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OVERVIEW & SCRUTINY COMMITTEE

Thursday, 8th April, 2021 at 6.00 pm
This will be a virtual meeting

Please click [Here](#) to view the meeting or copy and paste the link below into your web Browser

<https://bit.ly/3rqW24c>

Membership:

Councillors : Susan Erbil (Chair), Achilleas Georgiou, Edward Smith, Lee David-Sanders, Hass Yusuf, Birsen Demirel, Elif Erbil and Margaret Greer (Vice Chair)

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), Simon Goulden (other faiths / denominations representative), Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative)

Enfield Youth Parliament Co-optees (2)
Support Officer – Claire Johnson (Governance & Scrutiny Manager)
Andy Ellis (Governance & Scrutiny Officer)

AGENDA – PART 1

- 1. WELCOME & APOLOGIES**
- 2. DECLARATIONS OF INTEREST**

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relevant to the items on the agenda.

3. CALL IN: WHITEWEBBS GOLF COURSE (Pages 1 - 12)

To review the portfolio decision taken on 23 March 2021 as a result of the matter having been Called-in.

The response to Call in reasons is not attached to the agenda and will be circulated "to follow".

4. DATES OF FUTURE MEETINGS

To note the dates of future meetings as follows:

Provisional Call-in Meetings

- Tuesday 27 April 2021

To note that future meeting business dates will be confirmed at Annual Council in May.

London Borough of Enfield**Overview & Scrutiny Committee****Meeting Date: 8 April 2021**

Subject: Call in - Whitewebbs Park Golf Course**Cabinet Member: N/A****Key Decision: N/A**

Purpose of Report

1. This report details a call-in submitted in relation to the following decision:

Portfolio Decision (taken on 23 March 2021). This has been “Called In” by 7 members of the Council; Councillors Joanne Laban, James Hockney, Michael Rye, Glynis Vince, Lindsay Rawlings, Maria Alexandrou and Chris Dey

Details of this decision were included on Publication of Decision List No.52/20-21 (Ref. 01/52/20-21 – issued on 23 March 2021)

In accordance with the Council’s Constitution, Overview and Scrutiny Committee is asked to consider the decision that has been called-in for review.

Proposal(s)

2. That Overview and Scrutiny Committee considers the called-in decision and either:
 - (a) Refers the decision back to the decision-making person or body for reconsideration setting out in writing the nature of its concerns. The decision-making person or body then has 14 working days in which to reconsider the decision; or
 - (b) Refer the matter to full Council; or
 - (c) Confirm the original decision.

Once the Committee has considered the called-in decision and makes one of the recommendations listed at (a), (b) or (c) above, the call-in process is completed. A decision cannot be called in more than once.

If a decision is referred back to the decision-making person or body; the implementation of that decision shall be suspended until such time as the decision making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working

days of the reference back. The Committee will subsequently be informed of the outcome of any such decision

Relevance to the Council's Plan

3. The council's values are upheld through open and transparent decision making and holding decision makers to account.

Background

4. The request (received 24 March 2021) to "call-in" the Portfolio decision of 23 March 2021 was submitted under rule 18 of the Scrutiny Procedure Rules. It was considered by the Monitoring Officer.

The Call-in request fulfilled the required criteria and the decision is referred to the Overview & Scrutiny Committee in order to consider the actions stated under 2 in the report.

Implementation of the Portfolio decision related to this report will be suspended whilst the "Call-in" is considered.

Reasons and alternative course of action proposed for the "Call in"

5. The Call-in request submitted by 7 Members of the Council gives the following reasons for Call-In:
 - Failed to consult
Paragraph 32 says that Enfield Council does not have a legal duty to respond. However, it fails to explain why the decision maker discounted consulting given how many interested parties there are including the Golf Club itself.
 - Financials- Figures provided
Paragraph 19 includes a table setting out the financials. The £1,157,165 shows the net budget position taking into account expenditure and income from 2014/15 to 2019/20. However, it does not provide any detail about what the net position is after Controllable internal recharges, Capital recharges (Depreciation) and Overheads are excluded from the Council's net budget position. This of course would give Members a greater understanding of the financial implications.
 - Closure of golf course
The decision to close the golf course will result in costs which fail to be included in the financial implications section in the paper and how much it would cost to reopen it in the future.
 - Surge in Golf
The report said there was an increase in bookings during the summer; this was considered a temporary situation where existing golfers made up for lost rounds during lockdown. The surge in the summer for golf bookings has just been discounted. However, this sentence does not provide evidence to back up its claim other than financials from before the pandemic. The world has changed since the pandemic and there is new appreciation for outdoor sports and our open spaces.
 - Predetermined outcome of the procurement

The decision to close the Golf Course indicates a prejudging of the process of receiving bids to run the park and golf course as the report fails to state that the golf course might open under a potential contractor in the future.

