

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 12 January 2022

Subject: Call in – Meridian Water Residential Delivery Programme

Cabinet Member: Councillor Nesil Caliskan

Key Decision: KD 5252

Purpose of Report

1. This report details a call-in submitted in relation to the following decision: Portfolio decision (taken on 8 December 2021). This has been “Called In” by 7 members of the Council; Councillors Smith, Dey, Steven, Vince, Thorp, Alexandrou and Rawlings

Details of this decision were included on Publication of Decision List No. 39/21-22 Ref:2/39/21-22).

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; (NB: this option is only available if the decision is outside of the policy framework)
 - (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 to "call-in" the Cabinet decision 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:

"KD 5252 is being called in because it provides little additional information to the previous report on delivery of phases M1, M2 and M3 approved by Cabinet in September 2020. It also fails to address some of the questions raised by the Scrutiny Workstream at that time or considered subsequently by the Housing Scrutiny Panel.

Generally speaking, the report provides a substantial amount of information about M4 but gives little information about the future shape of the scheme and whether the original objectives will be met. Many members find this concerning.

KD 5252 advises that since the previous delivery report the forecast and start on site for M3 has slipped from Q3 2022 to Q1 2024 and the start on site for M4 has slipped from Q3 2022 to Q4 2023. There seems to have been very little progress on M3 (student or co-working and affordable accommodation) in the intervening period.

KD 5252 does not provide a clear direction of travel or the design parameters for the scheme overall specifically in relation to:

- (a) The total number of new homes and jobs planned for sites the Council owns at MW. The report says that Phases 1 and 2 will accommodate circa 2,300 new homes. However, it is not clear how many further new homes are expected to be developed on future phases and what the eventual total is forecast to be in relation to the 10,000 new homes and 6,000 new jobs originally planned.

- (b) The recommended trade-off for the scheme between numbers of proposed new homes, height, density, number of family units, amount of public open space, community facilities, and amount and type of commercial and industrial space. It is acknowledged that the report provides some information on these issues for M4, but little further information for M1, M2 and M3.
- (c) Preventing overseas and other private investors acquiring the build for rent properties proposed for M4.

Note: at the last meeting of the Regeneration and Economic Development Panel on 30th November 2021 members were asked to make suggestions as to how to firm up these necessary trade-offs. As pointed out by the Panel this was an entirely inappropriate approach and suggested that not all necessary financial feasibility options had not been assessed by the Development Team over the past 14 months.

Following the major delays that have occurred on this programme and the rapid increase in building costs being experienced, no indication is given in the report whether the current policy of council-led development has been re-considered with a view to by introducing development partners in order to speed-up development and reduce the substantial levels of borrowing being planned.”

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

Background Papers

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