



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY, 31ST MARCH,
2010 AT 7.00 PM**

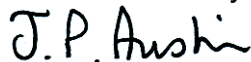
**THE WORSHIPFUL THE MAYOR
AND COUNCILLORS OF THE
LONDON BOROUGH OF ENFIELD**

Please Reply to: Stephen Addison
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My Ref: DST/SA
Date: 23 March 2010

Dear Councillor,

You are summoned to attend the meeting of the Council of the London Borough of Enfield to be held at the Civic Centre, Silver Street, Enfield on Wednesday, 31st March, 2010 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely



Assistant Director, Corporate Governance

1. **ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING**
2. **MAYOR'S CHAPLAIN TO GIVE A BLESSING**
The Mayor's Chaplain to give a blessing.
3. **MAYOR'S ANNOUNCEMENTS (15 MINUTES APPROXIMATELY)**
4. **MINUTES** (Pages 1 - 14)

To approve, as a correct record, the minutes of the Council meeting held on 24 February 2010.

5. **APOLOGIES**

6. DECLARATION OF INTERESTS (Pages 15 - 16)

Members of the Council are invited to identify any personal or prejudicial interests relevant to items on the agenda. Please refer to the guidance note attached to the agenda.

7. OPPOSITION BUSINESS - THE RESPONSE TO THE CHANGING SOCIAL PROFILE OF THE BOROUGH (Pages 17 - 22)

An issues paper prepared by the Labour Group is attached for the consideration of Council.

The Constitution Procedure Rules relating to Opposition Business are attached for information.

8. ADOPTION OF THE PARKS AND OPEN SPACES STRATEGY FOR ENFIELD (Pages 23 - 32)

To receive the report of the Director of Place Shaping and Enterprise (No. 236) recommending to Council the adoption of the Parks and Open Spaces Strategy together with its delivery plan and rolling action plan.

The recommendations set out in the report are to be considered at the Cabinet meeting to be held on 24 March 2010.

Copies of the Parks and Open Spaces Strategy, consultation statement and the rolling action plan have been placed on deposit in the Members Library, group offices and on the democracy pages of the Council's website.

9. ADDITION TO THE CAPITAL PROGRAMME (Pages 33 - 34)

To receive the report of the Director of Finance and Corporate Resources (No. 252) seeking Council approval to a change to the Capital Programme arising from the third quarter capital monitoring report.

The recommendation set out in the report was endorsed at the Cabinet meeting held on 3 March 2010.

10. HONEYSUCKLE HOUSE, OAKTHORPE ROAD, N13 5HY (Pages 35 - 42)

To receive the report of the Director of Health and Adult Social Care (No. 253) seeking approval of the acquisition of the remaining financial interest held by NHS Enfield in Honeysuckle House Care Home.

The recommendations set out in the report were endorsed at the Cabinet meeting held on 3 March 2010.

11. DELEGATED AUTHORITY WITHIN ENVIRONMENT & STREETSCENE DEPARTMENT (Pages 43 - 66)

To receive the report of the Director of Environment and Street Scene (No. 254) setting out the delegated authority arrangements within Environment and Street Scene Department and updating the arrangements in respect of delegated powers within the Planning & Environmental Protection, Highways & Transportation Services and Waste Management Divisions; and the Community Safety Unit; as a consequence of changes in structures, posts and legislation.

12. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 - CONSTITUTIONAL AMENDMENTS FOR NEW EXECUTIVE ARRANGEMENTS (Pages 67 - 74)

To receive the report of the Director of Finance and Corporate Resources (No. 255) seeking approval of the draft Constitutional amendments necessary to implement the new governance arrangements and which are appended to this Report as Schedule One.

The recommendations set out in the report were endorsed at the Governance Review Group meeting held on 4 March 2010.

13. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)
(Pages 75 - 88)

13.1 Urgent Questions (Part 4 - Paragraph 9.2.(b) of Constitution – Page 4-9)

With the permission of the Mayor, questions on urgent issues may be tabled with the proviso of a subsequent written response if the issue requires research or is considered by the Mayor to be minor.

Please note that the Mayor will decide whether a question is urgent or not.

The definition of an urgent question is “An issue which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council.”

Submission of urgent questions to Council requires the Member when submitting the question to specify why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting.

A supplementary question is not permitted.

13.2 Councillors' Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8)

The twenty three questions and responses are attached to the agenda.

14. URGENT DECISIONS REQUIRING THE WAIVING OF THE CALL-IN PROCEDURE (PART 4.2 – PARAGRAPH 17.3 – PAGE 4-34)

Council is asked to note the decision taken and the reason for urgency. The decision set out below was made in accordance with the Council's Constitution and Scrutiny Rules of Procedure (Paragraph 17.3 – relating to the waiving of the requirement to allow a 5-day call-in period):

i. Acquisition of land for the Oasis Hadley Academy, Ponders End

Decision:

That the Director of Place Shaping and Enterprise and the Co-Director of Education, Children's Services and Leisure (in consultation with the Cabinet Members for Finance and Resources and Education and Children's Services) be authorised to exchange contacts and complete the acquisition of the freehold interest in land at South Street, Ponders End on the terms outlined in this report and in accordance with the Cabinet decision dated 10 September 2008.

Reason for Urgency:

Failure to acquire the site would place £28 million of government funding for Ponders End for the project at serious risk of loss, and in any case delay to the project would incur substantial costs and reduce the number of primary school places available in the area in 2012.

15. MOTIONS

15.1 In the name of Councillor Lamprecht

"This Council calls upon the Government to freeze the increases in Business Rates for two years following the revaluation of premises which has resulted in massive and unwelcome increases in some cases of over 100%."

15.2 In the name of Councillor Chamberlain

"This Council calls upon the Government to halt their programme of cuts to Accident and Emergency services at hospitals in London, and especially at Chase Farm Hospital.

This Council demands that local General Practitioners, Clinicians and Local Authorities should determine local health needs."

15.3 In the name of Councillor Charalambous:

"This Council deplores the incompetence and waste of money in attempting to relocate Palmers Green Library to 284 Green Lanes, N13."

Content / length of speeches and Speakers

The Constitution confirms that speeches must be directed to the question under discussion, to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Mayor. As an exception, the mover of a motion (other than to receive or adopt reports of the Cabinet, a Committee/Sub-Committee or Panel or appropriate officer) may speak for 15 minutes in total, with an option of 5 or 10 minutes for proposing the motion and 5 or 10 minutes in exercising the right of reply. There should be no variations allowed between these two options. A maximum of 10 minutes should be allowed at any one period.

16. MEMBERSHIPS

To confirm the following change to committee memberships:

1. Standards Committee Independent Member Appointment Panel

To set up an Appointment Panel for the vacancy of an Independent Member when Rufus Barnes steps down in May 2010.

17. NOMINATIONS TO OUTSIDE BODIES

To confirm any changes to nominations to outside bodies.

18. CALLED IN DECISIONS

None received.

19. DATE OF NEXT MEETING

The next meeting of the Council will be held on Wednesday 26 May 2010 at 7.00 p.m. at the Civic Centre.

20. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

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**MINUTES OF THE MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 24 FEBRUARY 2010**

COUNCILLORS

PRESENT Eleftherios Savva (Mayor), Pamela Adams (Deputy Mayor), Kate Anolue, Gregory Antoniou, Chaudhury Anwar MBE, Alan Barker, John Boast, Chris Bond, Yasemin Brett, Jayne Buckland, Lee Chamberlain, Bambos Charalambous, Christopher Cole, Andreas Constantinides, Adrian Croshaw, Dogan Delman, Tony Dey, Annette Dreblow, Christiana During, Peter Fallart, Norman Ford, Achilleas Georgiou, Vivien Giladi, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ruth Hones, Ertan Hurer, Chris Joannides, Eric Jukes, Jon Kaye, Matthew Laban, Henry Lamprecht, Michael Lavender, Dino Lemonides, Paul McCannah, Kieran McGregor, Chris Murphy, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Henry Pipe, Martin Prescott, Geoffrey Robinson, Jeff Rodin, Michael Rye, George Savva MBE, Rohini Simbodyal, Toby Simon, Edward Smith, Terence Smith, Andrew Stafford, Doug Taylor, Glynis Vince, Kate Wilkinson and Ann Zinkin

ABSENT Kris Brown, Del Goddard, Jonas Hall, Bernadette Lappage and Donald McGowan

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MAYOR'S CHAPLAIN TO GIVE A BLESSING

Father Richard gave a blessing on the Council.

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MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements:

- 1 Dancing through the world at Millfield Theatre on Sunday 31st January 2010

Members I am please to report that 150 young people took part in the event from schools and clubs in the borough. It was a fantastic evening which everyone enjoyed. The event raised over £2000 for the Mayor's Charity Appeal. I would like to place on record my thanks to Paul Everitt and his staff for all their hard work in making the evening such a success.

- 2 Opening of Dugdale Centre Thursday 11 February 2010

This is an excellent facility which I opened recently. The event was well attended by the public and I hope that they will appreciate the theatre, the exhibition areas and this wonderful facility in the centre of Enfield Town.

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3 Opening of the John Jackson Library Tuesday 23rd February 2010

It was a privilege to attend the launch of the John Jackson Library which is a fitting tribute to John Jackson who served this borough for over 40 years. A plaque was unveiled in his memory by his wife Sylvia Jackson.

4 Edmonton Carnival 20th March 2010

This colourful lively street parade is designed to reflect and celebrate Edmonton and its diverse communities. Over 200 members of the community are taking part.

The Council is developing our international friendships with our twin towns and consequently the Mayors of Halandri & Sariyer as well as the Deputy Mayor of Gladbeck will be walking with me together with 6 schools and 20 community groups. We will gather at Millfield Theatre and walk to the Edmonton Green Shopping Centre.

5 Mayor's Charity Dinner & Dance 20th March 2010

I would ask members to buy their tickets as their support would be very much appreciated.

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MINUTES**

AGREED that the minutes of the Council meeting held on 26 January 2010 be confirmed and signed as a correct record.

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APOLOGIES**

Apologies for absence were received from Councillors Goddard, Hall, Lappage and McGowan. Apologies for lateness were received from Councillors Buckland, E Smith and Taylor.

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DECLARATION OF INTERESTS**

Councillors Anwar, Barker, Boast, Constantinides, Delman, Dey, Dreblow, During, Ford, Giladi, Jukes, Murphy, Neville, Pearce, Robinson, G Savva, Simon and Vince declared personal interests in Item 14 – Motions as they were in receipt of a Freedom Pass entitling them to free off - peak bus travel.

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BUDGET 2010/11 AND MEDIUM TERM FINANCIAL PLAN (GENERAL FUND)

The Mayor proposed in accordance with past practice, that the Leader of the Council and the Leader of the Opposition be permitted up to 15 minutes to speak during the budget debate. This was put to the Council and agreed.

Councillor Rye moved and Councillor Hurer seconded the report of the Director of Finance and Corporate Resources (No.222) which provided information on the outcome of the recent budget consultation; confirmation of the local government financial settlement; a summary of the Council's Medium Term Financial Plan over the next five years; proposals regarding the level of the 2010/2011 Council Tax; the Council's revenue budget requirement for 2010/11; and, the Council Tax to be levied for the year ahead for each property band, including the Greater London Authority precept for 2010/2011.

NOTED that

1. that the recommendations set out in the report were endorsed at the Cabinet meeting held on 10 February 2010.
2. that during the debate the Leaders of all 3 groups on the Council thanked James Rolfe and his team for all of their hard work in pulling together this years budget.
3. the provisions of Section 106 of the Local Government Finance Act 1992 that required any Member who is two months or more in arrears on their Council Tax to declare their position and not to vote on any issue that could affect the calculation of the budget or Council Tax.

During the debate Councillor Rodin moved and Councillor Charalambous seconded the following amendment:

"To add at recommendation 2.6

(v) Agrees that the revenue budget for 2011/12 will include no increase in the Council Tax for Enfield services and the tax at Band D will remain at £1,100.34"

Following a lengthy debated and in accordance with Council Procedure Rule 15.4, a roll call was requested to show how each Member present cast their vote.

On being put to the vote the amendment was lost with the following result:

For: 23

(namely Councillors Anolue, Anwar, Bond, Brett, Charalambous, Cole, Constantinides, During, Georgiou, Giladi, Hasan, Lemonides, McGregor,

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Murphy, Orhan, Oykenner, Robinson, Rodin, G Savva, Simbodyal, Simon, Stafford and Taylor)

Against: 33

(namely Councillors Adams, Antoniou, Barker, Boast, Chamberlain, Croshaw, Delman, Dey, Dreblow, Fallart, Ford, E Hayward, R Hayward, Headley, Hones, Hurer, Joannides, Jukes, Kaye, Laban, Lamprecht, Lavender, McCannah, Neville, Pearce, Pipe, Prescott, Rye, E Smith, T Smith, Vince, Wilkinson and Zinkin)

Abstained: 1

(namely Councillor E Savva)

Following further debate the recommendations set out in the report were put to the vote and unanimously agreed by the Council.

AGREED

1. with regard to the revenue budget for 2010/11 it is recommended that:
 - (i) the net budget requirement for Enfield be set at £242.576m in 2010/11;
 - (ii) subject to final pupil count data, approval is given to expenditure of £227.309m on the schools' budget, funded from the Dedicated Schools' Grant;
 - (iii) the Council Tax at Band D for Enfield's services for 2010/11 be set at £1100.34 (para 10.1), there being no increase over the 2009/10 Council Tax.
 - (iv) the statutory calculations and resolutions set out in Appendix 7 are approved;
 - (v) it be noted that the recommended budget adequately funds the Council's financial obligations relating to the achievement of Local Area Agreement targets;
 - (vi) it is agreed that the Council supports the energy efficiency programme set out in paragraph 8.64.

2. with regard to the Prudential Code and the Capital Programme it is recommended that Council:
 - (i) notes the information regarding the requirements of the Prudential Code (section 11);
 - (ii) agrees the proposals for allocating resources to capital projects as set out in para 11.26 and Appendix 10;
 - (iii) agrees the recommendations regarding the additions to the capital programme, as set out in Appendix 10;
 - (iv) agrees the Prudential Indicators, the Treasury Management Strategy, the Minimum Revenue Position statement and the criteria for investments, set out in section 11 and Appendix 9.

3. with regard to the ICT Work programme it is recommended that Council agrees the additions to the ICT work programme set out in section 9 and Appendix 12.

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4. with regard to the Medium Term Financial Plan it is recommended that Council notes the forecast for the medium term as set out in section 12 and that efficiency and other savings of £13m on average per annum will need to be found over the period 2011/12 to 2014/15.
5. with regard to the robustness of the 2010/11 budget and the adequacy of the Council's earmarked reserves and balances it is recommended that Council:
 - (i) notes the risks and uncertainties inherent in the 2010/11 budget and the Medium Term Financial Plan (section 13);
 - (ii) notes the advice of the Director of Finance & Corporate Resources regarding the recommended levels of contingencies, balances and earmarked reserves (section 14) and has regard to the Director's statement (section 17 and Appendix 16) when making final decisions on the 2010/11 budget;
 - (iii) agrees the recommended levels of central contingency (paragraph 14.8) and general balances (paragraph 14.11);
 - (iv) agrees the reallocation of the specific earmarked reserves set out in paragraph 14.12 of the report.

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HOUSING REVENUE ACCOUNT ESTIMATES 2010/11 AND MEDIUM TERM FINANCIAL PLAN (RENT SETTING - HRA)

Councillor Laban moved and Councillor Dey seconded the report of the Director of Finance and Corporate Resources and Director of Place Shaping and Enterprise (No. 223) presenting for approval the revenue estimates of the Housing Revenue Account (HRA) for 2010/2011 following consultation with residents on the Housing Revenue Account budget position.

NOTED that

1. the recommendations set out in the report were endorsed at the Cabinet meeting held on 10 February 2010.
2. Councillor Laban thanked Darren Welsh and his team for their hard work in pulling together the budget for the HRA and he wished Daren well for the future in his new job.

AGREED

1. that the detailed revenue estimates of the Housing Revenue Account for 2010/11 be approved and the forecast set out in table 1 of the report for the medium term be noted.
2. that the formula rents be increased by 3.1% in line with Government guidance. To note that this will result in an average increase of 0.4% for Enfield tenants and that the difference between formula and actual is caused by the negative RPI of 1.4% this year and other factors within the calculation.

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3. the level of service charges as set out in paragraph 16 of the report for those properties receiving the services be agreed for 2010/11.
4. that the proposals for increases in other income as detailed in Appendices 2 and 3 of the report be agreed for 2010/11.
5. that the Temporary Accommodation rents as set out in Appendix 5 of the report be agreed for 2010/11.

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BOROUGH WIDE HALLS PHASES 2 AND 3

Councillor Laban moved and Councillor Dey seconded the report of the Director of Place Shaping and Enterprise (No.196) seeking approval for additional funding to complete the Borough Wide Programme of Disability Discrimination Act (DDA) and refurbishment works to 9 Community Halls under Phases 2 and 3. The report also sought approval to include Boleyn Hall in the Borough wide refurbishment programme and bring it back into use.

NOTED that the recommendations set out in the report were endorsed at the Cabinet meeting held on 10 February 2010.

