

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 9 July 2020

Subject: Call in -Trading Company business plans 2020-23

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:

Cabinet Decision (taken on 10/06/2029):

Details of this decision were included on Publication of Decision List No.1/86/19-20 (Ref. 1/86/19-20 – issued on 12 June 2020):

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 19 June 2020) to "call-in" the Cabinet decision on 10 June 2020 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 Cabinet 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:

HGL

- a. Para 7 of the Part 1 report (Key Risks) mentions that incomes have stayed at around the same level as before during the pandemic. What it does not take fully into account is the Furlough Scheme is due to end completely in October. At the end of the government backed scheme, which is only a few months away, there is a significant risk that unemployment will rise and a potential for incomes to drop substantially leading to a fall in rental income available to the company.
- b. Part 2
- c. Part 2
- d. Part 2

Energetik

- e. Part 2
- f. in order to compensate for potential delays at Meridian Water the report claims a number of potential developments such as Cockfosters Tube the Colosseum; Southgate Village and Arnos Grove Tube will provide future customers for Energetik. The schemes in question have not even got planning permission or any agreements in place that the homes will be connected to the Energetik heat network were they to be built. The business plan simply assumes that Energetik will get the business.

- g. The Council as planning authority is responsible for approving these developments whilst the Council as the main stakeholder in Energetik has a commercial interest in them going ahead with no reduction in the number of units proposed. This is an unacceptable conflict of interest between the two roles.

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 2 July 2020

Appendices

Cabinet/ 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