

Special Overview and Scrutiny Committee on 8 June 2011

Report Title: Monitoring Officer's Report on the Call-In of a Decision taken by The Cabinet Member for Children's Services on 18 May 2011

Forward Plan reference number (if applicable): *N/A*

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

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 Member on 18 May 2011 on a report entitled "Children's Centres in Haringey" 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 Executive was inside the Council's policy and budget framework.

Report Authorised by:

Bernie Ryan 31 May 2011

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3. Local Government (Access to Information) Act 1985

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

The Council's Constitution
Children and Young People's Strategic Plan 2009-20

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. It is sufficient to allege that the original decision was ill-advised for any reason.
- 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 for the reasons set out as follows.
- 5.3 The policy framework for the proposals that are the subject of this Call-In of the decision of the Cabinet Member for Children's Services involves a number of strategies agreed by both the Council and, in some cases, the Children's Trust, in which the Council is a major partner. The relevant strategies of the Children's Trust are its Children and Young People's Strategic Plan 2009-20 and its Preventative Strategy. Also of relevance are the Council's Child Poverty Strategy and the strategic priority set out in the Council Plan to "encourage lifetime well being". The key priorities of the Children and Young People's Strategic Plan are identified in the

report, including those of the improvement of health and well being throughout life, the improvement of safeguarding and child protection and the development of positive human relationships and ensuring personal safety. The report also recognises the significant issue of focussing on early intervention and prevention and takes this into account within the proposals. The Preventative Strategy identifies the need to maintain a balance of services to support children, young people and their families to reduce the need for high cost and long-term interventions. This is also a factor taken into account in the report and its proposals.

- 5.4 The Council is under a statutory duty to, so far as is reasonably practicable, include arrangements for the sufficient provision of children's centres to meet local need within its duty to secure early childhood services under the provisions of Section 5A of the Childcare Act 2006. Local authorities should ensure that universal access to Children's Centres is achieved, with the centres configured to meet the needs of local families, especially the most deprived. The report identifies a new configuration that retains universal access but also prioritises the needs of the most vulnerable families living in the areas of greatest deprivation.
- 5.5 The Council is also under a statutory duty to secure such consultation as they think appropriate before making arrangements to effect any significant change to the services provided through a centre or do anything that would result in a centre ceasing to be a children's centre under the provisions of Section 5D of the Childcare Act 2006. The statutory guidance indicates the range of stakeholders that should be considered for consultation and requires the authority to provide sufficient information for those being consulted to form a considered view on the matters concerned. The consultation exercise was an extensive one as the report demonstrates in some detail and provided sufficient information for those consulted to form a considered view on the proposals.
- 5.6 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 Haringey Children's Centres 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 thus the Children's Centres proposal, was part of the normal budget setting procedures within the Council's budgetary framework.

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 Member as the original decision taker. If this option is followed, The Cabinet Member must, within the next 5 working days, reconsider her 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.

6.3 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.

6.4 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.

7. Recommendations

7.1 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.

8. Use of Appendices / Tables / Photographs

8.1 Not applicable.