



## London Borough of Enfield

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<b>Report Title</b>	Cover Report for the Call in – Award of a Contract for the Mechanical & Electrical Servicing (Housing Compliance)
<b>Report to</b>	Overview & Scrutiny Committee
<b>Date of Meeting</b>	14 <sup>th</sup> September 2023
<b>Cabinet Member</b>	Cllr George Savva
<b>Executive Director / Director</b>	Executive Director of Housing, Regeneration & Development
<b>Report Author</b>	Acting Investment and Resident Safety Director: Paul O'Donnell
<b>Ward(s) affected</b>	All
<b>Key Decision Number</b>	KD5638
<b>Classification</b>	Part 1 Public

### Purpose of Report

1. This report details a call-in submitted in relation to the following decision:  
The Executive Director of Housing, Regeneration & Development, Sarah Cary (taken on 14 August 2023). This has been “Called In” by 10 members of the Council: Councillors Lee Chamberlain (Lead), Hannah Dyson, Peter Fallart, Alessandro Georgiou, Adrian Grumi, Chris Joannides, Andy Milne, Paul Pratt, Ruby Sampson and Emma Supple.

2. Details of this decision were included on Publication of Decision List No. 14/23-24 issued on 15 August 2023.
3. In accordance with the Council's Constitution, Overview and Scrutiny Committee is asked to consider the decision that has been called-in for review.

### **Recommendations**

- i. 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.
- ii. 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.
- iii. 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

### **Background and Options**

4. The request received on 21 August 2023 to "call-in" the decision of the Executive Director of Housing, Regeneration & Development taken on 14 August 2023 was submitted under rule 18 of the Scrutiny Procedure Rules. It was considered by the Monitoring Officer.
5. 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.
6. 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"**

7. Please see the reasons for call in and the officer response under item 4.1

## **Proposed course of action is for referral back to the Deputy Leader.**

8. 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”:

- i. The Chair explains the purpose of the meeting and the decisions which the Committee is able to take.
- ii. The Call-in lead presents their case, outlining the reasons for call in.
- iii. The Cabinet Member/ Decision maker and officers respond to the points made.
- iv. General debate during which Committee members may ask questions of both parties with a view to helping them make up their mind.
- v. The Call in Lead sums up their case.
- vi. 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.
- vii. It is open to the Committee to either;
  - a. take no further action and therefore confirm the original decision
  - b. to refer the matter back to Cabinet -with issues (to be detailed in the minute) for Cabinet to consider before taking its final decision.
  - c. 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).

## **Preferred Option and Reasons For Preferred Option**

9. 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.

## **Relevance to Council Plans and Strategies**

10. 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.

## **Financial Implications**

11. There are no financial implications associated with this cover report.

## Legal Implications

12. 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.
13. 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.
14. The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

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