AGREED

1. that the proposed scheme be funded from the Housing Capital Budget;
2. that additional capital resources of £1,200,000 are approved for the proposed works and associated fees for Phases 2 & 3 of the Borough Wide Halls DDA Alterations and Refurbishments;
3. that subject to approval and receipt of satisfactory and competitive tenders, Enfield Homes is authorised to accept the tenders offering best value subject to them not exceeding the cost of £1,200,000, inclusive of consultant fees.
4. to bring Boleyn Hall back into use and include it in the Community Hall Refurbishment programme and a block booking for the use of the Hall be offered to the Enfield Cypriot Association (ECA), but also for the hall to be let out to the local community.

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YOUNG PEOPLES LIFE OPPORTUNITIES COMMISSION FINAL REPORT

Councillor Prescott moved and Councillor Dreblow seconded the report of the Young Peoples Life Opportunities Commission (No. 224) seeking approval of a costed action plan and funding to deliver the reports recommendations. Council was also asked to confirm that the Overview and Scrutiny Committee monitor the reports recommendations to completion and provide an update to Council within 12 months.

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NOTED the thanks expressed by Councillor Prescott to all of the Members and officers involved in the Commission.

AGREED

1. The action plan produced as part of the Young People's Life Opportunities Commission's final report and note the funding strategy required to deliver the reports recommendations.
2. That the Overview and Scrutiny Committee monitor the recommendations to completion, providing an update to Council within 12 months.

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CONSERVATION AREA REVIEW PHASE IV - APPROVAL OF PROPOSED ARTICLE 4 DIRECTIONS TO SUPPORT NEW CONSERVATION AREA AT THE LAKES ESTATE

Councillor Neville moved and Councillor R Hayward seconded the report of the Director of Place Shaping and Enterprise (No. 225) recommending that the permitted development rights be withdrawn from householders within the new conservation area.

NOTED that the Cabinet agreed on 10 February 2010 to designate a new conservation area at The Lakes Estate.

AGREED

1. that the dwelling houses listed within Appendix A of the report be subject to an Article 4(2) Direction under The Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, in respect of those Parts/Classes of the Order scheduled against the Conservation Area in Appendix A, removing permitted development rights.
2. that the Director of Place Shaping and Enterprise undertakes the necessary steps to serve Article 4 Directions on the properties within the Conservation Area referred to in Appendix A of the report.
3. that any representations arising from the serving/publication of the Article 4 Directions be reported to the Planning Committee for consideration and a final formal decision be made as to whether the Directions should be made permanent with regard to any of the affected properties.
4. to delegate authority to the Planning Committee to carry out 3 above, in relation to these proposed Directions.

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5. that the Conservation Advisory Group is advised when the Directions are made.
6. that the Director of Place Shaping and Enterprise be further instructed to apply to the Secretary of State for approval of an Article 4 (1) Direction removing the permitted development right to install solar PV or solar thermal equipment on the principal or side roof slopes of householders allowed under Part 40 of Class A of Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 for all properties shown on the Schedule in Appendix A to this report.
7. that should the Secretary of State approve the Article 4 (1) Direction, the Director of Place Shaping and Enterprise be instructed to carry out resolutions 2 – 5 above in this regard.

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APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

Councillor Dreblow moved and Councillor Constantinides seconded the report of the Director of Finance and Corporate Resources (No. 226) proposing changes to the way in which the Council appoints independent members to the Standards Committee. The report recommended that the appointments be staggered to bring about more continuity on the Committee in relation to the independent members. This includes an interim arrangement to enable one of the current members to remain on the Committee for a further period of 12 months and the other for 24 months.

NOTED that the recommendations set out in the report were endorsed at the Standards Committee meeting held on 3 February 2010 and the Governance Review Working Group meeting held on 4 February 2010.

AGREED the following changes to the Constitution to enable:

1. the appointment of independent members of the Standards Committee to be staggered to increase continuity of membership as set out in paragraph 3.4 of the report.
2. as an interim arrangement, one independent member remains on the Committee for a period of 2 years, another for 1 year, with a new member being appointed prior to May 2010 through the statutory competitive recruitment process.

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COUNCILLORS' QUESTION TIME

1. Urgent Questions (Part 4 - Paragraph 9.2.(b) of Constitution – Page 4-9)

The Mayor confirmed that having taken advice from officers, he had agreed to accept the following urgent question in accordance with the Council's Constitution.

Question 1 from Councillor Chamberlain to Councillor Rye, Leader of the Council:

“Could the Leader of the Council inform the Council of any action that he or the Council has taken with regard to the unexpected closure of the main Post Office in Enfield Town that stopped providing services last week?”

Reply from Councillor Rye:

“Like most residents I was shocked to learn last week of the sudden closure of the Enfield Town main post office.

Immediately I learnt of this closure I instructed the Chief Executive to contact the most senior person in the Post Office responsible for Enfield.

We have been informed that a planned audit showed up concerns that required a closure and lengthy investigation. The Post Office have confirmed they have no plans to close the main Post Office in Enfield Town and apologise for the inconvenience caused to many residents and shoppers in Enfield. The closure is likely to be for some weeks and we continue to press the Post Office for an early re-opening of the branch and their own press statement when this is possible. “

2. Questions by Councillors

NOTED

1. the eleven questions, on the Council's agenda, which received a written reply by the relevant Cabinet Member.
2. the following supplementary questions received for the questions indicated below:

Question 3 from Councillor Chamberlain to Councillor Kaye, Cabinet Member for Leisure, Culture, Olympics 2012 & Voluntary Sector

“Can Councillor Kaye indicate the current footfall at the new Millfield Theatre Restaurant?”

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Reply from Councillor Kaye:

"I am please to confirm that 25,000 people have now used this very popular and successful facility and I am sure that its use will continue to grow."

Question 4 from Councillor Charalambous to Councillor Kaye, Cabinet Member for Leisure, Culture, Olympics 2012 & Voluntary Sector:

"Does Councillor Kaye think that replacing the existing 86 free parking spaces at the current Southgate Library with just 3 disabled parking spaces at the proposed new library is adequate?"

Reply from Councillor Kaye:

"There is no free parking at other Council libraries and we will be considering the parking options for this site over the coming months."

Question 6 from Councillor Charalambous to Councillor Kaye, Cabinet Member for Leisure, Culture, Olympics 2012 & Voluntary Sector:

"What are your plans for the future use of the current Palmers Green Library site, I have an email from a Council officer confirming that the library will not be used as a primary school, this contradicts your written response, which statement is correct?"

Reply from Councillor Kaye:

"No decision has been taken on this and all options are still open for the current Palmers Green Library site. The use of the site for a school is a possibility, but there will be an open consultation on this before any decision is taken."

Question 7 from Councillor Bond to Councillor Neville, Cabinet Member for Environment and Street Scene

"Given that it is well known that the developer of this site is a leading member and funder of the Enfield North Conservative Association, when this application is resubmitted after the election, will members of the Enfield North Conservative Association on the Planning Committee be able to vote on the matter. Given the comments of a prospective Conservative candidate in this ward on the traffic situation in Chase Side, what does Councillor Neville propose to do to improve the traffic situation?"

Reply from Councillor Neville:

"It was likely that this application would have been refused by officers under the planning scheme of delegation. If this application is resubmitted, members of the Planning Committee will have to be guided by officers on any declarations to be made at the meeting. On the second part of your question, this question was dealt with in the main answer, however the impact of any

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application on the traffic in the area does form an integral part of the consideration of any planning application”

Question 10 from Councillor Bond to Councillor Neville, Cabinet Member for Environment and Street Scene

"In response to Councillor Neville's 3 questions, my responses are yes, I have not seen the books and no, can Councillor Neville confirm if he or an officer of the Council has signed any agreements for the provision of wheelie bins before the end of the current pilot scheme?"

Reply from Councillor Neville:

"If it is decided to roll out this scheme, more bins will have to be bought. I am glad to hear that Councillor Bond is committed to retaining weekly rubbish collections."

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MOTIONS**

Councillor Rye moved and Councillor Hurer seconded, the following motion:

"This Council deplores the Government's plan to halve its contribution to the London Councils to meet the cost of extending off-peak free bus travel to non-Londoners."

During the debate Councillor Rodin moved and Councillor Orhan seconded the following amendment :

"Delete the word "deplores" and substitute the word "notes".

Add as an additional sentence "It further notes that London Councils as a whole received £55.4m in 2008/09 even though the additional costs of the National Bus Concession to London Councils was only forecast to be £5.1m. This Council further notes that the grant distribution for 2010/11 is likely to be substantially more than the cost of the scheme to London Authorities."

Following a brief debate the amendment was put to the vote and lost with the following result:

For: 22

Against: 30

Abstained: 1

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The motion was then put to the vote and agreed with the following result:

For: 30

Against: 0

Abstained: 23

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**DECISION UNDER COUNCIL URGENT ACTION PROCEDURE -
PURCHASE OF THE FREEHOLD INTEREST IN OAKWOOD LIBRARY, 185
- 187 BRAMLEY ROAD, N14 4XA**

NOTED the decision taken by the Leader of the Council set out below made in accordance with the Council's Constitution and Council Rules of Procedure (Paragraph 30 - Part 4 of the Council's Constitution which allows the Leader, in consultation with the relevant Cabinet Member(s), to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council):

- i. Purchase of the freehold interest in Oakwood Library, 185 - 187 Bramley Road, N14 4XA

Decision:

To approve the purchase of the freehold as a new Capital scheme to an upper limit of the purchase price of £680,000 (plus tax and costs) on behalf of the Council.

Reasons for Urgency:

- a. The funding of the purchase of the freehold interest in this property would represent an addition to the Capital Programme, to an upper limit of the purchase price of £680,000, plus tax and costs thus requiring the approval of full Council (under the Finance Procedure Rules);
- b. The property is due for sale by auction at 11am on 10th February 2010;
- c. If the Council is to be able to bid for the freehold at auction the matter cannot, therefore, await approval at the next meeting of the Council on 24 February 2010.

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**URGENT DECISIONS REQUIRING THE WAIVING OF THE CALL-IN
PROCEDURE (PART 4.2 – PARAGRAPH 17.3 – PAGE 4-34)**

NOTED the decisions taken and the reasons for urgency set out below were made in accordance with the Council's Constitution and Scrutiny Rules of

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Procedure (Paragraph 17.3 – relating to the waiving of the requirement to allow a 5-day call-in period):

i. Conservation Area Review Phase IV (The Lakes Estate)

Decision:

That the Conservation Area Review Phase IV (The Lakes Estate) be implemented with immediate effect.

Reason for Urgency:

To ensure that appropriate planning controls are immediately available following the decision of Cabinet to prevent works that could harm the conservation area's character.

ii. Purchase of the freehold interest in Oakwood Library, 185 - 187 Bramley Road, N14 4XA

Decision:

To approve the purchase of the freehold as a new Capital scheme to an upper limit of the purchase price of £680,000 (plus tax and costs) on behalf of the Council.

Reasons for Urgency:

- a. The funding of the purchase of the freehold interest in this property would represent an addition to the Capital Programme, to an upper limit of the purchase price of £680,000, plus tax and costs thus requiring the approval of full Council (under the Finance Procedure Rules);
- b. The property is due for sale by auction at 11am on 10th February 2010;
- c. If the Council is to be able to bid for the freehold at auction the matter cannot, therefore, await approval at the next meeting of the Council on 24 February 2010.

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MEMBERSHIPS

NOTED the following change in remit of a Cabinet Portfolio recently confirmed by the Leader of the Council:

Cabinet Member for Adult Social Services and Wellbeing - Councillor Edward Smith.

**132
NOMINATIONS TO OUTSIDE BODIES**

None received.

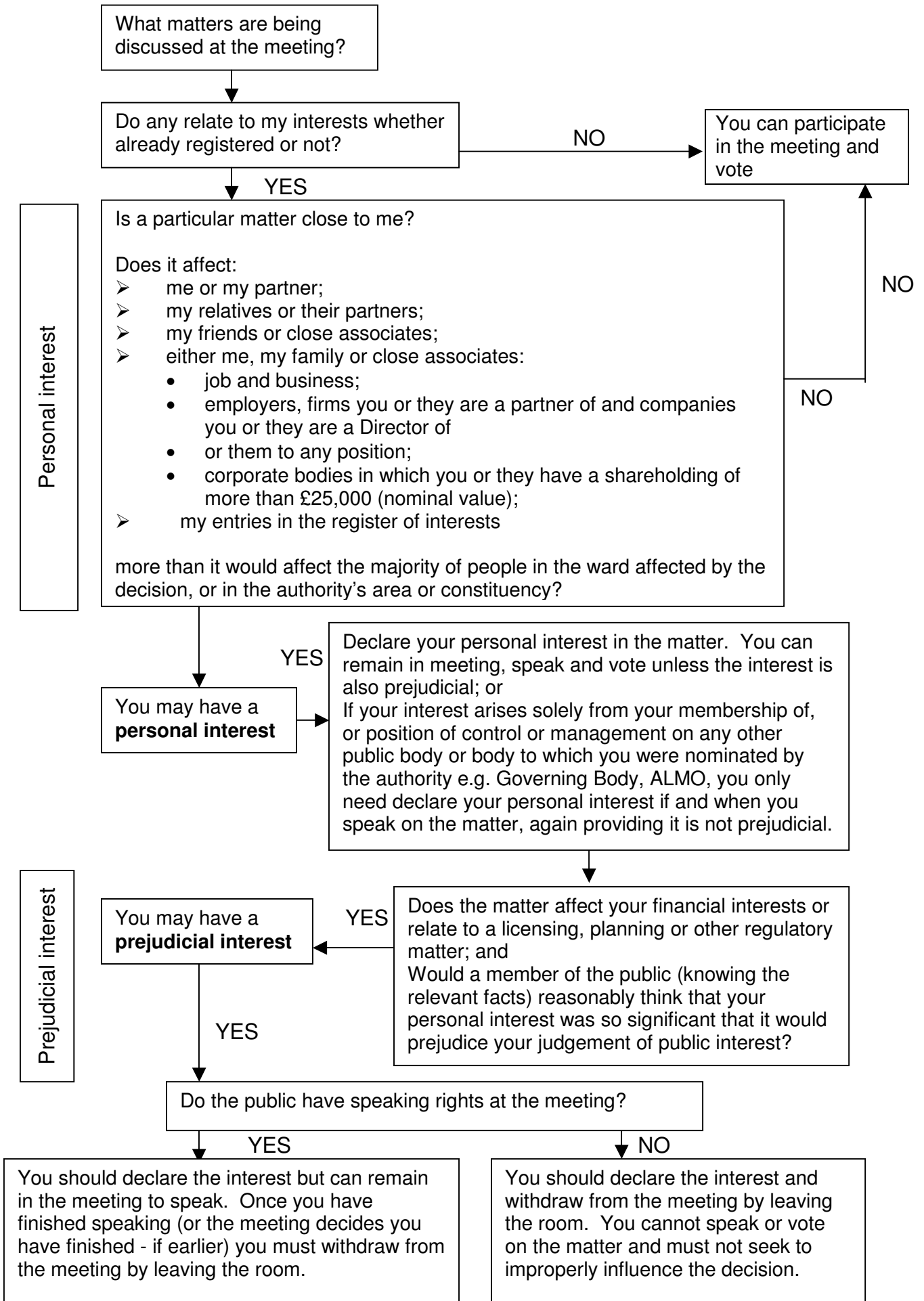
**133
CALLED IN DECISION**

None received.

**134
DATE OF NEXT MEETING**

NOTED that the next meeting of the Council was to be held on Wednesday 31 March 2010 at 7.00 p.m. at the Civic Centre.

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



Note: If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

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OPPOSITION PRIORITY BUSINESS - THE RESPONSE TO THE CHANGING SOCIAL PROFILE IN THE BOROUGH

Council – 31.3.2010 Report of the Labour Group

At the Council Meeting on 11 November 2009, the Labour group put forward as “Opposition Priority Business, a paper which highlighted the need for the Council to examine what is done to reduce inequality in the Borough. The paper is reproduced here as Appendix 1 to this item and what follows here demonstrates how much is being invested in the Borough’s infrastructure as a result of decisions taken by the current Labour Government, gives as an example what Enfield can do to help and requests the next Council to make the action to deal with these issues a top priority.

The true test of an effective Council is the extent to which it rises to the challenge of changing circumstances, works with residents and businesses and organisations, uses its resources and those of Government to tackle problems and does not wait until a problem has reached critical proportions before acting.

It is important that all members of the Council are aware of what is happening in the Borough. The appendix sets out some of the facts, and this is worth both repeating and adding to. In Enfield:

- There is rising inequality and we are now the Borough with the second highest level of inequality in London
- The Borough has the highest level of unemployment in a “Super Output Area” in the whole of North London at 51%
- There are many other indicators that show deteriorating trends for the poorer parts of the Borough, some of which are highlighted in the appendix

However, in addition to the above, the perceptions of the community about Enfield as shown by surveys are worrying. These show that Enfield compared to all 33 London boroughs is 28th for “feeling satisfied”, 22nd for “getting on well together” and 27th for feeling that decisions can be influenced. It is our view that the style of the Council is remote and not engaging. It does not proactively engage with key sectors, after all it took almost 8 years for the administration to have the first real meeting with business even though Enfield has the 2nd largest area of Industrial Land in London and even now it has no economic development/inward investment strategy.

