

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date: 5 August 2021

Subject:	Call in -Development of Land formerly known as Reardon Court
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 9 July 2021). This has been “Called In” by 7 members of the Council; Councillors Maria Alexandrou, Joanne Laban, Andrew Thorp, Glynis Vince, Edward Smith, Jim Steven and Lindsay Rawlings.

Details of this decision were included on Publication of Decision List No.10/21-22 (Ref. 4/10/21-22 – issued on 9 July 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 16 July 2021 to "call-in" the Cabinet decision of 9 July 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:
 - The monies from the sale of Reardon Court were originally earmarked to help fund Bridgewood House in Enfield Highway. No explanation is given in the report why this arrangement was dropped leading to a consequential loss of income to the Council.
 - Reardon Court was closed in 2017 and planning permission and procurement for the revised scheme is still awaited. The report does not explain clearly why the concerns of residents of Cosgrove Close concerning size, massing and increased noise, etc. from the adjacent Barrowell Recycling Centre were not taken on board before the original planning permission was secured. The result of these delays is that the GLA grant (deadline March 22) has been put at risk.
 - The historic costs (money already spent by the Council on the scheme) are not broken down in the report.
 - Para. 97 states that the option of disposing the Reardon Court site to a third party (e.g.. A specialist provider such as a housing association) was not considered because the council would not be able to own or manage the units and therefore could not control lets. A specialist housing association would normally speaking provide up to 100% nominations rights to the Council in order to secure the site as well as providing the necessary borrowing and securing the grant from the GLA. The report does not provide a satisfactory explanation of why this option was discarded.

- The original scheme for which planning consent was obtained was for 91 units at an estimated development cost of £32.7m. The revised scheme of 69 units has an estimated development cost of £30.1m. The report does not fully explain why a scheme of 69 units should cost nearly as much as a scheme of 91 units.
- No information is provided in the report about any relevant conditions attached to the provision of £2.2m from the Kingsdown Charitable Trust such as timescale.
- Para 37 and 38 of the report refers to the estimated £396,000 plus savings in the Adult Social Care Budget resulting from the development of this scheme. No cost breakdown showing how this figure was arrived at is provided in the report.
- Para 40 refers to proposals for commissioning an independent housing care provider and the level of nominations to be provided. There is an apparent contradiction between this paragraph and para. 97 above. Also, without further information on the estimated level of nominations we have no assurance that the revenue savings referred to above can be achieved.
- No information is provided in para. 40 or para. 73 of the report about the estimated ongoing revenue costs to the Council of providing care in the new scheme, the most significant item in the revenue budget apart from borrowing costs. These cost issues should have been bottomed out before the revenue budget and the capital budget, which are interrelated, were signed-off by the Cabinet.

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

Cabinet Report including Confidential Appendix
Response to Call in reasons

Background Papers

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