Consideration of the “Call in”

6. Having met the “Call-in” request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the “Call-in” and decide which action listed under section 2 that they will take.

The following procedure is to be followed for consideration of the “Call-in”:

- The Chair explains the purpose of the meeting and the decisions which the Committee is able to take.
- The Call-in lead presents their case, outlining the reasons for call in.
- The Cabinet Member/ Decision maker and officers respond to the points made.
- General debate during which Committee members may ask questions of both parties with a view to helping them make up their mind.
- The Call in Lead sums up their case.
- The Chair identifies the key issues arising out of the debate and calls for a vote after which the call in is concluded. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- It is open to the Committee to either;
 - take no further action and therefore confirm the original decision
 - to refer the matter back to Cabinet -with issues (to be detailed in the minute) for Cabinet to consider before taking its final decision.
 - to refer the matter to full Council for a wider debate (NB: full Council may decide either to take no further action or to refer the matter back to Cabinet with specific recommendations for them to consider prior to decision taking)

Main Considerations for the Council

7. To comply with the requirements of the Council’s Constitution, scrutiny is essential to good governance, and enables the voice and concerns of residents and communities to be heard and provides positive challenge and accountability.

Safeguarding Implications

8. There are no safeguarding implications.

Public Health Implications

9. There are no public health implications.

Equalities Impact of the Proposal

10. There are no equality implications.

Environmental and Climate Change Considerations

11. There are no environmental and climate change considerations.

Risks that may arise if the proposed decision and related work is not taken

12. There are no key risks associated with this report.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

13. There are no key risks associated with this report.

Financial Implications

14. There are no financial implications

Legal Implications

15. S 21, S 21A-21C Local Government Act 2000, s.19 Police and Justice Act 2006 and regulations made under s.21E Local Government Act 2000 define the functions of the Overview and Scrutiny committee. The functions of the committee include the ability to consider, under the call-in process, decisions of Cabinet, Cabinet Sub-Committees, individual Cabinet Members or of officers under delegated authority.

Part 4, Section 18 of the Council's Constitution sets out the procedure for call-in. Overview and Scrutiny Committee, having considered the decision may: refer it back to the decision-making person or body for reconsideration; refer to full Council or confirm the original decision.

The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

Workforce Implications

16. There are no workforce implications

Property Implications

17. There are no property implications

Other Implications

18. There are no other implications

Options Considered

19. Under the terms of the call-in procedure within the Council's Constitution, Overview & Scrutiny Committee is required to consider any eligible decision

called-in for review. The alternative options available to Overview & Scrutiny Committee under the Council's Constitution, when considering any call-in, have been detailed in section 2 above

Conclusions

20. The Committee following debate at the meeting will resolve to take one of the actions listed under section 2 and the item will then be concluded.

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Date of report 29/03/2021

Appendices

Portfolio Report

Response to Call in reasons (To follow)

Background Papers

The following documents have been relied on in the preparation of this report:
None

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London Borough of Enfield

Portfolio Report

Report of: Mark Bradbury – Director of Property & Economy
Doug Wilkinson – Director of Environment & Operational Services

Subject: Whitewebbs Park Golf Course

Cabinet Member: Cllr Caliskan - Leader of the Council
In Consultation with Cllr Dogan - Cabinet Member for Environment & Sustainability

Executive Director: Sarah Cary - Place

Ward: Chase

Key Decision: KD5177

Purpose of Report

1. This report details the reasons for marketing Whitewebbs Park Golf Club (WPGC) due to the ongoing cost of operating the course and recommends that the golf course provision remains closed pending the announcement of next steps on the leasing of the site.
2. Whitewebbs Golf Course has been run at a significant cost to the Council for several years despite measures to reduce costs and attract more income. Continuing to absorb those costs is not financially sustainable especially when there is alternative provision for golf in the borough.
3. A robust marketing process to secure a tenant for Whitewebbs Golf Course; setting out clear requirements around the experience and financial standing of bidders and detailed requirements around securing enhanced public access; maintenance of woodland and open areas; a wider range of leisure activities; provision of refreshment and welfare facilities and public engagement; has been carried out. Conclusion of the process has been delayed due to both the council and some bidders prioritising other matters during the pandemic however it is expected that the Council will be able to announce next steps later this spring.
4. The golf course is currently closed during lockdown and the Government's Roadmap out of Lockdown currently indicates that it could reopen from 29th March.