If it were not for the assistance given to the Borough by the decisions of the Labour Government, the position would be far worse. Enfield received £331million in external grants and the area based grant for 2009/10, and will receive £345 million, in 2010/11. The Borough will receive £85 million for “Building Schools for the Future, and £137 million, to invest in our public housing stock under the “Decent Homes Programme”, plus an investment of £90 million in total for housing along the A406 (£54 million from the Government and £36million from Notting Hill Housing Trust). That in total is almost £1billion

of monies coming into the Borough as a result of Labour government activity, much of which will be invested in rebuilding the social infrastructure of the Area, creating jobs and wealth locally in the process.

If it weren't for the Labour government targeting and supplying resources, then there is little evidence that the ruling group on this Council would have put forward or sought other sources of money to meet the issues that face the Borough. There are many examples of Labour Government initiatives that have had a beneficial effect, including "Sure Start", "Youth Opportunities Fund", "Ethnic Minorities Achievement grant", "free Swimming", "homelessness grant", funding staff costs for "Place shaping", PFI Grant for street lighting .

Meanwhile the priority of the Tory administration in Enfield has not been on the real problems faced by the most disadvantaged in the Borough. The Library strategy has absorbed £ millions of capital at a time when there are massive needs to help residents overcome disadvantage. Their actions have not addressed the gross inequalities that have grown over the last eight years. This is a legacy that fails to demonstrate that the Tories have the understanding that can enable them to address the issue of managing a changing Borough. The current administration relies upon a Labour Government and its policies and resources to meet the needs of the Boroughs' residents and then fails to use those resources effectively or add to them with the Council's own money, or substantially bid for European or other funds to meet the obvious need.

Where has the real leadership come from? The Labour Group has used Opposition Business to raise several matters and from time to time has met with a positive response. The young peoples commission was set up as a result of an Opposition initiative and the work it has carried out will have a positive effect on the prospects of young people in Enfield. The Opposition paper on inequality which is appended here has not resulted in action and the recommendation contained in it about "free school meals" has not only been ignored, but the Tories have refused to match fund a government programme to provide free school meals on a wider basis.

Unless the next Council focuses on the major issues of inequality and economic and social growth, Enfield's future will indeed be bleak, too many of our neighbourhoods become run - down, the opportunities for residents and businesses restricted and the Borough a divided place.

It is therefore important that the next Council's number 1 priority is tackling growing inequality in the Borough, and that it does not waste money on grandiose schemes. As a start this Council resolves to abandon its plan to relocate Palmers Green Library, but instead instructs the Chief executive to set up a project Team to turn the former Marks and Spencer premises in Green lanes into retail units and workshop space to be made available at on a subsidised basis to new local businesses that employ and train local unemployed. This project Team will complete its work within 3 months from today.

OPPOSITION PRIORITY BUSINESS - EQUALITY

Council – 11.11.2009 Report of the Labour Group

It is very clear that whatever socio-economic measure is used, there is a lack of equality in Enfield and it is the view of the Labour Group, which we hope will be shared by all Members, that the Council should use its powers and resources to do what it can to redress this inequality.

For the purposes of this paper, 4 indicators have been used, unemployment rates, life expectancy, eligibility for free schools meals and income levels. It is highly unlikely that if any other indicators had been used, the results would have been any different.

In relation to unemployment, the wards in the borough with the highest levels of registered unemployed are as follows:-

- Edmonton Green – 14.2%
- Ponders End – 12%
- Upper Edmonton - 11.1%
- Lower Edmonton 10.3%

And the four wards with the lowest rates were:-

- Grange 3.5%
- Highlands 3.7%
- Town 3.9%
- Bush Hill Park 4.1%

So whereas in the worst affected ward, Edmonton Green, 1 in 7 of the workforce is unemployed; in Grange ward only 1 in 28 of the workforce is unemployed. This demonstrates that a resident of Edmonton Green is 4X more likely to be unemployed than a resident of Grange.

Turning to life expectancy, which in large measure is linked to economic wellbeing, the 4 wards in the borough with the lowest life expectancy are:-

- Edmonton Green 73.5 years
- Upper Edmonton 74.3 years
- Enfield Lock 74.9 years
- Lower Edmonton 75.4 years

And the 4 wards with the highest life expectancy are:-

- Highlands 82.3 years
- Grange 81.3 years
- Cockfosters 81.3 years
- Southgate 80.9 years

So if you are in the ward with the highest life expectancy, Highlands, you can expect to live nearly 9 years longer than if you live in the ward with the lowest life expectancy, Edmonton Green.

Eligibility for free school meals is based on family income and therefore is an accurate indicator of economic deprivation. The wards with the highest proportion of eligible children are:-

- Edmonton Green 36.8%
- Enfield Lock 36.3%
- Lower Edmonton 34.2%
- Turkey Street 33.1%

The 4 wards with the lowest proportion of children eligible are:-

- Winchmore Hill 6.7%
- Grange 6.9%
- Town 8.4%
- Highlands 9.6%

So the proportion of children who are eligible for free school meals because their family's income is low enough to qualify is 5 times greater in Edmonton Green than in Winchmore Hill.

The final indicator is the proportion of households with an income of less than £15,000 per annum, which by the standards of 2009 is undoubtedly very low. The 4 wards with the highest proportion are:-

- Edmonton Green 24.5%
- Upper Edmonton 20.5%
- Turkey Street 19.1%
- Ponders End 19%

The wards with the lowest proportion of low income households are:-

- Winchmore Hill 6.5%
- Grange 7.6%
- Bush Hill Park 8.5%
- Town 9.4%

So in the poorest ward, virtually 1 in 4 households have an income of less than £15,000 per annum whereas in the ward with the lowest proportion, there are less than 1 in 15 households with such low income.

On each indicator Edmonton Green is the most deprived ward in the borough. Taking the 4 indicators together, it is possible to rank all the wards in the borough in relation to their relative prosperity. Given that there are 21 wards in the borough, if the scores are allocated on the basis of 1 to the most prosperous and 21 to the least prosperous on each indicator, the results are as follows in order of relative prosperity:-

1. Grange
2. Highlands
3. Winchmore Hill
4. Bush Hill Park
5. Town
6. Southgate
7. Cockfosters
8. Southgate Green
9. Palmers Green
10. Bowes
11. Chase
12. Southbury
13. Haselbury
14. Jubilee
15. Enfield Highway
16. Turkey Street
17. Enfield Lock
18. Ponders End
19. Lower Edmonton
20. Upper Edmonton
21. Edmonton Green

What we have is a clear east-west divide, with the poorest wards in the borough being east of the Great Cambridge Road.

Apportioning blame is not the purpose of bringing this to the attention of the Council but instead to demonstrate that there is significant economic inequality in the borough and the Council can give practical reality to its commitment to equality by agreeing to take action to counter the inequality demonstrated by the statistics set out above.

The Labour Group therefore proposes that the following actions are taken as a beginning towards creating a more equal borough.

1. Provide free school meals for all primary aged children in the borough as an effective way of ensuring that young children are not prevented from being able to concentrate in school because of lack of adequate nutrition.
2. Provide assistance in the form of business rate rebates and business rent reductions in the 7 most economically deprived wards in order to assist existing businesses to survive and to encourage new businesses to come into these areas. This assistance to be available on application, with criteria for qualification for assistance to be drawn up and published in advance.
3. Set aside funds to attract grants and other inward investment monies to these wards .
4. Devote a much higher part of the Council's discretionary environment budget to the least economically successful wards in order to improve the environment in those areas and make them more attractive to inward investment.
5. To work with education providers, inside and outside of the borough, to ensure that people in the most deprived areas have access to opportunities to acquire additional skills. The Council will make funding available in these areas so that lack of income is not a barrier that prevents the acquisition of additional qualifications.

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MUNICIPAL YEAR 2009/2010 REPORT NO. **236**

MEETING TITLE AND DATE:

CABINET: 24 March 2010

COUNCIL: 31 March 2010

Agenda – Part 1	Item: 8
Subject: Adoption of the Parks and Open Spaces Strategy for Enfield	
Wards: All	
Cabinet Member consulted: Cllr Michael Lavender	

REPORT OF:

Director of Place Shaping & Enterprise

Contact Officer and telephone number: Lovelace Poku; Tel: 0208 379 3870

E-mail: lovelace.poku@enfield.gov.uk**1. EXECUTIVE SUMMARY**

- 1.1 The purpose of the Parks and Open Spaces Strategy is to coordinate improvements in provision, quality, accessibility, management and promote the use and enjoyment of parks and open spaces to more individuals and groups in the community.
- 1.2 The Enfield Parks and Open Spaces Strategy sets out a shared vision for the network of open spaces across the Borough and aims to ensure they deliver their potential for cross-cutting place shaping benefits. The strategy has been developed through public consultation with the community. A 10-year Delivery Plan and three-year Rolling Action Plan accompany the Strategy to ensure that the objectives of the Strategy are delivered.
- 1.3 Copies of the Strategy, Rolling Action Plan and Consultation Statement will be placed in the Group offices and Members' library.

2. RECOMMENDATIONS

That Cabinet recommends to Council the

- 2.1 Adoption of the Parks and Open Spaces Strategy together with its Delivery Plan and Rolling Action Plan.

3. BACKGROUND

- 3.1 The Enfield Parks and Open Spaces Strategy is the result of a comprehensive review of open space across the Borough. It encompasses all public and private open spaces across the Borough including parks, housing open land, allotments, cemeteries and amenity space. This wide range of different types of open spaces makes a valuable contribution to the quality of life and the character of places where people want to live, work and visit. The open space network, the spaces and the links in between, provides a green infrastructure that fulfils a wide range of functions, including formal and informal recreational opportunities, wildlife habitat and flood catchment areas.
- 3.2 The purpose of the Parks and Open Spaces Strategy is to coordinate improvements in provision, quality, accessibility, management and promote the use and enjoyment of parks and open spaces to more individuals and groups in the community. Facilities will be improved in response to evidence of deficiency in certain areas identified in the 2006 Open Space and Sports Assessment and its accompanying residents' survey (2006) and also the extensive public consultation on the Strategy itself (2010).
- 3.3 The Strategy will be a key component of the Place Shaping Agenda for delivering with our partners and stakeholders the Council's vision of "**a healthy, prosperous, cohesive community living in a borough that is safe, clean and green**" that is envisaged in Enfield's Sustainable Community Strategy (2007 – 2017). Key Strategic objectives can be advanced through how we manage our open spaces especially:
- Catering for children and young people
 - Providing safer and stronger communities
 - Encouraging healthier communities
 - Providing services for older people
 - Promoting economic development and enterprise
- 3.4 Other Council strategies, including the Local Development Framework, Local Implementation Plan/Borough Spending Plan, Enfield Sport, Physical Activity and Physical Education Strategy, Heritage Strategy, Arts and Creativity Strategy and Youth Strategy have informed the production of this Strategy. The document will be essential for attracting external funding and ensuring that s.106 development contributions are used efficiently to improve the open spaces in the Borough.
- 3.5 The Parks and Open Spaces Strategy will provide a framework for the delivery of services and future improvement action by the Council, our community partners and stakeholders involved in providing, managing and enjoying open spaces across the Borough. Fundamental to the Strategy is partnership working, both within the Council and with external partners and

stakeholders, including local residents, local groups and friends of parks groups. The Strategy will be monitored and reviewed annually to ensure we are working towards the vision set for the Strategy.

3.6 The Parks and Open Spaces Strategy will:

- Sit below the Sustainable Community Strategy and the Place Shaping Strategy as a delivery tool for parks and open spaces;
- Make open spaces in Enfield places for everyone;
- Deliver high quality open spaces in partnership;
- Create sustainable open spaces for the future;
- Protect and manage the exceptional quality and diversity of Enfield's open spaces.
- Provide a 10-year Delivery Plan and three-year Rolling Action Plan to ensure that the objectives of the Strategy, including addressing the needs of the place shaping areas, are delivered;
- Investigate current funding options and arrangements (including s106 and the proposed Community Infrastructure Levy)
- Prioritise capital and maintenance expenditure consistent with the Strategy Vision.

3.7 This report presents the main elements of the Parks and Open Spaces Strategy and asks Cabinet to recommend to Council the adoption of the Parks and Open Space Strategy together with its 10-year Delivery Plan and three-year Rolling Action Plan.

4. DEFINITION, VISION AND OBJECTIVES

4.1 The focus of the Strategy is on green open spaces and includes the following:

- Parks
- Playing Pitches and Sports Facilities
- Allotments
- School Playing Fields
- Cemeteries and Churchyards
- Linear Open Space/Green Corridors
- Children's Play Areas
- Natural or Semi-Natural Urban Green Spaces

4.2 This list provides the backbone of identifying the function of each open space in the Borough and can be used in determining whether there is enough supply or a demand for a particular type of open space.

4.3 In addition to the list above, the management regimes for particular types of open space are categorised by taking into account the size, function and use of each particular open space. A management framework for Council-managed spaces, therefore, has been categorised in the following way:

1. Premier Parks – these parks may have Green Flag status and be regularly used by visitors to the Borough. They may host a number of events throughout the year.
2. Country Parks – large parks which are characteristic of the wider countryside, containing areas of natural habitats such as woodlands and wildflower meadows.
3. Recreation Grounds – predominantly areas for formal and informal sport and physical play.
4. Local Parks – these are generally small to medium size and are found within short walks of residential areas. They might be places for walking the dog, jogging, children’s play, or private contemplation.
5. Allotments.
6. Cemeteries.
7. Informal spaces – includes areas of incidental open space outside residential development, wide verges and small areas with unclear boundaries.

4.4 A vision with 16 objectives have been developed with the aid of a Residents’ Working Group and the results of the public consultation that took place earlier this year. The vision and objectives are outlined below:

By 2020 Enfield will be successful in:

A. Making open spaces in Enfield places for everyone

- *Start with the open space*
- *Protect existing parks and open space of value and create additional open space in areas of deficiency as part of a master planned approach.*
- *Create safe places*
- *Accessible open spaces*
- *Deliver activities for everyone promoting health and well being*
- *Deliver a programme of public arts and events*
- *Amenities for everyone*

B. Delivering high quality open spaces in partnership

- *Develop Local Involvement*

C. Creating sustainable open spaces in the future

- *Respond to climate change*
- *Seek energy efficient buildings and facilities*
- *Deliver economic prosperity*

D. Protecting and managing the exceptional quality and diversity of Enfield's open spaces

- *Enhance and maintain biodiversity*
- *Protect Heritage*
- *Create well maintained open spaces*
- *The use of open space as an educational resource*
- *Building on success*

5. DELIVERY PLAN AND ROLLING ACTION PLAN

- 5.1 The strategic objectives have been translated into a number of actions to be achieved within the 10-year lifespan of the Strategy. The Delivery Plan sets out in general terms how the actions will be resourced, which partners will lead each project, the anticipated timescale and how the projects will be monitored to ensure successful delivery.
- 5.2 The Delivery Plan is comprised of actions that relate to both physical and non-physical improvements. These include:
- Provision of new open space
 - Improvements to the quality, quantity and accessibility of existing open space
 - The adoption of specific strategies to focus on particular demands for facilities and services
 - The adoption of standards to alleviate deficiencies
 - Supporting Central Government initiatives
 - Being proactive in seeking external sources of funding
 - Empowering the local community to take positive action on parks and open space issues
 - Researching and seeking new ways to minimise our carbon footprint
 - Conservation and management of habitats and open spaces
- 5.3 The Delivery Plan will be instrumental in joining up cross-partnership working between services to ensure resources are prudently allocated towards delivering joint benefit. Successful delivery will depend both on adherence to the framework outlined in the Strategy and the implementation of the Rolling Action Plan.
- 5.4 The function of the Rolling Action Plan is to coordinate specific projects from inception to completion over a three year cycle. Furthermore, The Rolling Action Plan distils the Delivery Plan into detailed physical entities, which are based on Specific, Measurable, Achievable, Realistic and Time based (SMART) objectives.

- 5.5 Each project will be aligned to achieve one or more of the actions stated in the Delivery Plan. The Action Plan will also provide the basis for monitoring the success of the Strategy, as well as identifying the funding source, cost and timescale. All projects across the Council and external partners that have an open space element will be listed and their progress monitored. Implementation of the Rolling Action Plan is an iterative process, which will require annual changes.
- 5.6 To ensure cross-partnership working, a Parks and Open Spaces Steering Group with a membership of key officers will be formed and led by the Place Shaping & Enterprise Directorate.

6. MONITORING

- 6.1 Monitoring and review of the Strategy throughout its implementation will be essential to its success as a focussed and responsive tool for improving the Borough's environment and the lives of local residents. The Delivery Plan monitors a range of national indicators to ensure that service to the Council's customers is in line with national standards.
- 6.2 The recently formed Place Shaping and Enterprise Performance Board will oversee the implementation and assess the effectiveness of each project. Its principal role is to provide a strategic overview of the development, delivery and monitoring of significant projects within the Directorate, review delivery milestones and budget status, advise on the necessary actions required to mitigate risk and provide guidance on potential partnering and funding opportunities.

7. PUBLIC CONSULTATION

- 7.1 Following recommendations from the Environment, Parks & Leisure Scrutiny Panel (EPLSP) on 8 May 2009, the Strategy has been developed with the help of a working group comprised of residents with an interest in parks and open spaces. Several meetings have taken place with a number of issues being carried forward into priorities and subsequent actions. This contribution from informed members of the community has helped to influence the content of the Strategy and ensure that it remains 'Enfield specific'.
- 7.2 In the lead up to the public consultation period, a draft copy of the Strategy was presented to the EPLSP on 6 October 2009 for pre-consultation comments. More than 50 residents, local organisations and friends of parks groups attended to raise questions, comments and issues, which have fed into this finalised Strategy.
- 7.3 A full programme of consultation took place over 12 weeks (December 2009 – March 2010). This involved:
- An initial letter and email to 850 residents, local groups, stakeholders, businesses and organisations.

