

<b>Title of Report</b>	Call-in of Key Decision HCE S433: Implementation of Standard Fees & Charges for Markets Street Trading & Shop Fronts 2025/2026
<b>For Consideration By</b>	Scrutiny Panel
<b>Meeting Date</b>	19 January 2026
<b>Classification</b>	Open
<b>Ward(s) Affected</b>	All
<b>Director</b>	Louise Humphreys, Monitoring Officer and Director of Legal, Democratic and Electoral Services

## 1. **Summary**

- 1.1. A call-in request has been received in relation to a Cabinet key decision HCE S433 taken on 24 November 2025, with publication of the decision notice the following day (25 November 2025).
- 1.2. In accordance with the Council's Call In Procedure Rules set out at Part 4E of the Council's Constitution, the Monitoring Officer has assessed the call-in request and ruled that it meets the requirements set out in these Rules save in one respect which is referred to below. The matter is, therefore, referred to the Scrutiny Panel.
- 1.3. On considering the information presented, the Scrutiny Panel is required to make a decision in relation to the call-in. Options available to the Panel are detailed at paragraph 5 of this report.

## 2. **Recommendations**

- 2.1. **That Scrutiny Panel considers the call-in in respect of Cabinet decision HCE S433 Implementation of Standard Fees & Charges for Markets Street Trading & Shop Fronts 2025/2026 and determine whether to:**
  1. Uphold the original decision and take no further action; or
  2. Uphold the call in and either
    - a. refer the decision to Cabinet, as the original decision-maker, for reconsideration setting out the Panel's concerns; or

- b. refer the decision to Full Council if the Panel considers that the decision was contrary to the Council's Budget and Policy Framework.

3. **Background**

- 3.1. The Call-In Procedure Rules are set out at Part 4E of the Council's Constitution. The Rules prescribe that once a validated call-in request has been notified to the Monitoring Officer, the Scrutiny Panel must meet to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 3.2. Cabinet considered a report (agenda item 20) entitled "Implementation of Standard Fees & Charges for Markets Street Trading & Shop Fronts 2025/2026" at its meeting on 24 November 2025. A copy of the report appears at **Appendix 1**. Cabinet resolved as follows:
- 3.2.1. Approve implementation of the revised fees & charges schedule for permanent and temporary street trading, shop fronts and storage, set out in Appendix 2, from 1 January 2026, in accordance with Section 32 of the London Local Authorities Act 1990 (as amended).
  - 3.2.2. Approve the phased repayment of arrears and transition to real-time payment by 2027/28.
  - 3.2.3. Approve the continued application of annual CPI-based, to be passed onto traders from 1 April 2026, and every year thereafter, in line with financial sustainability and cost-recovery policy.
  - 3.2.4. Approve the application of the annual NLWA disposal charge, to be passed onto traders starting from 1 April 2026, and every year thereafter, in line with financial sustainability and cost-recovery policy.
  - 3.2.5. Delegate authority to the Group Director, Housing, Climate & Economy, in consultation with the Cabinet Member, Community Safety and Regulatory Services to finalise any minor adjustments before implementation.
- 3.3. A request to call-in this decision was received by the Monitoring Officer on 2 December 2025. A copy of the Call In Requisition Form appears at **Appendix 2** of this report. The requisition was signed by five Members - Councillors Garbett, Davis, Premru, Turbot-Delof and Wrout. Councillor Garbett is the designated lead requester.
- 3.4. Only those decisions listed in paragraphs 3.2.1 to 3.2.4 above are subject to the call-in.
- 3.5. The call-in request was ruled to have fulfilled the criteria required by the Constitution save in the following respect. One of the stated grounds for call-in is that the decision maker did not act in accordance with the Council's adopted policy framework [Rule 1.2(b)]. The Council's policy framework is

formed of a number of documents which are listed in Article 4.7 of the Council's Constitution and only those documents listed in the Article are therefore of relevance to the question as to whether the decision maker acted in accordance with the policy framework or not. The Councillors seeking the call-in referred to a number of documents in their requisition form and only two out of the six documents referred to - the Dalston Plan and the Equality Plan - are documents within the Council's policy framework. References to other plans, strategies, frameworks etc are therefore invalid grounds upon which to assert that the decision was not made in accordance with the policy framework.

- 3.6. To aid members of the Scrutiny Panel, a copy of the requisition as submitted with the invalid text struck through appears at **Appendix 3** to this report.
- 3.7. The Elected Mayor and Cabinet were notified of the call-in on 2 December 2025. Members of the Scrutiny Panel were notified of the call-in on 3rd December 2025.

#### 4. **Alternative Course of Action Proposed in the Call-in Requisition**

- 4.1 Councillors calling-in the decision have proposed an alternative course of action, as detailed in the call-in requisition at Appendix 3.

#### 5. **Options for the Scrutiny Panel**

- 5.1 When considering the call-in, it is open to the Scrutiny Panel to:
  - a) Uphold the original Cabinet decision: In this case, the original decision stands and can be implemented.
  - b) Uphold the call-in: In this case, the original decision will remain suspended and will be referred to either:
    - (i) Cabinet as the original decision-maker in this instance; or
    - (iii) Full Council if the Scrutiny Panel considers that the decision was contrary to the Council's Policy Framework and/or contrary to (or not wholly in accordance with) the approved Budget.
- 5.2 Any report to Full Council will include an opinion from the Monitoring Officer and s151 Officer as to whether the decision is or is not contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget as the case may be. Prior to consideration by Full Council, the proposed report must be presented to a meeting of Cabinet for consideration and for Cabinet to determine what action it may wish to take in light of those findings and they will likewise submit a report to Full Council. Details of the options available to Full Council in the event of a call-in referral from the Scrutiny Panel can be found at Part 4E Paragraph 8.5 of the Council's Constitution.
- 5.3 Once the Scrutiny Panel has considered the call-in and resolves to take one of the actions set out at paragraph 5.1 of this report, the call-in process is completed. A decision cannot be called in more than once.

## 6. **Financial implications**

- 6.1 This report asks the Scrutiny Panel to consider the call-in in respect of a Cabinet decision relating to fees and charges changes for Markets and Shop Fronts.
- 6.2 If the panel decides to uphold the original cabinet decision, then the implementation of those changes would come into effect - the full year estimate of additional income generated from the proposed fees and charges is estimated at £268k.
- 6.3 If the panel decides to uphold the call-in, fees and charges for Markets and Shop Fronts would continue to be made at the levels previously agreed in 2024/25 until such time as the decision is reviewed.

## 7. **Legal implications**

- 7.1 Other than as contained in this report, there are no direct legal implications arising from the call-in.

### **Appendices**

Appendix 1 - Report to Cabinet - 24 November 2025 - Implementation of Standard Fees & Charges for Markets Street Trading & Shop Fronts 2025/2026

Appendix 2 - Call-in Requisition as received

Appendix 3 - Call-in Requisition with strike through text to denote invalid elements

### **Background documents**

None

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