Proposal

5. In view of the ongoing cost to the Council of operating the course and the expected announcement regarding the leasing of the site it is recommended that:
 - i) The Director of Environment & Operational Services is authorised to close the golf course with immediate effect.

Reason for Proposal(s)

6. Year on year WPGC has been run at a significant cost to the Authority. Since 2014/15 the service has reduced its annual expenditure by approx. £208k and during this time, significant measures have been taken to improve the online profile and accessibility of the golf course, whilst, new marketing campaigns have been undertaken. Despite these measures, the number rounds of golf played have continually fallen and annual income has fallen consistently since 2016/17.
7. Portfolio decision KD4849 in March 2019 delegated authority to re-market WPGC, taking a more flexible approach in order to achieve a sustainable future that optimises delivery of the Council's Corporate Objectives. On 11 April 2019, the Overview & Scrutiny Committee agreed to confirm the decision.
8. Following a two-phased marketing process, 6 bids were received and evaluated. The evaluation process identified a clear highest scoring bid which most closely met the Council's requirements.
9. Shortly following the evaluation process the implications of managing the Global COVID19 Pandemic meant that the priorities of both the Council and many of the bidders changed and progression of the marketing process was deferred. At this stage one of the bids was withdrawn.
10. Officers have recently been able to progress the evaluation process and it is expected that an announcement regarding next steps should be made shortly.
11. Closing the course whilst this is finalised will reduce ongoing operational losses. There are many courses in Enfield and the surrounding area, many of which will welcome new members and players. Pay and play golf is available at both Crews Hill and Trent Park courses.

Relevance to the Council's Corporate Plan

12. Financial resilience and good governance

Closure of the course will ensure that we target resources smartly and reinvest income wisely to deliver excellent value for money in all that we do.

Background

13. Whitewebbs Park Golf Course (WPGC), is an 18-hole course located at the northern border of Enfield. The golf course requires significant investment to bring it to modern standards.
14. The site has two basic club houses, one of which (Southern clubhouse) is leased as a private members club and is dilapidated; a pro shop and a mobile catering concession. The property has significant challenges, including, but not limited to, Green Belt planning designation and licensing restrictions.
15. The Park includes Whitewebbs Woods, and pockets of parkland adjacent to the golf course. Whitewebbs Woods is deemed ancient woodland and is classed as a Site of Metropolitan Importance for Nature Conservation.
16. Whitewebbs House is located within the grounds of the Whitewebbs Park and Golf Club site but is separated from the property titles and is not subject to this report. Whitewebbs House was leased to Whitbread PLC in 1998 and is now operated by Mitchells & Butlers plc.

17. The Authority manages and maintains the entire Whitewebbs Park and Golf Club site. The site's revenue streams include, green fees, golf membership, equipment hire, retail sales and a license income from a mobile catering concession.
18. Employment at the site is made up of pro shop staff and grounds maintenance staff. The Authority currently employs the following at WPGC:
- Golf Development Officer
 - Golf Shop Service Assistants x 2
 - Assistant Greenkeepers x 2
19. Year on year WPGC has been run at a significant cost to the Authority. Since 2014/15 the service has reduced its annual expenditure by approx. £208k. During this time, significant measures have been taken to improve the online profile and accessibility for the golf course, whilst, new marketing campaigns have been undertaken. Despite these measures, rounds of golf played has continually fallen and annual income has fallen by approx. £49k between 2016/17 and 2019/20.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Total Expenditure	£626,764	£510,106	£505,505	£535,195	£497,574	£512,692
Total Income	-£337,376	-£340,750	-£364,650	-£342,870	-£329,169	-£315,857
Net Cost	£289,388	£169,355	£140,856	£192,326	£168,405	£196,835

20. Due to the Covid-19 pandemic, WPGC was closed from mid-March 2020 until 2nd June 2020 and again during the current lockdown. During these golf course closures, the maintenance schedule continued, so the site operational expenditure costs have generally continued to be incurred. Whilst there was an increase in bookings during the summer this was largely considered a temporary situation where existing golfers made up for lost rounds during lockdown, it is expected that the overall net cost of WPGC for the 2020/21 will remain similar to those of the previous years (shown in paragraph 18).