- An article in 'Our Enfield' ('Our Enfield' is posted to every household in the Borough).
- Hard copies of the Strategy and consultation details at every library and Council building, this includes Leisure Centres and every civic building.
- Seven drop-in sessions at selected libraries across the Borough.
- Follow up articles in 'Our Enfield', North London Journal, Enfield Advertiser and the 'Enfield Independent'.
- Presentations to the Youth Engagement Panel and Environment Thematic Action Group.
- A consultation workshop, to which all the friends of parks and local environmental groups were invited.
- Focus group meetings with a Primary School, Youth Forum, Enfield Community Empowerment Network, a group of disabled people set up by the Integrated Disabilities Team and Southgate College.

7.4 In total 409 responses were received from 179 respondents made up of individuals, organisations, Local groups and Friends of Parks. 142 of the comments received were via a questionnaire and 7 were received via a young people's questionnaire. 30 respondents sent in detailed comments which totalled 260 comments.

7.5 In general, most respondents were supportive of the Strategy as a whole. A number of comments were made in relation to particular issues in their local park or open space. Some of the overriding issue to emerge were;

- Security and feeling safer in parks
- Staff levels
- Maintenance (regimes and funding)
- The role of Friends Groups
- The effectiveness of policing in the parks
- Community involvement between schools, youths and the Council

7.6 All comments made about the Strategy have been addressed in the consultation report (available in the Members' Library and Group Offices) and have been reflected in the Strategy.

8 ALTERNATIVE OPTIONS CONSIDERED

8.1 All alternative options have been considered as part of the Strategy's development and refined through the consultation process. Details of this can

be found in the attached Parks and Open Spaces Strategy consultation report.

9. REASONS FOR RECOMMENDATIONS

- 9.1 It is proposed that Enfield's Parks and Open Spaces Strategy will have a 10-year lifespan and will be the central document for integrating Council and community open space objectives. It is noted that the Council has developed, or is intending to prepare separate strategies for cemeteries, allotments and sport and leisure facilities. It is recommended that the Parks and Open Spaces Strategy should be the integrated Strategy, below which dedicated sub-strategies and action plans will address each of these specific areas.

10. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

10.1 Financial Implications

- 10.1.1 The Strategy includes Delivery Plan Options (Annex 1), which set out the anticipated sources of funding, required to achieve each of the actions identified. Each specific proposal within the Delivery Plan will be subject to an appraisal of the resource requirement prior to its implementation and correct processes will be followed to ensure that the required funding is in place. As indicated in Annex 1, where possible the plan will be delivered within existing budgetary resources. However, it does indicate that external funding will be sought to deliver the ambitions of the Strategy.

10.2 Legal Implications

- 10.2.1 The Planning and Compulsory Purchase Act 2004 imposes a duty on Local Authorities to prepare a Local Development Framework with Local Development Documents setting out the Local Authority's vision for spatial planning. Specifically, the London Plan places an obligation on Local Authorities to develop an Open Space Strategy setting out the Authority's objectives on Open Spaces within its area. In formulating its Strategy, the Authority needs to consult with the public and its local strategic partners. The formulation of a Parks and Open Spaces Strategy as described in this report is in accordance with the Council's duty.

11. KEY RISKS

- 11.1 Failure to adopt the Parks and Open Spaces Strategy would leave the Borough without an up to date Strategy since 2005. A revised Strategy must be flexible to cope with the challenges that are faced in the next 10 years and still provide excellent services in line with the Sustainable Community Strategy and Place Shaping Strategy. Lack of an adopted Parks and Open Spaces Strategy would hamper efforts to secure external funding for initiatives

and projects aimed at improving the local environment and enhancing public facilities and services.

12. COMMUNITY IMPLICATIONS

- 12.1 It is the intention of this Strategy to increase public use of parks and open spaces for the benefit of everyone, particularly young people and the black and minority ethnic community.

13. PUTTING ENFIELD FIRST

- 13.1 The Parks and Open Spaces Strategy meets all the aims of the Council's Business Plan:

Aim 1: Build prosperous, sustainable communities – This will be achieved through the Place Shaping Priority Areas and the significant contribution of open spaces to making any community sustainable.

Aim 2: A cleaner, greener, sustainable Enfield – The Strategy describes how the Council will protect and enhance the 2,005 hectares of open space in the Borough.

Aim 3: Ensure every child matters and provide high quality education for all – The Strategy will recognise and target particular areas that need play spaces for young and older children. The Strategy will identify certain areas that have a wealth of wildlife and/or cultural heritage and use these as the means of allowing people of all ages to experience these educational opportunities.

Aim 4: A safer Enfield – The Strategy will put in place measures to ensure all residents feel safe to enjoy their local park without the fear of crime.

Aim 5: A healthier Enfield where people are able to live independent lives – The Strategy will promote the use of parks and open spaces for outdoor recreation and sport. It will endeavour to move with the times and be innovative in how the Borough's open spaces are used.

Aim 6: Provide high quality and efficient services – The Strategy will address management and maintenance of the Borough's parks and open spaces to ensure every park is managed efficiently and effectively.

Background papers

Final Parks and Open Spaces Strategy

Parks and Open Spaces Strategy Equalities Impact Assessment

Parks and Open Spaces Consultation report

(The above documents have been placed in the Members' Library and Group Offices for reference)

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MUNICIPAL YEAR 2009/2010 REPORT NO. 252

MEETING TITLE AND DATE:

Council 31st March 2010

REPORT OF:

Director of Finance and Corporate Resources

Contact officer and telephone number:

Graham Dixon 4630

Email: graham.dixon@enfield.gov.uk

Agenda – Part: 1	Item: 9
Subject: Addition to the Capital Programme	
Wards: All	
Cabinet Member consulted: Cllr. Ertan Hurer	

1.	EXECUTIVE SUMMARY
1.1	The purpose of this report is to seek Council approval to a change to the Capital Programme arising from the third quarter capital monitoring report considered by Cabinet on 3 rd March 2010.

2.	RECOMMENDATIONS
2.1	It is recommended that Council approves the inclusion in the Capital Programme of the purchase of Oakwood Library premises.

3. BACKGROUND

3.1 On 3rd March 2010, Cabinet considered the third quarter capital monitoring report. The report included a recommendation to Council to include in the Capital Programme the acquisition of the Oakwood Library premises at an estimated total cost of £750k. These premises have been leased in by the Council. The acquisition of the freehold provides for longer term financial benefits compared to the terms of the lease. The financing costs of the acquisition can be met from within existing resources set aside for the annual lease payments.

4. REASONS FOR RECOMMENDATIONS

4.1 To seek approval to the inclusion in the Capital Programme of the acquisition of the freehold of the Oakwood Library premises.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES**5.1 Financial Implications**

These are contained in the body of the report.

5.2 Legal Implications

Under the Local Government Act 2003 all Council's have a statutory duty to arrange for proper administration of its financial affairs and a fiduciary duty to taxpayers with regards to its use of and accounting for public monies. This report assists in the discharge of those duties.

6 PUTTING ENFIELD FIRST

- 6.1 The allocation of resources in the current capital programme reflects the Council's aims and objectives as set out in "Putting Enfield First".
- 6.2 The report contributes to objective (5b) – To increase the efficiency, value for money and quality of services through continuous improvement and performance management

Background Papers:

3rd Quarter Capital Programme Monitoring Report to Cabinet 3rd March 2010
Monitoring returns from Departments

MUNICIPAL YEAR 2009/2010 REPORT NO. 253

MEETING TITLE AND DATE:

Council – 31 March 2010

REPORT OF:

Director of Health and
Adult Social Care

Contact officer and telephone number:

Bindi Nagra – Assistant Director

E mail: bindi.nagra@enfield.gov.uk

Agenda – Part: 1

Item: 10

**Subject: Honeysuckle House
Oakthorpe Road N13 5HY**

Wards: Palmers Green

Cabinet Member consulted:

Cllr Edward Smith

Report to be read in conjunction with Part 2

1. EXECUTIVE SUMMARY – [Part 1 Report]

- 1.1 Honeysuckle House is a registered Care Home built in 1995 and provides a 32 bed residential and nursing care home for older people with dementia. It was built on 0.36 hectares (0.89 acres) of land owned by London Borough of Enfield (LBE). The New River Health Authority (NRHA) provided Enfield Council with a capital grant to cover the costs of demolishing a previous building on this site and building the new care home.
- 1.2 The purpose of this report is to agree the acquisition of the remaining financial interest held by NHS Enfield (successor to NRHA) in Honeysuckle House Care Home.
- 1.3 NHS Enfield have maintained a beneficial interest in the site since 1995 and have sought over a number of years to work with the Council to realise the value of their financial interest through an agreement to share any proceeds from a sale, should such ever take place. This report, and in consideration of government guidance which covers such situations, proposes to make a payment to NHS Enfield in full and final settlement of their interest in Honeysuckle House thus freeing up the Council to make arrangements to retender the Care Contract at best value.

2. RECOMMENDATIONS – To considered with the Part 2 report.

Cabinet agreed on 3rd March 2010, to recommend to full Council to:-

- i) Approve a capital payment to NHS Enfield as full and final settlement of all responsibilities in respect of the original contribution by the NHS in the Section 28a agreement of 1995; and

3. BACKGROUND

- 3.1 Honeysuckle House is a care home for elderly people in Oakthorpe Road, Palmers Green, Enfield. The Home is currently managed under contract to the Council by CareUK a third party independent sector care provider.
- 3.2 The Council entered into an agreement with the NRHA for the purpose of redeveloping Honeysuckle House in 1995. The NRHA provided a capital grant under S28a National Health Act 1977, to cover demolition of an old building and building a new 32 bed elderly persons care home, on a site owned by LBE of 0.36 hectares (0.89 acres) edged black on the attached plan. However, no clear documentation exists as to any defined split of the value of Honeysuckle House between the NRHA and LBE ,except clause 5 of an agreement dated xxx 1995 which provides that the provisions of Section 28A National Health Act 1977 apply, together with any prevailing Directions.
- 3.3 Section 28A is not much help in defining a division of value in these situations, as it simply refers to the repayment of grants in such circumstances as may be specified. More useful are the Secretary of State's Directions made under this section:-

Section 4(1) of the Directions provides as follows:-

“where...

- (a) a payment has been made under Section 28A ...” (i.e. the grant).. towards the cost of acquiring, or of executing works to, land or other property.. and

(b) the recipient-

- (i) disposes of the whole or part of the land..
.... The recipient shall repay the NHS body an amount equal to the proportion of the open market value of that land or other property (or the relevant parts thereof) as is attributable to the expenditure of the payment.”

- 3.4 The guidance then goes on to state the “open market value” should be determined by a suitably qualified surveyor (who might be the District Valuer) who shall determine the apportionment of the part of such value attributable to the expenditure of the payment (i.e. the grant)
- 3.5 While the wording is not as clear as it might be, it could be interpreted as being if the grant was paid for the building, what is the apportionment of the current market value of the property attributable to that building now?
- 3.6 It is clear that the NRHA provided a grant for the construction of the building but it did not own the land on which the building was constructed.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are potentially 2 alternatives which could be considered. Firstly, the Council could choose to do nothing and continue to use Honeysuckle House for local residents. This means that NHS Enfield continue to have a financial interest in the home for which the Council is now responsible. It is maintained through Property Services at the Council’s expense.
- 4.2 Secondly, the Council could openly market the Care Home as a going concern now or in the future. In the event that a disposal is agreed then the Council would be required to repay to NHS Enfield an amount equal to the proportion of the open market value of the property attributable to the original building paid for by the NRHA.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The issue of the NHS Enfield interest in Honeysuckle House has been subject to considerable discussion over recent years, linked to the future commissioning strategies for Honeysuckle. Until the issue of ownership is wholly resolved decisions regarding Honeysuckle House will continue to be influenced by the NHS in ways which may not be in the best interests of the Council. In particular the Council needs to retender the care contract and it would be preferable to make decisions about this in isolation from NHS Enfield ownership issues, thus enabling the achievement of best interest and value for the Council. In particular the length of a care contract and the basis on which maintenance and repairing obligations could be transferred to the care provider all impact on best value.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

6.1.1 The Council and the PCT have been in discussions on the options for the future of Honeysuckle House as set out in the report. The preferred option is to buy NHS Enfield out of their remaining interest in the home.

6.1.2 This report outlines the following alternative options:

- Firstly the Council could choose to do nothing and continue to use Honeysuckle House for local residents, accepting that NHS Enfield have a financial interest in the home for which the Council is responsible.
- Secondly the Council could openly market the Care Home as a going concern, bearing in mind that it would need to repay the NHS for their share at the point that the sale was agreed.

6.1.4 The Council pays the cost of the block contract for 32 beds provided by an independent provider and would continue to incur the ongoing revenue costs. Capital outlay, repairing liabilities and future service provision all need to be considered in order to appraise which future option is the most financially beneficial to the authority.

6.1.5 The “do nothing” option would mean that the Council would continue to contract with a provider on a block basis, continue to be responsible for the repair and maintenance of the building and need to take any decision on the future of the building bearing in mind that the NHS would be entitled to its share of any proceeds resulting from the disposal value of the property. Whilst this option does not involve any capital outlay at the current time, the report identifies that it will restrain the Council’s decision making regarding the future of Honeysuckle House. It may for example be better for the Council to have the freedom to consider a different care contract and ownership model.

6.1.6 The preferred option would involve buying the NHS out of their remaining beneficial interest in Honeysuckle. This option would result in the Council owning the full value of the asset and being in a position to make a decision about future care provision and the future ownership of the asset (ie it may be possible to transfer the ownership of the asset when re-letting the contract). In the current property market, it would also be advantageous to purchase the PCT share.

6.1.7 The other option is to market the property as a going concern. This might appear to be advantageous at first sight. The Council and the

NHS would share the proceeds according to the basis as stated at 6.4. However, the Council will want to continue to block purchase the beds and therefore decisions about revenue savings verses capital receipts would be hampered by the remaining NHS interest in Honeysuckle House.

6.2 Key Risks

6.2.1 This report essentially delivers a financial transaction between the Council and NHS Enfield in exchange for full ownership and control of Honeysuckle House by the Council. The Council's legal team have made comments below and provided a legal framework within which this transaction can occur to safeguard the Council's best interests. There would therefore to be very limited risks relating to any legal and property transaction.

6.3 Legal Implications

6.3.1 As detailed in the body of this report the Council entered into an Agreement dated 12th July 1995 in which Clause 5 (repayment) states that the provisions of Section 28A of the National Health Service Act 1977 and any Direction shall apply, where it gives rise to liability on the part of the Council to repay the grant or part thereof. Under Section 28A, sub section 7(b) includes the requirement that, if specified the Council may be required to repay the whole of any part of a payment made or an amount representing the whole or part of the increase in the value of the property which has occurred since its acquisition. The Secretary of State issued clarification in the form of a Direction (Directions by the Secretary of State as to conditions governing payments by health authorities to local authorities and other bodies under Section 28A of the National Health Service Act 1977), where if a payment has been made under Section 28A towards the cost of acquiring, or of executing works, to land, etc and the recipient disposes of the whole or part of the land or other property or uses it or any of it for any other purpose other than that for which the payment was made, the recipient shall repay to the NHS body an amount equal to the proportion of the open market value of that land or other property (or relevant parts thereof) as is attributable to the expenditure of the payment.

6.3.2 The Council has not yet met the requirements under the Secretary of State Direction, i.e. disposed of the whole or part of the site nor used it for any other purpose. Therefore, if the NHS body were to accept the payment at this stage there is a requirement for them to waive their legal rights under Section 28A of the National Health Service Act 1977, which includes the Direction from the Secretary of State. Appendix 1 to the part 2 report is a legal agreement which could be entered into between the Council and Enfield PCT. This document will be subject to negotiation with Enfield PCT.

