

London Borough of Enfield

Overview & Scrutiny Committee

Meeting Date 28 February 2022

Subject: Call in – North Middlesex Hospital Active Travel Improvements

Cabinet Member: Deputy Leader, Cllr Ian Barnes

Key Decision: KD 5372

Purpose of Report

1. This report details two call-ins submitted in relation to the following decision: Portfolio decision taken on 4 February 2022. Details of this decision were included on Publication of Decision List No.48/21-22 Ref:2/48/21-22).

This decision has been called-in by the following members of the Council:

Call in 1

Councillors Fallart, De Silva, Rye, Smith, Vince, Thorp, and Alexandrou

Call in 2

Councillors Anderson, Gunawardena, Barry, Lemonides, Brown, Orhan and Alessandro Georgiou

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 agrees to either:
 - (a) Refer the decision back to the decision-making person or body for reconsideration setting out in writing the nature of its concerns.
 - (b) Refer the matter to full Council; or
 - (c) Confirm the original decision.

When the Committee has considered the decision above and agrees 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 1

5. Please see the reasons for call in and officer responses at appendix A to D. Proposed course of action is for referral back to the Deputy Leader.

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 can 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 the decision maker - with issues (to be detailed in the minute) 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 the decision making person or body, together with the council's views on the decision).

Main Considerations for the Council

8. 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

9. There are no safeguarding implications.

Public Health Implications

10. There are no public health implications.

Equalities Impact of the Proposal

11. There are no equality implications.

Environmental and Climate Change Considerations

12. There are no environmental and climate change considerations.

Risks that may arise if the proposed decision and related work is not taken

13. 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

14. There are no key risks associated with this report.

Financial Implications

15. There are no financial implications

Legal Implications

16. 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

17. There are no workforce implications

Property Implications

18. There are no property implications

Other Implications

19. There are no other implications

Options Considered

20. 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

21. 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 reports
Response to reasons for Call in

Background Papers

None