Main Considerations for the Council

21. Whitewebbs Golf Course has been run for several years at a cost to the Council. Closure of the course will reduce those costs and release funding to meet Council priorities.
22. There are several other courses in the borough, including three owned by the Council that offer pay and play rates, and more in the surrounding area that offer opportunities for golfers and prospective golfers to enjoy or take up the sport.

Safeguarding Implications

23. It is not considered that there are any safeguarding implications arising from these decisions.

Public Health Implications

24. Closing the course and allowing greater public access to this site will encourage physical activity and provide added exposure to the natural environment which will also improve mental health. Enfield is well served with golf courses so it is not considered that there will be a significant impact on participation in this sport.

Equalities Impact of the Proposal

25. A scoping assessment has concluded that an equalities impact assessment is neither relevant nor proportionate for the approval of this report.

Environmental and Climate Change Considerations

26. In the short term, the proposals are likely to reduce vehicle trips which will have a positive impact on carbon emissions given that transport (predominantly fossil fuel-based road transport) is accountable for 39% of the borough wide total (as measured in 2018).
27. Going forward, there are opportunities to look at the role the site can play in contributing to the Council's Climate Action Plan ambitions for additional tree planting and an increase in the quality of the biodiversity offered in the borough. It should be noted that the environmental and climate change implications of specific proposals will be considered as part of related decision-making reports.

Risks that may arise if the proposed decision and related work is not taken

28. If the Authority was to continue the operation of the golf course it would continue to be at a significant cost to the Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

29. Closure of the Golf Course may reduce participation in the sport but as detailed in the report there are numerous courses nearby many of which will welcome new players and members to help ensure their ongoing viability. At least two of these, Crews Hill and Trent Park Golf Courses offer competitively priced pay and play options.

Financial Implications

30. The report recommends that the golf course provision remains closed. The closure of the Golf course will still require some maintenance of the area pending the decision on leasing the site, these costs will be met from the existing Parks and Open Space maintenance budgets.
31. Due to the Covid-19 pandemic, WPGC was closed from mid-March 2020 until 2nd June 2020 and again on 4th January 2021 and 28th March 2021. During these golf course closures, the maintenance schedule continued, so the site operational expenditure costs have generally continued to be incurred. Whilst there was an increase in bookings during the summer this was considered a temporary situation where existing golfers made up for lost rounds during lockdown, it is expected that the overall net cost of WPGC for the 2020/21 Will remain similar to those of the previous years (shown in paragraph 18).

Legal Implications

32. There is no statutory legal duty to consult on the proposed closure of Whitewebbs Park Golf Club.
33. There is a however a public law duty to consider. Specifically, a duty may arise because parties to be consulted have a legitimate expectation of consultation, which results either from a promise or from an established practice of consultation.

34. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This report indicates that continuing to run at a loss is not financially sustainable for the Council and the benefits of the proposals need to be balanced against the loss of community interests.
35. The Council also has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation. A local authority may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others.
36. Public law principles will apply to the decisions made by the Council, including the Council's duty to take account of its fiduciary duty and to act prudently with public monies entrusted to it. The Council is also under a general duty to act reasonably and show that its decisions are made after having given due and proper consideration to all relevant factors.

Workforce Implications

37. There are currently 5 staff directly employed by LBE at WPGC:
 - Business Development Officer-Golf
 - Golf Course Shop Assistants x 2
 - Assistant Greenkeepers x 2.
38. Under the proposed changes to the site due to there being the potential for redundancies a separate restructuring report has been produced and the Council's Principles of Managing Re-organisations will be applied. This would include consultation with staff and trade unions in accordance with statutory regulations and Council guidelines.
39. The Council will seek suitable alternative employment for staff to avoid/minimise redundancies. If redeployment proves unsuccessful, a redundancy payment and early retirement benefits will be payable as appropriate to eligible employees in accordance with the Council's current policy.

Property Implications

40. This report has been written with input from the Strategic Property Services team. Property implications are therefore embedded within the body of this report.

Other Options Considered

41. To continue to operate the golf course. Continuing to run this at a loss is not financially sustainable in a competitive market with many other courses in the surrounding area several which are struggling to be viable

Conclusions

42. The Council operates Whitewebbs Park Golf Course (WPGC) but this is at a cost to the Council. A robust marketing exercise has been carried out and an announcement on next steps is expected in the near future.
43. In the meantime, the course has been closed since 4th January due to the latest lockdown. Under the current Government Roadmap out of Lockdown it is possible that the course could be reopened from 28th March. In view of the ongoing cost to

the council of operating the course and the alternate provision available in the borough it is recommended that the course is not reopened.

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Date of report: 19th March 2021