6.4 Property Implications

- 6.4.1 Property Services were asked in February 2010 to provide an opinion of the value of Honeysuckle House to enable LBE to consider the market value of the 32 bed care home, apportioning the value between land and the entirety property as at 1995 and as at February 2010.
- 6.4.2 It should be noted that the Property Services` s advice is provided for apportionment purposes with support from Pinders, consultant valuers who are specialists in the Care home market, to determine a basis of apportionment as at 1995 and 2010. It is also emphasised that internal historic documentation and s.28 of the National Health Service Act 1977 documentation is not clear. Research references and Secretary of State Directions are not definitive on the apportionment issue.
- 6.4.3 Pinders have provided a report for the Council to assess the value of the PCT interest as successor body to the NRHA, who paid a capital sum in 1995 . This sum included the demolition of the care home previously on site plus the costs of construction of a home for 32 former Enfield residents of the Claybury site. Pinders advise that the 1995 care home brief included a number of elements that did not add value to the property as indicated below. These include :-
- 4 no.bedrooms for rehabilitation;
 - more office space than standard;
 - a late contract variation to relocate a laundry room with expensive diversion of services.;
 - 24 person day centre
 - wider than standard corridor space for residents (who enjoyed spacious living arrangements at Claybury)
 - a training kitchen to support independent living.
- 6.4.4 Hence these elements would not be regarded as marketable attributes in 1995 or 2010 and have therefore been ignored in valuation terms. However, they did form part of the costs.
- 6.4.5 Analysing the market value of the home in 1995 as a modern fully equipped facility Pinders have assessed its value, despite the construction spend figure. Pinders have considered the Council's interest (land value) of total market value.
- 6.4.6 Pinders have assumed a notional 5 year agreement being in place with a care provider, [currently CareUK], with the Council responsible for all repairs in accordance with the current arrangements.
- 6.4.7 Accordingly, the Interim Head of Property is prepared to certify the release of a capital amount to NHS Enfield rather than progressing the alternative to option 2 (the joint marketing of the home)

7. PERFORMANCE MANAGEMENT IMPLICATIONS

Not applicable to this report

8. COMMUNITY IMPLICATIONS

Not applicable to this report

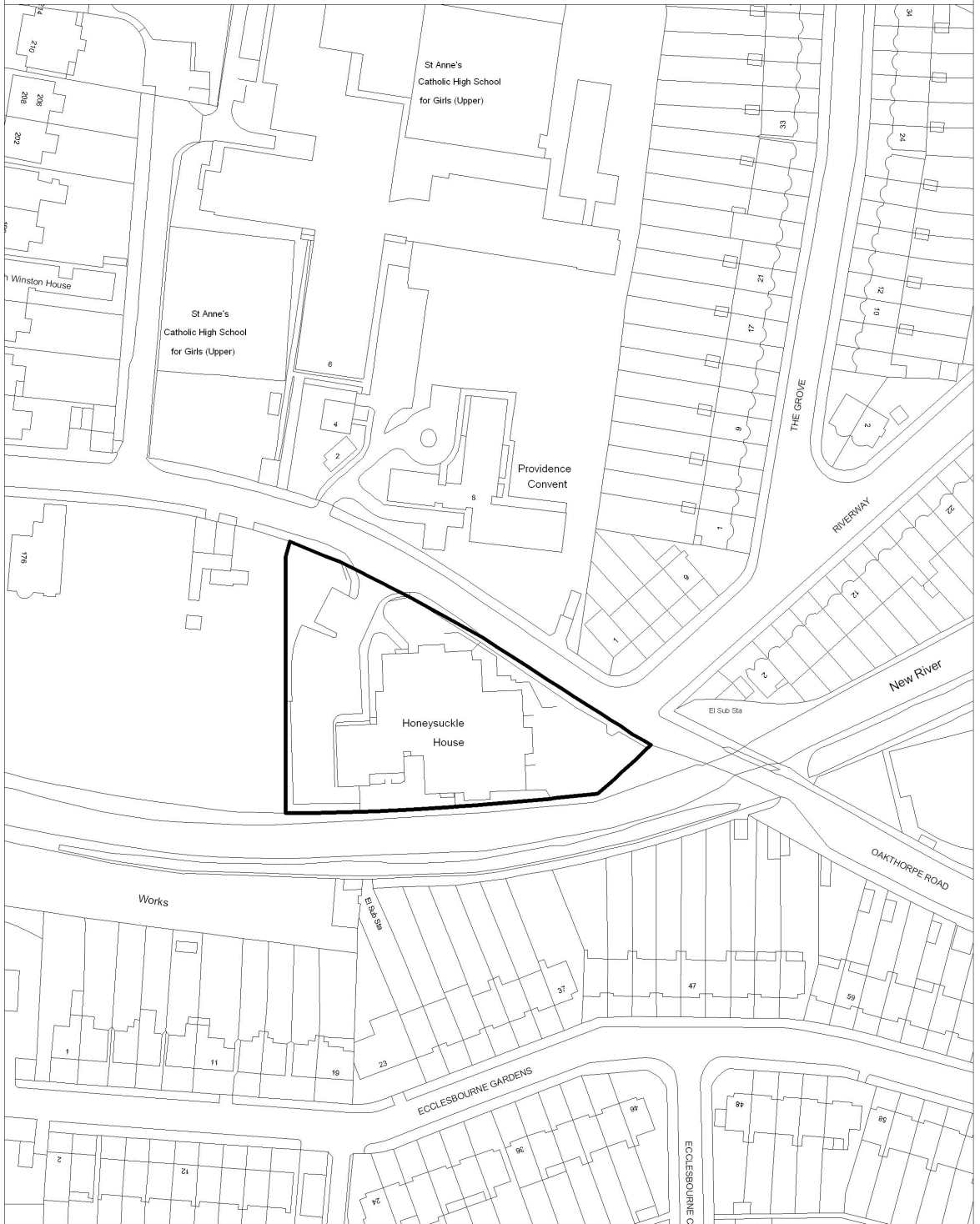
9. PUTTING ENFIELD FIRST

- Aim 4 A healthier Enfield where people are able to live independent lives
- Aim 5 Provide high quality and efficient services

Background Papers

Section 28a Agreement between LBE and New River Health Authority
Section 28A National Health Act 1977, together with any prevailing Directions.

HONEYSUCKLE HOUSE



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ENFIELD
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MUNICIPAL YEAR 2009/2010 REPORT NO. **254**

MEETING TITLE AND DATE:

Council 31st March 2010

REPORT OF:

Director of Environment and Street Scene

Agenda – Part: 1

Item: 11

Subject:

Delegated Authority within the Environment & Street Scene Department

Wards: All

Cabinet Member consulted:

Cllr Terence Neville

Contact officer: Bob Griffiths – 020-8379-3700

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1. EXECUTIVE SUMMARY

This report sets out the delegated authority arrangements within Environment and Street Scene Department and updates arrangements in respect of delegated powers within the Planning & Environmental Protection, Highways & Transportation Services and Waste Management Divisions; and the Community Safety Unit; as a consequence of changes in structures, posts and legislation.

2. RECOMMENDATIONS

To agree the delegated authorities identified at Appendices A - H.

3. BACKGROUND

- 3.1 This report updates previously agreed delegations to incorporate changes arising from new legislation and changes to the designations of posts following the restructure of the Environmental Protection & Regulation Division to form a new Planning & Environmental Protection Division.
- 3.2 The most significant legislative changes include amendments to the Housing Act 2004, which places a duty on the local weights and measures authority to enforce the provision of the legislation in relation to Home Information Packs (HIPs). Amendments to the Building Act 1984 place a duty on the local weights and measures authority to enforce the provision contained in The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 as amended. Also, the Consumers, Estate Agents redress Act 2007 amends the Estate Agents Act requiring estate agents to be part of redress schemes for disputes with consumers. All of these Acts allow the local weights and measures authority to serve a fixed penalty notice.
- 3.3 The report adds the delegated arrangements to the Building Control function, which was transferred to the Planning & Environmental Protection Division following restructure.
- 3.4 Delegated arrangements for planning enforcement are made through the Planning Committee.
- 3.5 The report also adds and consolidates into one report delegated arrangements for enforcement, licensing and permitting within the Highways & Transportation Services and Waste Management Divisions; and the Community Safety Unit.
- 3.6 Proceedings are issued in the name of the Borough Solicitor where he has conduct of the case.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

This is an ongoing process to ensure that the Council has effectively and legally delegated its statutory powers to officers.

6. COMMENTS OF THE DIRECTOR OF RESOURCES AND OTHER SERVICE GROUPS

6.1 Financial Implications

There are no specific financial implications arising from these recommendations.

6.2 Key Risks

No significant risks have been identified.

Delegated authority within ESS is necessary to reflect changes in structures, posts, and legislation.

It will also obviate any possibility of legal challenge to the Council were staff to operate with powers that had not been properly delegated.

6.3 Legal Comments

6.3.1 Under Section 101 of the Local Government Act 1972, Local Authorities have a general power to discharge their functions through officers.

6.3.2 The power to appoint Proper Officers to discharge these functions comes from sections 112, 234 and 270 (3) of the of the Local Government Act 1972 and sections 69 and 72 of the Weights and Measures Act 1985, and section 18 and 19 of the Health and Safety at Work etc Act 1974.

6.3.3 Paragraph 11.3 of the Constitution of the Council authorises the Borough Solicitor to institute, defend or participate in any legal proceedings. The delegation of authority sought in this respect will continue the existing arrangement to provide parallel authority to that vested in the Borough Solicitor.

6.3.4 The current arrangements within the legal department are adequate to ensure that there is compliance with the Constitution arrangements of the Council and the legal requirements needed to discharge their functions through officers for prosecutions work in the Council.

6.4 Property Implications

None.

7. PERFORMANCE MANAGEMENT IMPLICATIONS

None.

8. COMMUNITY IMPLICATIONS

There are no direct implications for members of the public in respect of this report as no changes to frontline services are proposed.

9. EQUALITY IMPACT ASSESSMENT

Corporate advice has been sought in regard to equalities and an agreement has been reached that, on this occasion, an equalities impact assessment is not necessary.

10. HEALTH & SAFETY RISK

None.

11. PUTTING ENFIELD FIRST

The statutory powers within this report are essential for the Services to contribute towards the Council's vision by promoting the Corporate Aims of:

Aim 1: Build prosperous, sustainable, communities

Aim 2: A cleaner, greener, sustainable, Enfield

Aim 3: Ensure every child matters and provide high quality education for all

Aim 4: A safer Enfield

Aim 5: A healthier Enfield where people are able to live independent lives

Aim 6: Provide high quality and efficient services

Background Papers

None

Appendix A- Delegated Authority within the Environment and Street Scene Department.

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Director of Environment and Street Scene in respect of those matters listed in Appendices A – H.
- 1.2 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning & Environmental Protection in respect of those matters listed in Appendix B.
- 1.3 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Waste Management in respect of those matters listed in Appendix F.
- 1.4 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Highways and Transportation Services in respect of those matters listed in Appendix G.
- 1.5 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety in respect of those matters listed in Appendix H

Appendix B - Delegated Authority within the Planning & Environmental Protection Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services, in respect of those matters listed in paragraphs 1.2-1.24 below.
- 1.2 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation have delegated power to appoint Proper Officers pursuant to sections 69 and 72 of the Weights and Measures Act 1985.
- 1.4 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection, Head of Development Services and Team Leaders under the direction of the Service Head, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.5 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.6 That there be delegated to Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.7 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation, Head of Environmental Protection and Head of Development Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.8 That there be delegated to the Assistant Director Planning and Environmental Protection and Head of Business Regulation the power to institute proceedings and bring contempt of court action in relation to the Enterprise Act 2002 and for

Trading Standards Team Leader to be delegated the power to seek and receive voluntary undertakings under the aforesaid legislation.

- 1.9 That there be delegated to the Assistant Director, Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection and Team Leaders;
 - 1.9.1 Power to authorise officers to serve and sign in their own name all improvement and prohibition notices in food safety and health & safety enforcement and
 - 1.9.2 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix C and
 - 1.9.3 Power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with the legislation listed at Appendix E and
 - 1.9.4 All authorisation, variation, revocation, enforcement and prohibition notices under; local authority pollution control enforcement and
 - 1.9.5 The power to institute civil proceedings under section 2 of the Local Government Act 2000 to protect the economic, social or environmental well-being of the community.
- 1.10 That the powers of suspension and forfeiture provided by the Consumer Protection Act 1987 and the European Communities Act 1972 be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Team Leaders;
- 1.11 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, the power to authorise officers to sign licences (as required by various statutes in Appendix C and listed at Appendix D) on behalf of the Head of Business Regulation and the powers of the Council as registration authority under the various statutes in Appendix D.
- 1.12 That in cases of serious consumer fraud the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, and Team Leaders under the direction of a Head of Service be delegated authority to institute proceedings under the Criminal Law Act 1977, Criminal Attempts Act 1981 and Common Law Conspiracy to Defraud.
- 1.13 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, and Head of Environmental Protection, be responsible for the discharge of the functions of the Local Authority relating to the appointment and duties of Trading Standards Officers, Fair Trading Officers, Environmental Health Officers, Environmental Crime Officers or Technical Officers in the

Service;

- 1.14 The Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to Schedule 1 Section 14 of the Pollution Prevention and Control Act 1999, to appoint as inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made;
- 1.15 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation, and Head of Environmental Protection, be responsible for arranging for the signature and service of Notices under the provisions of Sections 80 and 80(A) Environmental Protection Act 1990;
- 1.16 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to section 108 of the Environment Act 1995 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.17 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be empowered pursuant to Schedule 1, Part 1 paragraph 14 of the Pollution Prevention Control Act 1999 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.18 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be authorised to:
 - 1.18.1 Appoint Animal Welfare Officers to enter premises and to take action under enactments listed in Appendix C;
 - 1.18.2 Instruct, on behalf of the Council, such veterinary surgeon(s) to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix C.
- 1.19 That the Assistant Director Planning and Environmental Protection, Head of Business Regulation be given delegated authority to appoint;
 - 1.19.1 A Consultant in Communicable Disease Control and their deputies to perform duties on behalf of the Council in respect of Notifiable Disease, Infections and food poisoning and for action under Section 47 of the National Assistance Act 1948 and
 - 1.19.2 Council Public Analysts in accordance with Section 27 of the Food Safety Act 1990 and Agricultural Analysts for the purposes of the Agricultural Act 1970;
- 1.20 The Assistant Director Planning and Environmental Protection, Head of Business Regulation be empowered:

- 1.20.1 pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and
- 1.20.2 pursuant to Section 39 of the Health and Safety at Work etc Act 1974, to authorise any such Inspectors to prosecute before a Magistrates' Court for any offence under the said Act or Regulations made there under and
- 1.20.3 be given delegated powers to arrange for other people to accompany Inspectors on Inspections of Work Places under the provisions of the Health and Safety at Work etc. Act 1974 and
- 1.20.4 on behalf of the Local Authority be given delegated powers to endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the Local Authority, or vice versa and;
- 1.20.5 be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975;
- 1.21 That named officers as authorised by the Assistant Director Planning and Environmental Protection, Head of Business Regulation and Head of Environmental Protection, be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Planning and Environmental Protection to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).
- 1.22 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation be authorised to take appropriate enforcement action against (including prosecution) contraventions of non-mandatory trading legislation in cases where they determine it is expedient to do so in the interests of consumer protection, fair trading or wider public protection considerations;
- 1.23 That the powers of the Council to provide advice to consumers of goods and services under Section 69(5) of the Weights and Measures Act 1985 be delegated to staff duly authorised for that purpose by the Assistant Director Planning and Environmental Protection and Head of Business Regulation.
- 1.24 That the Assistant Director Planning and Environmental Protection and Head of Business Regulation be delegated the authority to authorise suitably qualified officers to exercise powers under the Proceeds of Crime Act 2002 for the recovery of assets.

Appendix C- Legislation Enforced by the Environment & Street Scene Department

The legislation in Appendix C comprises all the statutes set out in the following table, as amended from time to time, plus all secondary legislation made under or in connection with any of those statutes, including any relevant secondary legislation made under the European Communities Act 1972 and any relevant by-laws or orders made by the London Borough of Enfield.

