



Report for:	Special Overview & Scrutiny Committee	Item number	
	October 2013		

Title:	Monitoring Officer's Report on the Call-In of a Decision taken by Cabinet on 10th September 2013 relating to Local Implementation Plan Annual Spending Submission for Transport 2014/15, Cycling Fund Submission 2014-2017 and Local Implementation Plan Three Year Delivery Plan 2014-2017.
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Report authorised by :	The Monitoring Officer and Head of Legal Services
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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 On 17th September 2013, a call-in request was submitted objecting to the Cabinet decision made on 10th September 2013 in respect of 'Local Implementation Plan Annual Spending Submission for Transport 2014/15, Cycling Fund Submission 2014-2017 and Local Implementation Plan Three Year Delivery Plan 2014-2017'.
- 1.2 The call-in request is deemed valid and the Monitoring Officer is required to advise Overview and Scrutiny Committee whether or not the Cabinet decision falls inside or outside the Council's policy or budget framework

2. Cabinet Member Introduction

- 2.1 N/A

3. Recommendations



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- 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

- 4.1 N/A

5. Background information

- 5.1 The Call-In Procedure Rules 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 decision "is not claimed to be outside the policy or budget framework".



5.7 The Monitoring Officer agrees that this decision falls within the Council's policy framework for the reasons set out in the Cabinet Report, in particular, paragraphs 5.14 and 10.1. The Local Implementation Plan [LIP] is a borough wide transport strategy that details how the Council's transport objectives contribute towards the key priorities set within the Mayor's Transport Strategy [MTS] and additionally reflects the needs and aspirations of people in Haringey. The LIP was approved by Cabinet in December 2010 following a period of extensive public consultation. The document can be found on the [Council's website](#).

Call-In Procedure Rules

5.8 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.

5.9 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 Cabinet Leader as the original decision taker. If this option is followed, Cabinet 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.

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

5.13 In that event, 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.



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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. The decision relates to the approval of the Annual Spending submission for 2014/15, Cycling Funding Submission for 2014-17 and LIP 3 year delivery plan for 2014/15-2016/17, all to Transport to London. All of which relate to requests for resources from 2014/15 onwards from TFL.
- 6.2 The normal practice is for the cabinet to include the actual allocation and detailed schemes for 2014/15 onwards when it recommends to council in February 2014 the capital programme for 2014/15 onwards.

7. Head of Legal Services and Legal Implications

- 7.1 As outlined above.

8. Use of Appendices

N/A