

Report for: Special Overview and Scrutiny Committee
26th March 2026

Title: Joint report of the Monitoring Officer and the Chief Finance Officer on the Call-In of a Decision taken by the Cabinet on 10th March 2026 to approve the Neighbourhood Community Infrastructure Levy (NCIL) Spending Round 2

Report authorised by: Fiona Alderman, Monitoring Officer and Taryn Eves, Chief Finance Officer & Section 151 Officer

Lead Officer: Haydee Nunes de Souza, Deputy Monitoring Officer

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

To advise the Overview and Scrutiny Committee on the call-in process, and in particular whether the decision taken by Cabinet on 10th March 2026 relating to the approval of the Neighbourhood Community Infrastructure Levy (NCIL) Spending Round 2, is within the policy and budgetary framework.

2. Cabinet Member Introduction

N/A

3. Recommendations

That Members note:

- a. The Call-In process;
- b. The advice of the Monitoring Officer and Chief Financial Officer that the decision taken by the Cabinet was inside the Council's policy and budgetary framework.

4. Reasons for decision

The Overview and Scrutiny Committee is expected to take its own decision with regard to whether a called-in decision is outside or inside the policy and budgetary framework when considering action to take in relation to a called-in decision.

5. Alternative options considered

N/A

6. Background information

Call-in Procedure Rules

- 6.1** The Call-In Procedure Rules (the Rules) appear at Part 4, Section H of the Constitution, and are reproduced at Appendix 1 to this report.
- 6.2.** The Rules prescribe that once a validated call-in request has been notified to the Chair of Overview and Scrutiny Committee (OSC), the Committee must meet within 10 working days to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 6.3** If OSC Members determine that the original decision was within the policy framework, the Committee has three options:
- (i) to not take any further action, in which case the original decision is implemented immediately.
 - (ii) to refer the original decision back to Cabinet as the original decision-maker. If this option is followed, the Cabinet must reconsider their decision in the light of the views expressed by OSC within the next 5 working days, and take a final decision.
 - (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 call-in. Full Council can then decide to either:
 - take no further action and allow the decision to be implemented immediately, or
 - to refer the decision back to the Cabinet for reconsideration. The Cabinet's decision is final
- 6.4** If OSC determine that the original decision was outside the budget/policy framework, it must refer the matter back to the Cabinet with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.
- 6.5** 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. Full Council would have two options:
 - to amend the budget/policy framework to accommodate the called-in decision, in which case the decision is implemented immediately, or
 - to require the decision-maker to reconsider the decision again and to refer it to a meeting of the Cabinet, to be held within five working days. The Cabinet's decision is final.

The Policy Framework

- 6.6** A definition of The Policy Framework is set out in the Constitution at Article 4 of Part Two (Articles of the Constitution) which is reproduced as follows:

“Policy Framework

These are the plans and strategies that must be reserved to the full Council for approval:

- *Crime and Disorder Reduction (community safety) Strategy*
- *Development Plan documents*
- *Youth Justice Plan*
- *Statement of Gambling Policy*
- *Statement of Licensing Policy*
- *Treasury Management Strategy*

Any other policies the law requires must be approved by full Council.

Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:

- *Housing Strategy”*

- 6.7** The Budget is defined in the Constitution at Article 4(b) as follows:

(b) Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance.

- 6.8** The policy framework is intended to provide the general context, as set by Full Council, within which decision-making occurs. In an Executive model of local government, the majority of decisions are taken by the Executive – in Haringey’s case this being the Cabinet/Leader/Cabinet member. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the determination of a matter in the discharge of an Executive function nonetheless becomes a matter for the full Council if the proposed determination would be contrary to a plan or strategy adopted or approved by Full Council in relation to the function in question. Case law makes it clear that it would not be a proper use of a full Council approved plan or strategy to seek to make it a means for Full Council to micro-manage what ought to be Executive decisions.

