

## London Borough of Enfield

### Overview & Scrutiny Committee

Meeting Date 11 October 2022

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**Subject:** Call in – Key Decision 5271, the proposed acquisition of land and buildings on Park Avenue, Potters Bar, EN6 5EW

**Cabinet Member:** N/A

**Key Decision:** N/A

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### Purpose of Report

1. This report details a call-in submitted in relation to the following decision: Portfolio (taken on 13 September 2022). This has been “Called In” by 7 members of the Council; Councillors Lee Chamberlain (Lead), Alessandro Georgiou, Adrian Grumi, Paul Pratt, Ruby Sampson, Edward Smith and Andrew Thorp.

Details of this decision were included on Publication of Decision List No.17/22-23 issued on 13 September 2022.

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.
3. 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.
4. 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**

5. The council's values are upheld through open and transparent decision making and holding decision makers to account.

### **Background**

6. The request received on 20 September 2022 to "call-in" the Portfolio decision of 13 September 2022 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"**

7. The Call-in request submitted by Councillors Lee Chamberlain (Lead), Alessandro Georgiou, Adrian Grumi, Paul Pratt, Ruby Sampson, Edward Smith and Andrew Thorp, Members of the Council gives the following reasons for Call-In:

- This is not a proper use of public money, public funds are not being spent wisely. The proposed purchase forms part of a gamble by the Council using public money for property speculation. It assumes that planning permission for housing on the larger site will be given by Hertsmere Council. This is most unlikely. The property and land in question is being purchased in the hope that they will be allowed to develop adjoining Green Belt land, something which although is outside the boundaries of London goes against the London Mayor's policies, Government policy and planning law.
- The decision is flawed in that it fails to ensure good value for money. Given the well-known proximity to LBE owned land and need for access, the council has effectively turned this location into a ransom strip. This will cause the inflation of the price for this land. The odds are the Council will pay over the market rate given it's known "need". The decision document fails to recognise this shortcoming and likelihood of the price being artificially inflated. It should be seeking to protect the taxpayer by limiting the spend allowed to no more than the market rate, with no green belt exploitation. The decision notably fails to set any fiscal terms of reference or parameters for the purchase.

- Development of the Green Belt is wrong both on moral and environmental grounds. Development of the green belt is bad in principle for the residents of Enfield and means removing an irreplaceable resource. The Green belt provides obvious environmental benefits, its retention plays a part in slowing climate change and providing "green lungs" which reduce pollution. The Green belt also provides the green spaces which facilitate recognised opportunities for improving both physical and mental health. Its removal affects all the people of Enfield, not just those living nearby it. Building on the green belt has already caused Hertsmere Council to revoke their local plan.
- The Council should focus on delivering the homes in projects it has already identified and it is failing to do so. The Council needs to move forward on land they have already identified and should focus on progressing these to deliver more homes now. The obvious and biggest example being Meridian Water, a project the opposition supports in principle. It is a 13-year-old multi million pound spend project which has done little more than replace the least used railway station in London, with one of most costly stations in outer London. Instead creating more future projects with no likely outcomes, the Administration should focus on delivering homes for people now from brownfield sites it already has various planning permissions and plans in place to progress.

#### **Outline of proposed alternative action:**

8. To consider and agree options under paragraph 2.

#### **Consideration of the "Call in"**

9. 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**

10. 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**

11. There are no safeguarding implications.

### **Public Health Implications**

12. There are no public health implications.

### **Equalities Impact of the Proposal**

13. There are no equality implications.

### **Environmental and Climate Change Considerations**

14. There are no environmental and climate change considerations.

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

15. 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**

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

### **Financial Implications**

17. There are no financial implications.

### **Legal Implications**

18. 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.

19. 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.

20. The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

## **Workforce Implications**

21. There are no workforce implications.

## **Property Implications**

22. There are no property implications.

## **Other Implications**

23. There are no other implications.

## **Options Considered**

24. 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**

25. 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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Report Author: Marie Lowe  
Governance & Scrutiny Officer  
Email: [marie.lowe@enfield.gov.uk](mailto:marie.lowe@enfield.gov.uk)  
Tel No. 020 8132 1558

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## **Appendices**

Response to Call in reasons  
Portfolio Report including appendices

## **Background Papers**

Separate documents have not been relied on in the preparation of this report.