

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 18 November 2021

Subject: Call in – Leasing of 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 22 October 2021). This has been “Called In” by 7 members of the Council; Councillors Maria Alexandrou, Joanne Laban, Andrew Thorp, Glynis Vince, Lindsay Rawlings, Edward Smith and Jim Steven.

Details of this decision were included on Publication of Decision List No. 30/21-22 (Ref. 3/30/21-22 – issued on 22 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 (29 October 2021) to "call-in" the Portfolio decision of 30 September 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:

- **Lack of consultation**

There has been a total lack of Stakeholder consultation. Residents and site users have been consistent in their opposition to these plans. There have been protests, petitions and detailed submissions. Stakeholders were promised sight of the final bids as part of the engagement process, this has not happened.

- **Delegated authority**

Point 3 – "To delegate authority to the Director of Property & Economy in consultation with the Director of Legal and Governance to make minor amendments to the heads of terms and to finalise the Agreement for Lease, Lease and associated documents, including such variations that may be necessary to cover existing third-party rights affecting the site." There are no details in the report of what might be covered by this statement, what would be considered a minor adjustment and what would be a major one?

- **Local economy and employment**

Point 17- "potentially create a boost to the local economy and local employment." Why only potentially if they are having an academy for grounds staff. Should they not, like other sites, be pushed towards employing local people.

- **Greenbelt Protection**

Point 18 - The property's location in the Green Belt provides significant protection against inappropriate development. The existing Tottenham Hotspur site sits entirely in Greenbelt and has been extended and amended over the years with inappropriate development.

- **Variety of Activity**

Point 28 - Paragraph 3 states "Range of activities - There are already a range of existing leisure uses at the property, predominantly with the pay and play golf course. LBE is seeking a tenant who provides a business plan that incorporates a range of activities. Some potential activities suggested by the local community are included later in this documentation. Within the leisure proposals, LBE require applicants to demonstrate how the proposed activities will be open to a range of users." This proposal focusses only on one activity – football and furthermore it will be a single sex provision.

- **Poor financial offering**

Only 35% of the scoring of bids related to the rent or premium offered. Yet, repeatedly financial implications have been cited as the main driver for looking to lease out the site. This proposal will only deliver an initial premium of £500,000 followed by an annual rental from year 6-25 of £75,000 per annum. I note the rent will be reviewed every 5 years against CPI, however the total rent received will only be circa £2,000,000 for the whole 25 year period. This is hugely undervaluing the site. Furthermore, the proposal doesn't specifically say that the up-front money is ring fenced for improvements to Whitewebbs.

- **Impact on Covid-19 on the bidding process**

Bids were accepted in March 2020, scoring undertaken on 16th March 2020, with the intention of a preferred bidder being announced in April 2020. By the councils own admission the announcement was delayed by more than a year due to the impact of the pandemic. In this period the economy and the retail, hospitality and leisure industry has changed. The report does not address this in any way.

- **Golf Course closed before the season so there are no contemporary financials**

The decision making has taken place referencing pre-pandemic financials for the golf course. The golf course was closed prior to the lifting of restrictions earlier this year. Since restrictions have been lifted golf has seen a boom in popularity, this will fundamentally have changed the financial prospects of the golf course. For this reason, it is inappropriate for now out of date financial results to guide decision making.

- **Natural rewilding so stated costs are no longer valid**

Since the golf course has been closed the site has re-wilded itself and the council is no longer incurring the maintenance costs used as justification for leasing it out. Therefore, the bidding and decision-making process used for this report is fundamentally unsound.

- **Reduced public access**

Marketing of Whitewebbs Public Golf Course (WPGC) - point 28 paragraph 1 – London Borough of Enfield (LBE) seeking a proposal that will, at a minimum, retain this level of public access. This is clearly not the case as areas of the park that are currently open to public access are planned to be turned into a private training facility. Documents use the term “Golf Course” and “Golf Club” interchangeably. This gives the impression that the area could only be accessed by club members, this is fundamentally not the case. The course was used by thousands of people on a non-membership basis and also for non-golf related activity e.g. running and dog walking.

- **Lack of pedigree for managing facilities**

Tottenham Hotspur were given the maximum possible score for leisure experience. However, a large proportion of the plan involves woods and parklands. Tottenham Hotspur have minimal experience managing woods and parklands, therefore it is difficult to understand how they received the maximum score. In addition, Tottenham’s most recent development, ‘The Tottenham Hotspur Stadium’ suffered from huge delays and cost overruns.

- **No detail of community access**

In several sections of the bid community access to the new facilities has been referenced, but this is not defined.

- **Environmental Impact**

Lots of information on improvements, but nothing on exactly what work is needed to put in fencing, artificial and grass pitches. Will there be importation of soil, will there be a need for parking and paths on site such as hard surfaces. If so, this should be included in environmental impact. Point 80 – “In order for the proposed football academy to obtain planning permission, under current adopted planning policies an application will be expected to demonstrate that the proposal has a minimal environmental impact, in both construction and operational stages.” What standard constitutes ‘minimal environmental impact’? This should be defined.

- **Poor history of honouring commitments with the Council**

Enfield is still waiting for nature reserve which was in their original training ground planning application. How can we be sure that all the work they are saying they would do will actually be undertaken?

- **Equality**

The plan states that a women's football academy is of benefit to all. However, the plans provide no benefits for boys and men. It is also not clear how it benefits the residents of Enfield as beneficiaries will be drawn from a wide geographical area.

- **Conflict of interest**

On three occasions in the last two years Members of the Council have received hospitality from Tottenham Hotspur Football Club. The Leader – Cllr Caliskan had lunch at the training ground on 13th February 2020 and 6 days later accepted match tickets. This gift was accepted just 17 days before the deadline (2nd March 2020) for bidders to make final submissions.

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 **10 November 2021**

Appendices

Portfolio Report including appendices
Response to Call in reasons

Background Papers

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