

**Haringey** Council

Report for:	Special Overview & Scrutiny Committee	Item number	
	14 August 2013		

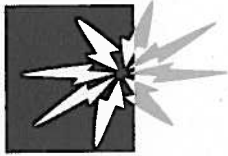
Title:	Monitoring Officer's Report on the Call-In of a Decision taken by the Leader on 30 July 2013 relating to the Procurement of Strategic Partner to Support the Customer Services Transformation Programme.
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Report authorised by:	The Monitoring Officer and Head of Legal Services <i>Bernie Ryan</i>
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Lead Officer:	Bernie Ryan, Monitoring Officer and Head of Legal Services
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Ward(s) affected: All	Report for Key/Non Key Decision: N/A
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1. Describe the issue under consideration
  - 1.1 To advise the Overview and Scrutiny Committee whether or not the decision, taken by the Leader on 30 July 2013 on a report entitled "Procurement of Strategic Partner to Support the Customer Services Transformation Programme" falls inside the Council's policy or budget framework
2. Cabinet Member Introduction
  - 2.1 N/A
3. Recommendations
  - 3.1 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.
4. Other options considered



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4.1 N/A

## **5. Background information**

- 5.1 The Call-In Procedure Rules, set out in Part 4, Section H of the Council's Constitution, provide that 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. However it is not necessary for a valid Call-In request to claim that The Cabinet, Leader or Cabinet Member acted outside its powers.
- 5.2 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.
- 5.3 The Monitoring Officer must also submit a report to Overview and Scrutiny Committee (OSC) advising whether each decision of the Executive, 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.
- 5.4 This decision should be the subject of a separate specific vote and it should be expressly minuted.
- 5.5 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 and major service plans. There would have to be a clear contravention or inconsistency with such a Plan before an Executive decision could be ruled to be outside the policy framework.

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

- 5.6 The Call-In request form states, under the first heading, that the Leader's decision "is not claimed to be outside the policy and budget framework".
- 5.7 The Monitoring Officer agrees that this decision falls within the policy framework for the reasons set out as follows.
- 5.8 There is no policy or Council Strategy referred to above that relates directly to the Customer Services function or procurement of a Strategic



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Partner to support the transformation programme. Procurement of a Strategic Partner to support the Customer Services Transformation programme is a procurement decision and is not a decision that falls outside the policy framework.

- 5.9 The report to the Leader 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.

#### **Call-In Procedure Rules**

- 5.10 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.

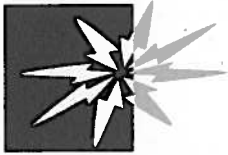
- 5.11 If OSC Members determine that the original decision was within the policy/budget framework, the Committee has three options:

- (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 Leader as the original decision taker. If this option is followed, the Leader 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 Leader for reconsideration.

- 5.12 If OSC Members determine that the original decision was outside the policy framework, the Committee must refer the matter back to the Leader with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.

- 5.13 In that event, the Leader would have two options:

- (i) to amend the decision in line with OSC's determination, in which case the amended decision is implemented immediately.



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- (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.

## **6. Comments of the Chief Financial Officer and Financial Implications**

- 6.1 The call in request states that this decision is not claimed to be outside the budget framework. The Director of Corporate Resources, in her capacity as Chief Financial Officer, agrees with this view on the basis that sufficient budgetary provision exists within the approved capital programme.

## **7. Head of Legal Services and Legal Implications**

- 7.1 As outlined above.

## **8. Use of Appendices**

N/A