NO.	LEGISLATION
1.	Abandonment of Animals Act 1960
2.	Accommodation Agencies Act 1953
3.	Administration Of Justice Act 1970
4.	Agriculture Act 1970
5.	Agriculture (Misc. Provisions) Act 1968
6.	Animal Boarding Establishments Act 1963
7.	Animal Health Act 1981
8.	Animal Health & Welfare Act 1984
9.	Animals Act 1971
10.	Animal Health Act 2002
11.	Animal Welfare Act 2006
12.	Anti Social Behaviour Act 2003
13.	Architects Act 1997
14.	Auctions (Bidding Agreements) Acts 1927 & 1969
15.	Building Act 1984
16.	Betting Gaming & Lotteries Act 1963
17.	Business Names 1985
18.	Breeding Of Dogs 1973
19.	Breeding Of Dogs 1991
20.	Breeding & Sale Of Dogs (welfare) act 1999
21.	Caravan Sites Act 1968
22.	Caravan Sites & Control Of Development Act 1960
23.	Charities Act 2006
24.	Children & Young Persons (Protection From Tobacco) Act 1991

25.	Children & Young Persons Act 1933
26.	Children & Young Persons Act 1963
27.	Clean Air Act 1993
28.	Clean Neighbourhoods & Environment Act 2005
29.	Computer Misuse Act 1990
30.	Communications Act 2003
31.	Companies Act 1985
32.	Companies Act 2006
33.	Construction Products Regulations 1991
34.	Consumer Credit Act 1974
35.	Consumer Protection Act 1987
36.	Control Of Pollution Act 1974
37.	Control of Pollution (amendment) Act 1989
38.	Copyright Designs & Patents Act 1988
39.	Copyright Etc Trademark (Offences & Enforcement) Act 2002
40.	Courts & Legal Services Act 1990
41.	Crime and Disorder Act 1998
42.	Criminal Attempts Act 1981
43.	Criminal Damage Act 1971
44.	Criminal Justice & Public Order Act 1994
45.	Criminal Justice Act 1988
46.	Criminal Justice and Police Act 2001
47.	Criminal Law Act 1977
48.	Crossbows Act 1987
49.	Dangerous Dogs Act 1991
50.	Dangerous Wild Animals Act 1976
51.	Development Of Tourism Act 1969
52.	Dogs Act 1906
53.	Dog Fouling of Land Act 1996
54.	Edmonton Urban District Council Act 1929
55.	Education Reform Act 1988
56.	Electromagnetic Compatibility Regulations 1992
57.	Employment Of Women, Young Persons & Children Act 1920

58.	Employment Agencies Act 1973
59.	Energy Act 1976
60.	Energy Conservation Act 1981
61.	Environment Act 1995
62.	Environmental Protection Act 1990
63.	Enterprise Act 2002
64.	Estate Agents Act 1979
65.	European Communities Act 1972
66.	Explosive (Age Of Purchase) Act 1976
67.	Explosives Act 1875
68.	Fair Trading Act 1973
69.	Financial Services and Markets Act 2000
70.	Fireworks Act 2003
71.	Fire Safety & Safety of Places of Sport Act 1987
72.	Food & Environment Protection Act 1985
73.	Food Safety Act 1990
74.	Forgery & Counterfeiting Act 1981
75.	Fraud Act 2006
76.	Gambling Act 2005
77.	Game Act 1831
78.	Game Licenses Act 1860
79.	Gaming Act 1968
80.	Greater London Council (General Powers) Act 1966
81.	Greater London Council (General Powers) Act 1967
82.	Greater London Council (General Powers) Act 1968
83.	Greater London Council (General Powers) Act 1969
84.	Greater London Council (General Powers) Act 1971
85.	Greater London Council (General Powers) Act 1972
86.	Greater London Council (General Powers) Act 1973
87.	Greater London Council (General Powers) Act 1978
88.	Greater London Council (General Powers) Act 1981
89.	Greater London Council (General Powers) Act 1982
90.	Greater London Council (General Powers) Act 1984

91.	Guard Dogs Act 1975
92.	Hallmarking Act 1973
93.	Health Act 2006
94.	Health & Safety at Work etc Act 1974
95.	Highways Act 1980
96.	Housing Act 1985 (as amended)
97.	Housing Act 1996
98.	Housing, Grants, Construction & Regeneration Act 1996
99.	Housing Act 1988
100.	Housing Act 2004
101.	Hypnotism Act 1952
102.	Insurance Brokers Registration Act 1977
103.	Insurance Companies Act 1981
104.	Intoxicating Substances (Supply) Act 1985
105.	Knives Act 1997
106.	Licensing Act 2003
107.	Local Government (Misc. Provisions) Act 1976
108.	Local Government (Misc. Provisions) Act 1982
109.	Local Government Act 1972
110.	Local Government Act 2000
111.	Local Government & Housing Act 1989
112.	Local Government Act 1963
113.	London Local Authorities Act 1990
114.	London Local Authorities Act 1991
115.	London Local Authorities Act 1994
116.	London Local Authorities Act 1995
117.	London Local Authorities Act 1996
118.	London Local Authorities Act 2000
119.	London Local Authorities Act 1995 Part III
120.	London Local Authorities Act 2004
121.	London Local Authorities Act 2007
122.	London Local Authorities & Transport For London Act 2003
123.	London Local Authorities & Transport For London Act 2008

124.	Lotteries & Amusements Act 1976
125.	Malicious Communications Act 1988
126.	Medicines Act 1968
127.	Mobile Telephones (Re-Programming) Act 2002
128.	Motorcycle Noise Act 1987
129.	National Lottery Act 1993
130.	New Roads and Street Works Act 1991
131.	Noise Act 1996
132.	Noise & Statutory Nuisance Act 1993
133.	Offensive Weapons Act 1996
134.	Offices Shops & Railways Premises Act 1963
135.	Olympic Symbol Etc (Protection) Act 1995
136.	Opticians Act 1989
137.	Package Travel, Package Holidays & Package Tours Regs 1992
138.	Performing Animals (Regulation) Act 1925
139.	Pet Animals Act 1951 & 1983
140.	Poisons Act 1972
141.	Pollution Prevention & Control Act 1999
142.	Planning (Listed Buildings & Conservation Areas) Act 1990
143.	Prevention Of Damage By Pests Act 1949
144.	Prices Act 1974
145.	Proceeds of Crime Act 2002
146.	Property Misdescriptions Act 1991
147.	Protection Of Animals Act 1911
148.	Protection Of Children (Tobacco) Act 1986
149.	Protection Of Children (Tobacco) Act 1991
150.	Protection From Eviction Act 1977
151.	Protection From Harassment Act 1997
152.	Public Health (Control Of Diseases) act 1984
153.	Public Health Act 1936
154.	Public Health Act 1961
155.	Public Health Acts Amendment Act 1907
156.	Refuse Disposal (Amenity) Act 1978

157.	Riding Establishments Act 1964
158.	Road Traffic Act 1988
159.	Road Traffic (Foreign Vehicles) Act 1972
160.	Road Traffic Offenders Act 1988
161.	Road Traffic Regulation Act 1984
162.	Safety Of Sports Grounds Act 1975
163.	Scotch Whiskey Act 1988
164.	Scrap Metal Dealers Act 1964
165.	Solicitors Act 1974
166.	Statute law (Repeals) Act 2004
167.	Sunday Trading Act 1994
168.	Tobacco Advertising And Promotion Act 2002
169.	Telecommunications Act 1984
170.	Theatres Act 1968
171.	Timeshare Act 1992
172.	Town & Country Planning Act 1990 S 224 & 225
173.	Trade Descriptions Act 1968
174.	Trade Marks Act 1994
175.	Trading Schemes Act 1996
176.	Traffic Management Act 2004
177.	Unsolicited Goods & Services Act 1971
178.	Unsolicited Goods & Services (Amendment) Act 1975
179.	Vehicles (Crime) Act 2001
180.	Violent Crime Reduction Act 2006
181.	Video Recordings Act 1984
182.	Video Recordings Act 1993
183.	Water Act 1989
184.	Water Industry Act 1991
185.	Water Resources Act 1991
186.	Weights & Measures Act 1985
187.	Young Persons Employment Act 1938
188.	Zoo Licensing Act 1981

Appendix D - Licenses and Registrations

1.	Animal Boarding (Animal Boarding Establishments Act 1963)
2.	Animal Welfare Act 2006
3.	Auctions and Sales by Competitive Bidding (Greater London Council (General Powers) Act 1984)
4.	Civil Marriage/partnership venues (Marriage Act 1949 and Civil Partnership Act 2004)
5.	Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
6.	Dog Breeders (Breeding and Sale of Dogs (Welfare) Act 1999)
7.	Explosives Storage (Manufacture and Storage of Explosives Regulations 2005)
8.	Food Premises Registration (Food Safety Act 1990, Food Premises (Registration) Regulations 1990, as amended).
9.	Gambling Act 2005
10.	Hairdressers/Barbers Registration (Greater London Council (General Powers) Act 1967)
11.	Licensing Act 2003
12.	Movement of Pigs (Animal Health Act 1981)
13.	Occasional Car boot Sales (London Local Authorities Act 1996)
14.	Performing Animals (Performing Animals (Regulation) Act 1925)
15.	Permits for Pollution control (Pollution Prevention and Control Act 1999)
16.	Pet Shops (Pet Animals Act 1951 and 1983)
17.	Poisons (Poisons Act 1972)
18.	Riding Schools (Riding Establishments Act 1964 and 1970)
19.	Scrap Metal Dealers (Scrap Metal Dealers Act 1964)
20.	Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982)
21.	Skips, scaffolding and other lawful interference with the highway (Highways Act 1980)
22.	Special Treatments (London Local Authorities Act 1991 as amended)
23.	Street Trading (London Local Authorities Act 1990)
24.	Motor vehicle salvage (Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002)
25.	Hire of Pleasure craft licences (Public Health Acts Amendment Act 1907 section 94)
26.	Zoo Licences (Zoo Licensing Act 1981)

27.	Hypnotism Licences (Hypnotism Act 1952)
28.	Registration of Cooling Towers (The Notification of Cooling Towers and Evaporative Condensers Regulations 1992)

Appendix E - Fixed Penalty Notices

Act	Section	Description of Offence
Clean Neighbourhoods and Environment Act 2005	6(1)	Exposing vehicles for sale on a road. Repairing vehicles in the course of a business on a road.
Refuse Disposal (Amenity) Act 1978	2A(1)	Abandoning a vehicle
Environmental Protection Act 1990	88(1)	Litter
Environmental Protection Act 1990	94A(2)	Street Litter Control Notices and Litter Clearing Notices
Environmental Protection Act 1990	Schedule 3A, para 7(2)	Unauthorised distribution of literature on designated land
Control of Pollution (Amendment) Act 1989	58(2)	Failure to produce authority (waste transfer notes)
Environmental Protection Act 1990	34A(2)	Failure to furnish documentation (waste carrier's licence)
Environmental Protection Act 1990	47ZA (2)	Offences in relation to waste receptacles
Clean Neighbourhoods and Environment Act 2005	59(2)	Offences under Dog Control Orders
Clean Neighbourhoods and Environment Act 2005	73(2)	Failure to nominate key-holder (within an alarm notification area) or to notify local authority in writing of nominated key-holder's details.
Noise Act 1996	8	Noise from private dwellings
Noise Act 1996	8	Noise from Licensed Premises
Highways Act 1980	132(1)	Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway
	137(1)	Wilful obstruction of highway
	138	Erecting a building, fence or hedge on highway
	139(3)	Depositing builder's skip on highway without permission
	139(4)(a)	Failure to secure lighting or other marking of builder's skip
	139(4)(b)	Failure to secure marking of builder's skip with name and address
	139(4)(c)	Failure to secure removal of builder's skip
	139(4)(d)	Failure to comply with conditions of permission
	140(3)	Failure to remove or reposition builder's skip
	141(3)	Failure to comply with notice requiring removal of tree or shrub
	147A(2)	Using of stall etc. for road side sales in certain circumstances

	148(a)	Depositing material etc. on a made-up carriageway
	148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
	148(c)	Depositing anything on highway to the interruption of user
	148(d)	Pitching of booths, stalls or stands or encamping on highway
	151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
	152(4)	Failure to comply with notice requiring removal of projection from buildings
	153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
	155(2)	Keeping of animals straying or lying on side of highway
	161(1)	Depositing things on highway which cause injury or danger
	169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)
Environmental Protection Act 1990	80(4)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
Housing Act 2004 Section 168 and Schedule 8	155	Failure of responsible person to meet duty to have a Home Information Pack
	156	Failure to provide a copy of the Home Information Pack on request
	157	Failure to comply with conditions imposed in relation to the provision of a Home Information Pack
	158	Failure to ensure that the Home Information Pack provided is authentic
	159	Failure to comply with other duties of persons acting as Estate Agents
	167(4)	Failure to produce Home Improvement Pack documentation upon request of enforcing authority
	172(1)	Failure of an estate agent to be a member of an approved redress scheme
Town and Country Planning Act 1990	224(3)	Displaying advertisement in contravention of regulations (in respect of Estate Agents Boards only)

London Local Authorities Act 1990	34(1)	Contravention of condition of street trading licence or temporary licence
	34(2)	Making false statement in connection with application for street trading licence or temporary licence
	34(3)	Resisting or obstructing authorised officer
	34(4)	Failure to produce street trading licence on demand
	38(1)	Unlicensed street trading
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 Regulation 40	5(2)	Failure of relevant person to make available free of charge a valid energy performance certificate to a prospective buyer or tenant
	5(5)	Failure of relevant person to make available free of charge a valid energy performance certificate to the person who ultimately becomes the buyer or tenant
	6(2)	Failure to provide energy information with the particulars when selling/renting property
	9(2)	Failure to give to the owner an energy performance certificate on completion of construction of the building
	10	Failure to give a recommendation report with an energy performance certificate
	16(2)	Failure to comply with duties relating to display energy certificates and advisory reports
	21(1)	Failure to comply with the duty in relation to a relevant air-conditioning system to ensure that the system is inspected by an energy assessor at regular intervals not exceeding five years.
	23	Failure to keep the most recent inspection report made by an energy assessor
	24	Failure to comply with duty on new relevant person who has not been given the inspection report to have the system inspected
39(4)	Failure to provide upon request of the enforcing authority a valid energy performance certificate and recommendation report, an advisory report; or an inspection report.	

Appendix F - Delegated Authority within the Waste Management Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Waste Management and Head of Operations, in respect of those matters listed in paragraphs 1.2-1.7 below.
- 1.2 That the Assistant Director Waste Management and Head of Operations be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Assistant Director Waste Management and Head of Operations, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Assistant Director Waste Management and Head of Operations be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Waste Management and Head of Operations the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Assistant Director Waste Management and Head of Operations the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Waste Management and Head of Operations Power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with those offences associated with litter and dog fouling listed in appendix E.

APPENDIX G - Delegated Authority within the Highways and Transportation Services Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services, in respect of those matters listed in paragraphs 1.2-1.8 below.
- 1.2 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendices C & D.
- 1.3 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Highways and Transportation, Head of Traffic & Transportation and Head of Highway Services, the power to authorise officers of Highway Services to issue Fixed Penalty Notices pursuant to regulations 19 (1) and 20 (1) of The Traffic Management Permit Scheme (England) Regulations 2007 and s70 and s74 of the New Roads and Street Works Act 1991* and to appear on behalf of the Council in any Magistrates Court in relation to proceedings instituted by them in furtherance of prosecution for these offences and for any other offences under the New Roads and Street Works Act 1991* for which an offence is committed.

* As amended by the Traffic Management Act 2004.

- 1.8 That named officers as authorised by the Assistant Director Highways and Transportation, Head of Highways Services and Head of Parking Services be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Planning and Environmental Protection to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).

Appendix H - Delegated Authority within the Community Safety Unit

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety, in respect of those matters listed in paragraphs 1.2-1.23 below.
- 1.2 That the Head of Community Safety be appointed as a Proper Officer and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix C.
- 1.3 That the Head of Community Safety, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix C;
- 1.4 That the Head of Community Safety be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Head of Community Safety the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix C.
- 1.6 That there be delegated to the Head of Community Safety the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix C, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Head of Community Safety the power to seek an Antisocial Behaviour Order in either the Magistrates' Court or County Court.
- 1.8 That there be delegated to the Head of Community Safety the power to sign a Dispersal Order made under section 30 of the Antisocial Behaviour Act 2003.

MUNICIPAL YEAR 2009/2010 REPORT NO. **255**

MEETING TITLE AND DATE:

Council 31st March 2010

REPORT OF:

Director of Finance & Corporate Resources

Contact officer and telephone number:

John Austin
0208 379 4094

Agenda - Part: 1

Item: 12

Subject:

Implementation of Statutory Requirements within the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009

Cabinet Member consulted: Cllr Rye

1. EXECUTIVE SUMMARY

- 1.1 The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") placed a mandatory duty on Local Authorities to adopt one of two new forms of executive model. The Council considered a report on 11th November 2009 and agreed to adopt the Leader & Cabinet model, including the option to remove the Leader by a majority vote of the Council.
- 1.2 This report seeks approval of the draft Constitutional amendments necessary to implement the new governance arrangements and which are appended to this Report as Schedule One.
- 1.3 This report also seeks approval of the decision-making arrangements for any urgent business which may arise between the new Executive arrangements coming into force on 11th May 2010 and the first Annual Meeting after the elections on 26th May 2010.
- 1.4 The procedure for electing a new Leader in the event of his or her removal is subject to a further constitutional amendment and is at Page 3 of Schedule One.
- 1.5 The Local Democracy, Economic Development and Construction Act 2009 introduces a new statutory post of Scrutiny Officer with effect from 1st April 2010 and the Council is asked to note this new statutory function and approve designation of this post.
- 1.6 The proposals herein were approved by the Governance Review Group at a meeting on 4th March 2010.

2. RECOMMENDATIONS

- 2.1 To approve the draft constitutional amendments necessary to implement the new governance arrangements and appended to this Report as Schedule One.
- 2.2 To approve the decision-making arrangements for urgent business between the new Executive arrangements coming into force on 11th May 2010 and the first annual meeting after the May election on 26th May 2010, and for further interim periods hereafter. It is recommended that the Chief Executive takes any such urgent decisions after consulting the relevant party leaders.
- 2.3 To agree the procedure for electing a new Leader in the event of his or her removal and approve the Constitutional amendment for the same in Paragraphs 3.4 - 3.6 and Page 3 of Schedule One.
- 2.4 To approve the designation of the post of Head of Corporate Scrutiny Services as the Council's statutory Scrutiny Officer pursuant to the statutory requirement in the Local Democracy, Economic Development and Construction Act 2009 with effect from 1st April 2010, together with the relevant constitutional amendment at Page One of Schedule One.

3. BACKGROUND: - NEW EXECUTIVE ARRANGEMENTS

Background

- 3.1 Part 3 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") obliged the Council to adopt one of two new statutory choices of executive model: a Leader and Cabinet executive or directly elected Mayor and Cabinet. By a resolution of the Council at a specially convened meeting on 11th November 2009, Enfield opted for the new-style Leader and Cabinet executive model.
- 3.2 In making its decision about which option to adopt, the Council considered the extent to which its proposals would help secure continuous improvement in the way in which the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness. The Council's view is that the Leader and Cabinet executive model permits a more cohesive leadership. It enables the Leader to choose his/her Cabinet thereby improving an already efficient and successful model, whilst maintaining strong governance.
- 3.3 Prior to drawing up its proposals for change, the Council consulted with the public on the new executive arrangements and stated that its preferred option was the Leader and Cabinet model. The Consultation commenced

on 3rd July and ran until 16th October 2009 – extended slightly due to the postal strike.

