plan before a Cabinet decision could be ruled to be outside the policy

framework.

Details of the Call-In and the Monitoring Officer's Response

- 7.1 The Call-In request form states, under the first heading, that the proposals in the original decision of the Cabinet "are considered to be inside the policy and budget framework".
- 7.2 The Monitoring Officer agrees that this decision falls within the policy framework for the reasons set out as follows.
- 7.3 There is no policy or Council Strategy that relates directly to the provision of drop in facilities for older/disabled people. The Call-In request form refers to the Adult Services Vision, the Putting People First Concordat and the HSP strategy Experience Still Counts and suggests that the proposals in the report are contrary to these. None of these documents represent a Council policy for the express provision of day care drop-in facilities.
- 7.4 As the Cabinet report makes clear the drop-in services affected by the recommendations in the report are 'non-assessed' services and the Council has no legal obligation to provide them.
- 7.5 As to the effects of the decisions, the Cabinet report points out the existence of similar services provided by voluntary networks such as the Age UK and the Alzheimers society and details possible ways in which some residual service could be maintained at the Jackson's Lane centre and also at the OPDIC services via user run initiatives.
- 7.6 It also notes that there has been no direct effect on service users by the withdrawal of the two management posts from CEDP.
- 7.7 The Cabinet report records the extensive consultation that has taken place with users of the staff and relevant Council staff affected and contains and comments upon an Equality Impact Assessment carried out of the proposals designed to demonstrate that the Council has had due regard to its duty to eliminate discrimination and advance equality of opportunity.
- 7.8 The Cabinet report does not run counter to any of the published key Council policies and strategies and as such the Monitoring Officer confirms that it falls within the Council's Policy framework.
- 7.9 The call in request states that this decision is within the budgetary framework. The Chief Financial Officer agrees with this view given that the initial proposal for the reduction of costs in the Older Persons' Drop-In Centres; Jacksons' Lane Luncheon Club; and Cypriot Elderly and Disability Project was specified in the Council's Medium Term Financial Planning (MTFP) report that was approved by Cabinet and subsequently by Council in February 2011. The implications of the cost reductions

were factored into the MTFP and set out within the report. The decision taken by members to approve the MTFP, and therefore this proposal, was part of the normal budget setting procedures within the Council's budgetary framework.

8. Call-In Procedure Rules

8.1 Once a Call-In request has been validated and notified to the Chair of OSC, the Committee must meet within the next 10 working days to decide what action to take. In the meantime, all action to implement the original decision is suspended.

8.2 If OSC Members determine that the original decision was within the policy framework, the Committee has three options:

- (i) Not to take any further action, in which case the original decision is implemented immediately
- (ii) To refer the original decision back to The Cabinet as the original decision taker. If this option is followed, The Cabinet must, within the next 5 working days, reconsider their decision in the light of the views expressed by OSC.
- (iii) To refer the original decision on to full Council. If this option is followed, full Council must meet within the next 10 working days to consider the decision. Full Council must either decide, itself, to take no further action and allow the decision to be implemented immediately or it must refer the decision back to The Cabinet for reconsideration.

8.3 If OSC Members determine that the original decision was outside the policy framework, the Committee must refer the matter back to The Cabinet with a request to reconsider it on the grounds that it is incompatible with the policy framework.

8.4 In that event, The Cabinet would have two options:

- (i) to amend the decision in line with OSC's determination, in which case the amended decision is implemented immediately
- (ii) to re-affirm the original decision in which case the matter is referred to a meeting of full Council within the next 10 working days.

Recommendations

9.1 That Members note the advice of the Monitoring Officer that the decision taken by The Cabinet was inside the Council's policy framework. To note the advice of the Chief Financial Officer that the decision taken by the Cabinet Member was inside the Council's budgetary framework.

Use of Appendices / Tables / Photographs

10.1 Not applicable.