

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 10 November 2021

Subject: Call in – New Cemetery Proposal Sloemans Farm Burial Ground
Cabinet Member: Cllr Caliskan – Leader
Cllr Dogan – Cabinet Member for Commercial Services
Key Decision: KD 5380

Purpose of Report

1. This report details a call-in submitted in relation to the following decision:
Cabinet decision (taken on 13 October 2021). This has been “Called In” by 7 members of the Council: Councillors Joanne Laban, Glynis Vince, Lindsay Rawlings, Andrew Thorp, Maria Alexandrou, Edward Smith and Jim Steven.

Details of this decision were included on Publication of Decision List No. 28/21-22 (Ref. 2/28/21-22 – issued on 15 October 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 (19 October 2021) to "call-in" the Cabinet decision of 13 October 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 report does not make clear that a cemetery service is a discretionary service not a statutory one.
 - Private sector options to deliver this service are not fully considered in the report.
 - The seven potential sites (PT 24) are not identified in the report and therefore not evaluated to explain why Sloemans Farm was chosen as the best available option.
 - The impact of the loss of agricultural output is not explained in any detail in the report.
 - No value of future tenancy income for the next 8-10 years is given in the report so that valid comparisons can be made.
 - The funding from importing soil is not fully explained as to whether this is guaranteed income.
 - Over time will the income cover the cost of maintaining and running the site? There are no comparisons with similar burial grounds that have been established over some years in the report.
 - Point 21 - climate plan mentions local food. This has been ignored in this point and with the Environmental and Climate Change considerations

- Point 43 table says that 200 burials a year is the target number of burials. This is on a site which can cater for 38,000 eventually and even allowing for cremated remains means possibly 190 years before the site is at maximum capacity so therefore it is not necessary at this time to use a plot of land the size of Sloemans Farm – this is not explained in the report and why an area the size of Sloemans Farm is required.
- Point 47 – there is no mention in the report of where the money is coming from for the traffic, pavement work and all the extra signage that will be necessary.
- Point 68 – it states that previous planning history can be used to mitigate construction. The report fails to explain what exactly this means.
- The report fails to explain what other uses the section of the farm that will not be utilised for the cemetery can be used for now and in future?
- Traffic and Transportation – the site is not conducive to visitors who do not drive. The nearest bus service goes to Crews Hill via Clay Hill which is a long distance away. The bus service is only once every half an hour. Whitewebbs Lane is a single lane country road with not much space for the proposed pavement works. The problems here are simply discounted in the report yet they are fundamental to people gaining access to the cemetery
- The report also fails to mention that a council's cemetery does not have to be in the borough and why sites outside were discounted.
- The report also fails to provide any information that provision for more cemetery space could come from private religious cemeteries; for example, the borough currently has more than one Jewish cemetery. The report fails to provide any information on whether research has been undertaken as to whether there are any plans for the further expansion of private religious cemeteries in the borough which would have an impact on whether the council needs a site as large as Sloemans Farm.

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

Response to Call in reasons (to follow)

Background Papers

The following documents have been relied on in the preparation of this report:

None