- 3.4 The election of the Leader will be at the first Annual Meeting of the Council following elections, but if it fails to elect a Leader then at a subsequent meeting of the Council.
- 3.5 The Leader will initially hold all the Council's executive functions under his or her personal control. The Leader will be responsible for appointing and removing members to the Cabinet (between 2 and 9 members) from the elected councillors, for determining their roles and will also decide which executive functions are delegated to local committees. Members of the Cabinet may be appointed or dismissed at any time during the four-year term of the Council, allowing for flexibility to react to changing needs of the Borough.
- 3.6 Currently, if the Council wishes to remove the Leader it does so by a Motion of no confidence and a simple majority vote. Such a Motion must be moved on notice and can be submitted by any Member no later than eight calendar days prior to the Council meeting. If rejected, it cannot be moved again unless signed by at least seven Members and once it has been dealt with, a similar Motion cannot be moved for at least six months. At a meeting on 4th March 2010 the Governance Review Group confirmed that no additional requirements are necessary to move such a Motion.
- 3.7 The Leader must appoint a Deputy Leader who will hold office until the end of the Leader's term, although he or she can be removed or replaced mid-term by the Leader.

4. PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Enfield's Constitution dictates that any changes to the Constitution must be agreed by the Council. The draft constitutional amendments necessary to implement the new governance arrangements are attached hereto at Schedule One of this Report.

5. ARRANGEMENTS FOR URGENT BUSINESS IMMEDIATELY FOLLOWING ELECTION

The term of office for Councillors starts and ends on the fourth day after the date of the election and the Council has a statutory duty to ensure that the new Executive arrangements are in force no later than the third day after the elections, by 11th May 2010. With regard to any urgent business in the meantime and prior to the first Annual Meeting, it is recommended that the Council's Chief Executive will take any such urgent decisions after consulting with the relevant party leaders.

6 JOB DESCRIPTIONS

The job description for the Leader of the Council as referred to in Part 2, Chapter 3 of the Constitution will have to be updated following implementation of the new executive arrangements.

7 THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009

From 1st April 2010 the Council is required to implement the statutory post of Scrutiny Officer and it is recommended that the post of Head of Corporate Scrutiny Services be designated as the Council's statutory Scrutiny Officer.

Section 31 of the Local Democracy, Economic Development and Construction Act 2009 introduces the new statutory post of Scrutiny Officer amending Section 21 of the Local Government Act 2000 by adding provisions to determine the role of the Statutory Scrutiny Officer as follows:

To promote the role of the Authority's Overview and Scrutiny Committee or Committees;

To provide support to the Authority's Overview and Scrutiny Committee or Committees and the Members of that Committee or those Committees;

To provide support and guidance to-

- (i) Members of the Authority*
- (ii) Members of the Executive of the Authority, and*
- (iii) Officers of the Authority*

8 ALTERNATIVE OPTIONS CONSIDERED

There is a statutory requirement upon the Council to implement the new executive arrangements by the 3rd day after the day of the relevant elections which will be held on 6th May 2010.

9 REASONS FOR RECOMMENDATIONS

To comply with the statutory requirements of the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009.

10 COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

10.1 Financial Implications

The proposals will be met from existing resources.

10.2 Legal Implications

In moving to the proposed new executive arrangements the Council will meet the statutory requirements imposed upon it by the Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009

Any changes to Enfield's Constitution must be agreed by a majority of the Council.

10.3 Property Implications

None.

10.4 Key Risks

There is a risk to the Council in not implementing this legislation as the Council has a statutory obligation to implement the new executive arrangements.

11 PERFORMANCE MANAGEMENT IMPLICATIONS

Adopting one of the two new forms of the executive model will have a direct impact on the objectives set out in the Council's Business Plan:

- Aim 6f – ensure the Council maintains strong corporate governance

12 COMMUNITY IMPLICATIONS

Positive Impact

Clear and accountable governance to ensure effective delivery of the Council's executive arrangements.

Background Papers

None.

SCHEDULE ONE - CONSTITUTIONAL AMENDMENTS

Part 1

1.3 How Decisions are Made

Remove “The Cabinet is the part of the Council which has overall responsibility for the delivery of Council services. The Cabinet is made up of a Leader elected by the Council and up to 9 further councillors appointed by the Leader.”

And replace with “The Leader has overall responsibility for executive decision-making power and the delivery of Council services and is elected by the Council for a four-year term at the Council’s annual meeting after elections (subject to the power to remove). The Leader may appoint a Cabinet of up to nine Councillors - one of whom is to be his or her deputy leader - and decide on the scope of their respective functions/portfolios.

Add additional paragraph “Any reference to the Cabinet within this Constitution is a reference to the Leader and such Members as the Leader may appoint” (this could also be inserted at Part 2, 6.1)

Part 2

4.3(6) Add ‘electing and removing the Leader’ and remove ‘and Deputy Leader’

4.3(17) Add to considering Motions “including whether to remove the Leader”

Add new Section 5.16 (Statutory Scrutiny Officer)

“The Head of Corporate Scrutiny Services is designated as the Council’s Statutory

Scrutiny Officer whose function is:

To promote the role of the Authority’s Overview and Scrutiny Committee or Committees;

To provide support to the Authority’s Overview and Scrutiny Committee or Committees

and the Members of that Committee or those Committees;

To provide support and guidance to-

- (i) Members of the Authority
- (ii) Members of the Executive of the Authority, and
- (iii) Officers of the Authority”

6.1.1 Delete first paragraph “Cabinet is part of the Executive, that part of the Council responsible for most day-to-day decisions and the delivery of services”

Delete second para from “It comprises up to ten councillors..”

And replace with “The Leader can appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides

whether particular decision-making powers will be undertaken collectively or by individual Members within the Cabinet”

- 6.3 Add “The Leader will be a councillor elected to the position by the Council for a four-year term. The full Council retains the power to remove the Leader by simple majority
Remove (e) “the end of each Municipal year”.
- 6.4 Remove (e) “the end of each Municipal year”.

Chapter 2.14 Add “Part III of the Local Government and Public Involvement in Health Act 2007”

Part 3

- 3.3 Replace “Cabinet” with “Leader”.
- 3.4 After “Cabinet” add “meaning the Leader and such Members as the Leader may appoint”.
- 3.6(1) Add “as delegated by the Leader”
- 3.6(2) Add “as delegated by the Leader”.

Part 4 - Council Procedure Rules

- 1.1 Remove (f) “elect the Leader and the Deputy Leader”
Remove (g) “agree the number of Members to be appointed to the cabinet” Replace with “note the decision of the Leader as to the number of Members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and Officers”.

Add 1.3 role of Annual Council Meeting when there has been an ordinary election.

Add “At the first annual meeting after an ordinary election of Councillors the following shall apply in addition to the above:

- (1) elect Leader to serve for a four-year term or until the next annual meeting after ordinary whole Council elections
- (2) Note appointment by the Leader of his or her Deputy Leader to serve for the four-year term
- (3) Note the Leader’s decision as to the number of executive Members, their respective functions and any other executive changes the Leader may have made.

Add 1.4 “the Leader can be removed by a majority vote of the Council. If such a resolution is passed the Council should elect a new Leader at the same meeting, otherwise the Deputy Leader is to act in his place until such time as a new Leader can be elected”.

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COUNCILLORS' QUESTIONS
31 March 2010

Question 1 from Councillor Dreblow to Councillor Neville, Cabinet Member for Environment and Street Scene:

"As the Cabinet Member for the Environment will be aware, the London Borough of Enfield recently had its accreditation renewed as a Fairtrade Borough for the coming two years. Will he congratulate the volunteers who have worked so hard to enable this to be achieved?"

Reply from Councillor Neville:

"Enfield was first recognised as a Fairtrade borough in September 2008 with support from the council. The local steering group has gone from strength to strength thanks to the commitment and legwork of the core members, who are all volunteers.

The Fairtrade fortnight event in 2009 saw schools across the borough taking part in the Go Bananas event (children simultaneously eating Fairtrade bananas);

the Prince of Wales Primary School received Fairtrade status - the first in London - in July 2009;

My Coffee Shop (Fairtrade coffee stall on Enfield Chase station platform) received Enfield Green Business of the Year Award in November 2009; and finally.

The Chicken Shed theatre group took their performance workshop created specifically for Fairtrade Fortnight covering important issues about Fairtrade into local primary schools - 10 performances overall.

These achievements are a result of the tremendous effort of the people involved in this project and I would like to take this opportunity to congratulate them on their successes."

Question 2 from Councillor Giladi to Councillor Vince, Cabinet Member for Education and Children's Services:

"Can Councillor Vince confirm her confidence in the independence of the process in place to adjudicate appeals from schools with significant reserves?"

Reply from Councillor Vince:

"The arrangements for challenging schools that hold high levels of reserves which include the mechanisms for the recycling of reserves in some instances, and the arrangements for considering appeals from schools where it is proposed to recycle the reserves, were put in place following consultation with all schools. Appeals are considered by a panel of three members of the Schools Forum with the individuals on the panel being appointed by the full forum. The Schools Forum itself is a statutory committee, of which you are a member, established

under government regulation and the council's constitution to advise and make decisions concerning school funding. The forum has a considerable degree of independence: members are elected to represent specific interest groups. The Cabinet member for Education, Children's Services and Youth attends as an observer. The chairman is elected annually by members of the forum.”

Question 3 from Councillor McGregor to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Following the recommendations of the Independent Review Panel (IRP) in July 2008, it would appear clear that despite the best efforts of many, the TWG has failed to fulfil the recommendation stating that transport must be focussed on 'as a priority' (recommendation 12,).

The few changes to transport systems that have been proposed so far will not compensate for the losses of local services for Enfield residents which the reconfiguration proposals will involve.

The IRP stated explicitly (recommendation 12) the need to ensure 'that complete involvement and engagement of all relevant bodies takes place'. Since TfL are now refusing to attend the TWG meetings and there is no representative from the transport companies, would the Cabinet Member agree that the IRP recommendations relating to transport have not been implemented? And if so, would the Cabinet Member inform us of how the London Borough of Enfield proposes to pursue this issue.”

Reply from Councillor Neville:

The Barnet, Enfield & Haringey Transport Working Group comprises representatives from the NHS, Enfield Council, London Travelwatch, Enfield Transport User Group and both public and patient representatives. Clearly, TfL (Transport for London) are key to the delivery of any service changes needed to ensure that residents can access health care by public transport and I also have been concerned about their decision not to attend this meeting.

I therefore specifically wrote to Ben Plowden, the Director of Integrated Programme Delivery at TfL, in January to express my concerns about the situation and received the following response:

“TfL has attended the Barnet, Enfield and Haringey Transport Group but have unfortunately had to make it clear that we are unable to routinely attend every meeting. We would always aim to respond in writing to questions received in advance of the meeting. In addition a TfL officer has confirmed that if there are specific items on the agenda they will attend meetings.”

Whilst this is not an entirely satisfactory arrangement, TfL are clearly not saying that will never attend any future meeting and I will certainly continue to press TfL to give this group the attention it deserves. I was also particularly pleased to learn that the Trust has recently appointed a dedicated resource to drive forward the work of the BEH Transport Group.”

Question 4 from Councillor Rodin to Councillor Rye, Leader of the Council:

"In the past you have criticised national politicians for using public money for self-publicity. What is your view of local authorities using Council Taxpayers' money to promote the achievements of the politically-led administration?"

Reply from Councillor Rye:

"When the current Conservative Administration gained control of the council we introduced a new protocol setting out exactly what the council would and would not support in its publicity. This protocol is part of the council's constitution and was agreed by full council. It ensures the council complies with the law on its publicity and follows the national guidance.

Local taxpayers have the right to know how their money is being spent and who is making the decisions so that they can be held to account. They want to know about changes in services and how to access services when they need to. The protocol clearly sets out that council resources should not be used to promote individual politicians other than in their nominated role at the council."

Question 5 from Councillor Wilkinson to Councillor Rye, Leader of the Council:

"The expansion of the Central Library building in Enfield Town has clearly been one of the largest civic projects undertaken by this Council in recent times. Members of the Conservation Advisory Group have spent a great deal of time examining the various applications relating to this project with keen interest. Can the Leader of the Council explain why neither Opposition Members of the Council nor members of the CAG group were invited to this event?"

Reply from Councillor Rye:

"Officers followed the council's protocol whereby the Mayor, Leader, cabinet members and ward councillors are invited to a press launch. This protocol has been used for similar events for the last few years, the latest of which was the opening of John Jackson Library. Press launches are not widely advertised because they are not an open public event and numbers of attendees are often limited.

However other invitations can be issued and I regret that members of the Conservation Advisory Group were not included. As a result I have asked the council to review the protocols to try and avoid any future such omissions.

The refurbishment of Enfield Town Library and the Library Green has created a wonderful facility and outdoor space that will also help to support the economy of the western side of the town centre. Unlike many other authorities across the country, Enfield is investing in libraries and putting them at the heart of our town centres. This has been reflected in the very good coverage the new library has achieved in both local newspapers last week. I would like to thank the Conservation Advisory Group and everyone else involved in the project for their contribution to making it such a success.

This is a wonderful facility that will benefit residents for many years to come.”

Question 6 from Councillor Pearce to Councillor Vince, Cabinet Member for Education and Children’s Services:

“Will the Cabinet Member for Education and Children’s Services update the Council on the position of secondary school transfers?”

Reply from Councillor Vince:

“Enfield was again part of the PAN London Co-ordinated Admissions System. All London authorities, together with Essex, Hertfordshire, Kent, Surrey and Thurrock authorities exchanged information about applications to each other’s schools and worked together to reduce the number of children receiving multiple offers.

Enfield Council, along with all of our partners worked hard to ensure parents in Enfield were sent their information on National Offer Day, 2nd March 2010. I am pleased to advise Councillor Pearce that 96% of Enfield children whose parents or carers applied on time have been offered a place at one of their preferred schools.

The impact of co-coordinating admissions across London and surrounding authorities, together with the work undertaken to increase the number of school places in the borough has meant that we have again been able to offer every child living in Enfield a secondary school place for September. I would like to pass on my appreciation and thanks to Jo Fear and the Admissions Team for achieving the above results.”

Question 7 from Councillor Rodin to Councillor Neville, Cabinet Member for Environment & Street Scene:

"Does Councillor Neville agree with me that the Council should rigorously enforce breaches in planning regulations, even when the offender is a political party?"

Reply from Councillor Neville:

“Council will know that throughout my term as Cabinet Member, unlike the Labour government, I have sought to apply a fair but firm enforcement policy regardless of the identity of the offender. Accordingly, the Planning Enforcement Team vigorously enforces all forms of unlawful advertising, and I am pleased to say with increasing success. In fact, recent large political advertisements were removed to ensure that the relevant legislation is applied in a fair and transparent way. We are aware that further advertisements have been placed and appropriate action has been commenced following due process. However, I am sure Councillor Rodin is aware that once an election has been called political advertisements can be displayed with the permission of land owners.”

Question 8 from Councillor R Hayward to Councillor Neville, Cabinet Member for Environment and Street Scene:

"Would Councillor Neville tell council of his departments recent successes in national awards?"

Reply from Councillor Neville:

"Enfield Council was highly commended in the Enforcement Award category at the British Parking Awards. The award ceremony took place on Friday 12th March and recognised achievements in the regulation of moving traffic offences (bus lanes, congestion charges, speeding), management of the street-scene and tackling anti-social behaviour - such as blue badge fraud and vehicle tax evasion. It also covered activities aimed at tackling persistent evaders, such as debt recovery operations.

Congratulations to the Highway & Transportation Teams for winning the London's Most Improved Transport Borough award at the London Transport Awards, which took place recently. The team was rewarded for their pro-active and sustainable approach to Highway Maintenance. The winning approach included the prioritisation of programme planning, incorporating good streetscape design into all council plans, an excellent working relationship with the council's Highways Work contractor, ongoing investment in highway maintenance and the recycling of materials when resurfacing carriageways. Also at the same event Haringey Council's Road Safety and Enfield Council's Road Safety and Travel Awareness teams won the "Partnership of the Year" award for their joint work on the Haringey and Enfield Communities Road Safety Project. Enfield Council's Traffic and Transportation were also commended in the category of Transport Borough of the Year."

Waste were nominated for a National Award at the Keep Britain Tidy Awards ceremony which took place on Monday 15 March. We were runners up in the 'Cleaner, Safer, Greener ' category under the title of 'Prevention. I want to take this opportunity to congratulate and publicly thank all of the staff involved in achieving these successes for the borough."

Question 9 from Councillor Rodin to Councillor Vince, Cabinet Member for Education and Children's Services:

"Does Councillor Vince consider in her position as Cabinet Member for Children's Services that the best place to site a library which it is hoped will be regularly visited by children is next to a leading fast food take-away establishment?"

Reply from Councillor Vince:

"Public libraries are better located in shopping areas and the evidence both locally and nationally is that libraries are better used when they are in highly visible locations. A library in a town centre will be in close proximity to any number of eating outlets and Palmers Green is particularly well served with all different kinds of restaurants and cafes.

Libraries want to attract young people through their doors. A location right next door to a globally recognised brand gives us a high degree of visibility and the opportunity to attract all users of the restaurant into the library. It also offers an alternative venue for young people to spend time without having to spend money. It appears that wherever one is, one is always in close proximity to a fast food outlet. The council and its partners are doing all they can to encourage healthy eating and healthy lifestyles for children and young people.”

Question 10 from Councillor R Hayward to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Would Councillor Neville highlight to Council the principal achievements of the Environment Directorate over the last four years of this administration?”

