



Haringey Council

Agenda item:

[No.]

Special Overview and Scrutiny Committee

On 24th August 2011

Report Title. Monitoring Officer's Report on the Call-In of a Decision taken by the Cabinet Procurement Committee at its meeting on 28 July 2011 relating to the Contract for the supply of Desktop and Laptop Hardware and associated professional Services.

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

Signed :


BERNADETTE SIMON

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Wards(s) affected: **All**

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

1. Purpose

- 1.1. To advise the Overview and Scrutiny Committee whether or not the decision, taken by the Cabinet Procurement Committee on 28 July 2011 on a report entitled "**Contract for the supply of Desktop and Laptop Hardware and associated professional Services.**" falls inside the Council's policy or budget framework.

2. Recommendations

- 2.1 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.

3. Local Government (Access to Information) Act 1985

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

The Council's Constitution

4. Background

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 This decision should be the subject of a separate specific vote and it should be expressly minuted.
- 4.5 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.

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

- 5.1 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".

- 5.2 The Monitoring Officer agrees that this decision falls within the policy framework.
- 5.3 The replacement of ageing desktops and laptops is a key component of the IT strategy agreed at Cabinet in July 2010. This proposal and proposed contract 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.
- 5.4 The call in request states that this decision is within the budgetary framework. The Chief Financial Officer agrees with this view on the basis that sufficient budgetary provision exists and the expenditure has been appropriately planned for.

6. Call-In Procedure Rules

- 6.1 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.
- 6.2 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 Procurement Committee as the original decision taker. If this option is followed, The Cabinet Procurement Committee 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 Procurement Committee for reconsideration.
- 6.3 If OSC Members determine that the original decision was outside the policy/budgetary framework, the Committee must refer the matter back to The Cabinet Procurement Committee with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.
- 6.4 In that event, The Cabinet Procurement Committee 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.

7. Recommendations

- 7.1 That Members note the advice of the Monitoring Officer that the decision taken by The Cabinet Procurement Committee 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.

8. Use of Appendices / Tables / Photographs

- 8.1 Not applicable.