Report for: **Call In -** Overview and Scrutiny Committee - 9th November 2026

Title: **Joint report of the Monitoring Officer and the Chief Finance Officer on the Call-In of a Decision taken by Cabinet on 20th October 2026 for Selby Urban Village - award of contracts for heat supply arrangements.**

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 20th October 2026 relating to Selby Urban Village, award of contracts for heat supply arrangements, 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 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 27th October 2026, a call-in request was received in relation to the Cabinet decision taken on 20th October 2026 on the recommendation to approve the award of contracts for Heat Supply arrangements at Selby Urban Village. A copy of the Cabinet report dated 20th October 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 request 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 key assertions made in the call-in is that the decision relies on significant amounts of exempt information, is based on decisions made in a

previous policy context and does not guarantee value for money for residents. In support of the concern, the call-in raised the following matters:

- The report relies on significant amounts of exempt information regarding costs and terms of the contract, the value of the contract, costs to the council and risks related to the contract including the council's assessment of and mitigation of risks, thereby depriving members and residents of information they need to scrutinise and assess the decision. Further that the level of exempt information goes against the presumption of openness in the council's decision-making processes.
- The decision to enter into a contract with Energetik should be reconsidered in light of two developments, since the decision made on 8th January 2026 to engage in a direct procurement exercise with Energetik. The award report states that Energetik is fully owned by Enfield council but in June 2026, Enfield Council's Cabinet agreed to the sale of Energetik. This decision leaves Haringey entering a 40-year contract shortly before a change in Energetik' s ownership posing significant risk to future tenants at Selby Urban Village. Further, in a report dated 14th October 2026, Enfield Council highlighted the need to closely monitor Energetik' s liquidity position.
- The decision locks future Haringey Council Tenants into a supply arrangement with Energetik as a monopoly, with future tenants being unable to choose energy suppliers in response to competitive tariffs and other offers.
- The proposal is not in line with the council's net zero commitments, because Energetik' s network is currently supplied by gas with classified low carbon heat not expected to be available until July 2029. The call in states that this is liable to further delays and relies on the NLWA construction programme. The cabinet report does not set out what mitigations are in place to prevent delay. The report also fails to explain why other sustainable options such as Air Source Head Pumps and Ground Source Heat Pumps were not chosen over energy generated through the incineration of waste.

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

- That this decision is not taken forward.
- Refer a revised report to the relevant scrutiny panel including

    - Transparent consideration of the financial risks arising from this decision, including the liquidity issues facing Energetik
    - Transparent consideration of the changed policy context and the risk to Haringey's residents, including the proposed sale of Energetik to a private provider
    - Consideration of alternative energy suppliers for the Selby Urban Village Development
    - Consideration of an open procurement exercise prioritising affordability for council tenants
    - Options for alternative energy sources, including heat pumps

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 28th October 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 20th October 2026 regarding the award of contracts for Heat Supply Arrangements to Selby Urban Village 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 and 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