Reply from Councillor Neville:

The Environment Department has been responsible for many noteworthy achievements over the past 4 years, coming in for particular praise in the most recent assessment by the Audit Commission for the extensive work carried out to make the borough’s streets cleaner and reduce crime.

Levels of cleanliness have continued to improve over the past 4 years. This is reflected in both the independent physical surveys, which have shown reductions of 1/3 in both litter and graffiti levels over the past year alone, and MORI surveys, which, between 2006 and 2009, show an 8% reduction in the percentage of residents who believe rubbish or litter lying around is a problem and a 7% reduction in the number who think vandalism and graffiti are problems. Moving waste operational services to area-based working for recycling, refuse and street cleansing in 2009 has aided this improvement. Enfield was the winner of the Association for Public Service Excellence (APSE) Most Improved Street Cleansing Services award in both 2007 and 2008.

The percentage of household waste recycled has risen above 30% in 2009-10, whilst the amount of non-recyclable waste has reduced so that between April and September 2009, the average Enfield household disposed of 60kg less than over the equivalent period in 2006. We have increased the range of materials recycled and reduced the level of contamination of recycled materials. The recent full rollout of our estates recycling service should help us to further increase recycling rates and reduce the amount of waste sent to landfill. Between April and September this year, Barrowell Green Recycling Centre will stay open until 7.30pm on Tuesdays and Fridays, to allow residents improved flexibility in accessing recycling facilities.

Since 2006, nearly £40m has been invested in the borough’s carriageways and footways, with more than 70 miles of roads and over 40 miles of pavements resurfaced. This investment has resulted in a greatly improved road condition as judged by independent survey results, and fewer successful insurance claims against the council.

Having implemented a substantial number of road safety and traffic improvement schemes Enfield recorded its lowest ever road casualty figures in 2008.

The percentage of successful appeals against parking enforcement notices in Enfield has reduced by 10% since 2006. Since October 2008, Enfield has consistently been the best performing London borough on parking appeals, with an appeal success rate of just over 30%, compared with the worst performing borough's average rate of over 90%. Additionally, in 2009 we introduced special parking bays for the over 70s.

With the introduction of an enhanced programme to tackle underage sales, particularly of alcohol, the percentage of successful test purchases improved from 40% in 2006-07 to only 11% during 2008-09.

As part of the PFI street lighting programme, over 13,000 new lamp columns have been installed, relighting more than 1,200 streets in the borough. To further improve community safety we have installed nearly 200 alley gates over the past 4 years. In 2009, the Home Office published national examples of effective Crime and Disorder Reduction Partnerships, entitled "Ten of the Best", with the community safety work in Enfield used in three of these examples.

While part of the Environment Directorate, the number of parks achieving Green Flag status rose from 1 in 2006 to 6 in 2008. In addition, more than 3000 trees have been planted since 2006 along Enfield's roads.

Question 11 from Councillor Goddard to Councillor Lavender, Deputy Leader Place Shaping and Enterprise:

"In connection with the New Southgate Industrial estate (Ladderswood), has the advice in paragraph 3.2 (report 137) regarding the requirement to renew leases to tenants been followed by the council and if not, why not?"

Reply from Councillor Lavender:

"The council is following the advice contained in paragraph 3.2 (report 137) to renew leases on the New Southgate Industrial Estate. Since report 137 was adopted by cabinet agreement has been reached with lessees on the terms for 3 new leases. Negotiations are on-going with a number of other lessees with a view to renewing their leases."

Question 12 from Councillor E Hayward to Councillor Neville, Cabinet Member for Environment and Street Scene:

"Would Councillor Neville inform council of the action he intends to take in light of the recent rise in dog fouling on public footways?"

Reply from Councillor Neville:

"Dog fouling is particularly disgusting and potentially harmful to small children because of the presence in dog faeces of a parasite that can cause blindness. Sadly there has over recent months been an unexplained increase in the incidence of this nuisance in the borough, which is a matter of some concern. Building on the success of our litter enforcement, I have launched a specific dog

fouling patrol to target hot spot areas. In addition we will be undertaking an advertising campaign to increase public awareness of the problem. Enforcement officers are combining a programme of education awareness and enforcement to ensure dog owners/walkers clear up any mess left by dogs under their control. Anyone permitting their dogs to foul without clearing it up will be issued with an £80 fixed penalty notice, and prosecuted if this is not paid. I hope that this action will drive a message that this practice is socially unacceptable and will not be tolerated in Enfield."

Question 13 from Councillor Brett to Councillor Lavender, Deputy Leader Place Shaping and Enterprise:

"What Covenants are there on the current Palmers Green Library Site?"

Reply from Councillor Lavender:

"For clarity the response below refers to the site that includes the existing Palmers Green library and Southgate Town Hall building and car park -

The land contained in the 1893 Conveyance was transferred to the council subject to two restrictive covenants relating to user, which the council (as transferee) and their successors are bound by. The said covenants stipulate:

- the land shall not at any time be used for the erection or use thereon of any building to be used for an infectious hospital dust destructor lunatic asylum or prison but this does not preclude user of the back portion of the land at a distance of one hundred feet from any existing public highway for the purposes of a mortuary for the district or districts and shall not preclude user of any part for a cottage hospital for non infectious diseases.
- not to do anything which may grow to be a nuisance or injurious to the transferor or his heirs or assigns or other persons entitled or to tenants of property in the neighbourhood.

Question 14 from Councillor Stafford to Councillor Hurer, Cabinet Member for Finance and Resources:

"Last year's Council Tax brochure states that "we are among the top ten Councils in outer London for value for money". What does Councillor Hurer constitute as an "Outer London Borough"? If this is the outer ring of boroughs, then there are only 14 to begin with, which makes this a below average performance. Would Councillor Hurer agree with this?"

Reply from Councillor Hurer:

"I am surprised that Councillor Stafford is only now reading a leaflet that was sent out with council tax bills a year ago but I would like to thank him for giving me the opportunity to set out our record on council tax.

There are 20 outer London boroughs and due to our prudent financial management we have consistently been below the Outer London average throughout our administration.

In 2009 Enfield was 8th lowest out of the 20 outer London councils and due to our decision to freeze council tax this year, we will remain 8th in 2010 and £23 per household cheaper than the average."

Question 15 from Councillor Bond to Councillor Neville, Cabinet Member for Environment & Street Scene:

"Now Councillor Neville is aware that the orange bags sold to businesses are of poor quality and probably smaller than they should be, what compensation is he going to offer the business community who have bought these bags in good faith from the Council?"

Reply from Councillor Neville:

"A new contract for the supply of commercial sacks commenced on 1st April 2009 where we asked the supplier for a sack specification of 30-35 microns. Following a small number of complaints received from businesses that the sacks were thinner, the sacks have been tested independently. The results showed that a batch of the sacks supplied had a specification of 23 microns instead of 30 - 35 microns, this lack of quality is being taken up with the current supplier. Any customer who has reported the faulty sacks has been offered replacements and the supplier will be required to bear the cost of replacing these defective bags. From the 1st April 2010 a new supplier will be selected."

Question 16 from Councillor G Savva to Councillor Vince, Cabinet Member for Education and Children's Services:

"Education Standards forum no longer sits. Can it be reinstated to help us keep an eye on schools who are under performing? "

Reply from Councillor Vince:

"I'm sure Councillor Savva remembers the long and involved discussions that took place at the Education Standards Forum (ESF) when it was agreed that the consideration of reports and schools that are falling below the expected level would be relocated to the Cabinet Leaders Performance Challenge Board in ECSL (Education, Children's Services and Leisure). This internal board sits every six weeks to examine carefully the work of the department. This is the most appropriate home for this type of discussion and in keeping with the commitment given to the Education Standards Forum we are keeping to our promise to review the situation to ensure that schools are challenged effectively by the School Improvement Service. The review will take place in the summer, some 12 months after the disbanding of the ESF."

Question 17 from Councillor Rodin to Councillor Lavender, Deputy Leader Place Shaping & Enterprise:

"Does Councillor Lavender think it is important for the Council's officers to inspect a large property before it agrees to sign a 25 year lease on that property?"

Reply from Councillor Lavender:

"Yes. Any property in respect of which the council proposes to take an interest or dispose of an interest is inspected by the appropriate officers before authority is sought to acquire or grant that interest"

Question 18 from Councillor Giladi to Councillor Vince, Cabinet Member for Education and Children's Services:

"Given increasing levels of worklessness, poverty and deprivation in the borough, can Councillor Vince explain why Enfield is not taking up the possible extension of free school meals?"

Reply from Councillor Vince:

"The opportunity to bid to become government pilot for the provision of free school meals was carefully considered. There were a number of difficulties with the proposed scheme including the need to demonstrate sufficient physical capacity to deliver a universal service without additional capital investment, the need for substantial match funding to be provided by the council and uncertainty about the duration of the pilot or government policy thereafter. The selection criteria indicated that a bid from Enfield was unlikely to be successful."

Question 19 from Councillor Stafford to Councillor Lavender, Deputy Leader Place Shaping & Enterprise:

"By the administration's own admission (Place Shaping agenda, March 8 2010), "At present Enfield does not have a specific strategy or policy framework for attracting inward investment and supporting enterprise". Would Councillor Lavender agree with me that this is a lamentable indictment of this administration, given that the borough has rising unemployment, rising benefit claimants and dropping house prices, and his dismal attempt at a Recession Action Plan is too little too late?"

Reply from Councillor Lavender:

"The report to which Councillor Stafford is alluding sets out our comprehensive approach to supporting business in the borough and is based on the principle that creating the right environment for businesses to succeed is at the heart of realising economic growth, whether during times of national economic prosperity or recession.

Supporting business is a fundamental strand of our place shaping agenda. However, it is recognised that inward investment and strategic business support is an issue where we will see the greatest return by working across borough

boundaries – not least because many of the issues that businesses face require a sub regional response. It is for this reason that Enfield partnered with the LDA (London Development Agency) in 2005 to create a sub regional inward investment agency (North London Business) that is largely funded by the Mayor through the LDA. Enfield provide a staff resource to support their work. North London Business has commissioned extensive research to ensure that their work is based upon good intelligence about the business needs of the area.

It is right that strategies and policy frameworks for strategic business support take place at that level.

However, in terms of local delivery we are doing a great deal and have increased our level of support to business and have increased our activity in light of the difficult economic circumstances our businesses face. In particular, we have been successful in leveraging in external funds to ensure that the scale of activity is maximised. Examples of our work include:

- Via our partners at Enterprise Enfield and North London Chamber of Commerce, we are supporting our small and medium enterprise base to tackle access to finance and credit control issues;
- Supporting innovation via the Enfield Innovators Competition;
- Assisting businesses to become more low carbon and win more business;
- Providing specialist business advice to Enfield's retail tenants and enhancing our high street parades to attract more customers;
- Support for the establishment of social enterprises;
- A strategic business forum has been established to provide a platform for Enfield's businesses to meet with the decision makers in the borough. The most recent meeting in February was extremely constructive with a wide range of businesses contributing as well as our business support agencies;
- An A-Z of services available to businesses has been published giving all of our businesses easy access to the support which exists in the borough.

In terms of the place shaping agenda ensuring the right planning policies are in place to encourage business growth is a vital strand of our Core Strategy. For example, our proposals for Meridian Water which are now at Masterplanning stage envisage a minimum of 1,500 additional jobs in the borough whilst we are in advanced discussions with the LDA to put our industrial estates at the forefront of their industrial renaissance proposals.

Finally, we have increased capacity within our Sustainable Communities team to ensure that we maximise our dialogue with our SME (small/medium sized enterprises) base in taking our wider place shaping proposals forward.

There is no doubt that the changed economic circumstances will mean that there should be a review of our support to businesses going forward. This review should be a considered one and based on the intelligence we are gaining from our discussions with businesses. It should not be a short term knee jerk reaction to changing circumstances."

Question 20 from Councillor Bond to Councillor Laban, Cabinet Member for Housing and Community Safety:

"Enfield Homes now advise me that it is up to the Council, not them, to make the money available for the much needed improvements to Leighton Road kitchens. Can Councillor Laban advise the Council when the money will be made available for this work?"

Reply from Councillor Laban:

"As with all major housing improvement projects, the cabinet takes the decision on the funding arrangements for work to the council's housing stock.

The council and Enfield Homes are working together to identify a way forward for the residents of Leighton Road, and the decision to authorise the expenditure will follow the normal process.

Enfield Homes has produced a feasibility study which indicates that a significant sum will be required to fund the overall improvement programme for Leighton Road, therefore the funding streams for this significant investment are being actively explored.

Councillor Bond knows that I am committed to improving the homes of the residents of Leighton Road and have requested that officers find a way forward in the next financial year."

Question 21 from Councillor Rodin to Councillor Lavender, Deputy Leader Place Shaping & Enterprise:

"Would Councillor Lavender agree with me that if the Council is promoting as part of its Local Development Framework 6% growth of retail floor space in the Palmers Green district by 2015, that this will be made more difficult by the Council's decision to turn one of the few major retail units in Palmers Green into a library?"

Reply from Councillor Lavender:

"No.

Although the immediate consequence of the decision is an absolute reduction in retail floor space, the medium and long term consequences of the decision will be to support and enhance the retail proposition in Palmers Green by protecting existing and stimulating demand for more retail floorspace.

The relocation of Palmers Green library to the shopping area of Palmers Green is not intended to be at the expense of promoting retail growth in the district centre, as supported by the Core Policy 18 – Delivering shopping provision across Enfield in the Core Strategy.

A key strand of Enfield's Library Strategy is to relocate poorly sited and therefore less well used libraries into shopping areas where there is evidence that usage will increase and new customers will be attracted to the service. Palmers Green is one such library, where the footfall to the library will also have a beneficial impact on the district shopping centre, enhancing opportunities for growth in retail floorspace.

Palmers Green is a District Centre, as designated by the London Plan, and as such should be supported and strengthened as an important shopping and service centre to meet people's day-to-day needs. National guidance, Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), sets out planning policies for economic development and specifically identifies public and community uses within this definition. PPS4 encourages local planning authorities to support a diverse range of uses, including services and other important small scale economic uses in promoting competitive town centres. On this basis the location of Palmers Green library within the shopping area is consistent with national and regional policy, supporting a mix of uses, appealing to a wide range and age of social groups, and enhancing the character and vibrancy of the District Centre."

Question 22 from Councillor Stafford to Councillor Hurer, Cabinet Member for Finance and Resources:

"The Council's performance continues to improve and this year we have been assessed as among the very best in the country'. This statement has been made on the basis of the Council receiving 4 stars. As approximately 50% of the Councils awarded stars under the CPA results now have 4 stars, would Councillor Hurer agree that this statement contained in the Council Tax brochure is designed to be totally misleading as at best it makes us average?"

Reply from Councillor Hurer

"I would like to thank Councillor Stafford for giving me the opportunity to set out the council's record on service performance. As to the allegation of misleading information - I will let the facts speak for themselves. When the current administration gained control of the council in 2002, Enfield Council was assessed as a weak authority with a number of services underperforming and much lower levels of resident satisfaction. Since then, through strong leadership from officers and members, the quality of our services has improved significantly as recognised by independent inspection regimes. Most importantly, this improvement is being recognised by residents, as satisfaction with local services and the council continues to increase.

This improvement culminated in being awarded 4 stars by the independent Audit Commission in 2009. This was the highest score possible under the CPA system therefore it is accurate to say that Enfield became one of the best performing

councils in the country. In 2009, Enfield was one of 62 authorities to achieve 4 stars, out of a total of 175 assessed under the CPA. It would be churlish in the extreme to diminish this achievement that has been delivered through the hard work of council staff and members."

Question 23 from Councillor Stafford to Councillor Lavender, Deputy Leader Place Shaping & Enterprise:

"Can Councillor Lavender confirm that there is approximately £4.5m of unspent Section 106 money languishing in the Council's coffers. At a time when the borough is desperate for regeneration, £2.5m of this money relates to the 3 poorest Wards of the borough - Edmonton Green, Upper Edmonton and Lower Edmonton - and much has been available for spending for between 7-10 years. With out of work benefit claimants in Edmonton currently standing at 30%, can Councillor Lavender kindly explain why this money has not been spent to assist in the socio-economic regeneration of the area?"

Reply from Councillor Lavender:

"The total available balance of unspent S106 monies as of today's date is £5,147,837.55 including interest. The majority of this money is to deliver specific projects or works necessary to ameliorate particular identified harm caused by developments. These might include highways works, parks improvements and education contributions. These projects are at varying stages of authorisation, design and specification. The monies should not be viewed as a kind of 'slush fund' - they are for specified works being brought forward as development takes place. It is inaccurate, therefore, to describe them as "languishing".

The total amount of S106 funding currently available to spend under schemes within the wards Councillor Stafford referred to is £2,373,410.70. However, as stated above, much of this money is for specified ameliorating works, and cannot be appropriated for general social-economic regeneration in the three wards. It may be that some of the works done by contracted firms may produce some jobs for local people but this cannot be guaranteed or specified.

With regards the perceived time lapses, while an Agreement may be signed a number of years ago, the receipt of any monies is triggered by the developer hitting agreed targets or phases. It may take a number of years before development starts and then hits these targets - a process now rather elongated by the impact of the present recession. Once monies are received the appropriate council officers are notified and project development can commence.

Two S106 Agreements produce funds for Employment Schemes and or Training Initiatives within the 3 wards and are worth £47,426.98. Of this, £20,000 is shortly to be allocated and the balance is in development for bringing forward next year."