

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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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