7. Current Call-In

- 7.1** On 13th March 2026, a call-in request was received in relation to the Cabinet decision taken on 10th March 2026 on the recommendation to approve Neighbourhood Community Infrastructure Levy (NCIL) Spending Round 2. A copy of the Cabinet report dated 10th March 2026; the published draft minutes and the call-in request all form part of the published Agenda pack distributed to Members of the OSC, and so are not reproduced again here as appendices to this report.

7.2 The call in does not assert that the decision was outside the policy or budgetary framework, and in any event, the Chief Financial Officer also confirms her view that the Cabinet decision is within the budgetary framework.

7.3 In summary, the call in raises concerns that the process for allocating NCIL funding on the basis that it does not comply with the council's general constitutional principles of decision making or the specific policies relating to NCIL governance. In support of the concern, the call-in raised the following matters:

- The council has not provided evidence that the schemes selected for funding came from or was supported by, public suggestions, particularly for murals and the Civic Centre communal woodland gardens.
- The eligibility of the Civic Centre Garden for NCIL funding is unclear, on the basis that projects which have already been approved for borrowing under the capital programme cannot be described as eligible for NCIL funding because 'no alternative funding sources are available'.
- Regarding murals, the council has not explained how murals meet the legislative requirements for NCIL funding to be spent on infrastructure or anything else that is concerned with addressing the demands that development places on an area.
- The cabinet report provided no detail or evidence that the NCIL spend decision pays due regard to the decision-making principles set out in Section 12.02 of the Council's Constitution, particularly with regard to due consultation and a presumption in favour of openness. The report does not provide the source of each proposal, the weighted support of those proposals or why each proposal was selected.

7.4 A deputation led by Mr Dan Jones representing residents in Bounds Green, attended the cabinet meeting on the 10th March 2026 expressing similar concerns regarding the proposed NCIL spend on the Civic Centre communal woodland garden, in preference to other community projects and expressed the view that such spend was a breach of NCIL governance and should be paused.

7.5 The call-in went on to detail alternative courses of action, namely:

- The decision is not taken forward; and
- That a revised report be presented to a future cabinet meeting which should include; a list of all proposals which received more than one vote on the commonplace platform, evidence of residents nominating and supporting the specific projects identified for funding, calculations showing how competing priorities are scored/prioritised; evidence that projects are not being otherwise funded and proposals that are for more than one NCIL area and publication of evidence of support from residents in each area.
- A rerun of the decision with all the above provided so that decisions around NCIL allocations are transparent, representative, evidence based and in line with council policy.

8. Monitoring Officer's Assessment

8.1 The Call-In Procedure Rules require that:

"The [Overview and Scrutiny] Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy/ budget framework."

8.2 The Monitoring Officer considered the request on 18th March 2026, and determined that it met the 6 criteria for validity as set out in the Call-In Procedure Rules.

8.3 Following investigation and consideration, the Monitoring Officer made an assessment of whether the decision was outside the policy framework and concluded that it was not because the subject matter of the call-in is not contrary to the list of plans and strategies which comprise the policy framework set out at paragraph 6.6 above.

9. Conclusion

9.1 For the above reasons, the Monitoring Officer concludes that the Cabinet's decision was not outside of the policy framework.

10. The Section 151 Officer's Assessment

10.1 The Section 151 Officer's assessment is that the decision taken by Cabinet on the 10th March 2026 regarding the approval of the Neighbourhood Community Infrastructure Levy (NCIL) Spending Round 2, is within the financial framework of the authority.

11. Contribution to strategic outcomes

N/A

12. Statutory Officers comments (Chief Finance Officer (including procurement), Director of Legal & Governance, Equalities)

Finance and Procurement

The Chief Finance Officer's comments are set out above.

Legal implications

The Monitoring Officer's views are set out above.

Equality

N/A

13. Use of Appendices

Appendix 1 Call-In Procedure Rules

14. Local Government (Access to Information) Act 1985

N/A