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CABINET - 15.11.2017

MINUTES OF THE MEETING OF THE CABINET HELD ON WEDNESDAY, 15 NOVEMBER 2017

COUNCILLORS

PRESENT

Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Daniel Anderson (Cabinet Member for Environment), Yasemin Brett (Cabinet Member for Community, Arts and Culture), Krystle Fonyonga (Cabinet Member for Community Safety and Public Health), Dino Lemonides (Cabinet Member for Finance and Efficiency), Ayfer Orhan (Cabinet Member for Education, Children's Services and Protection), Ahmet Oykener (Cabinet Member for Housing and Housing Regeneration) and Alan Sitkin (Cabinet Member for Economic Regeneration and Business Development)

Associate Cabinet Members (Non-Executive and Non-Voting): Dinah Barry (Enfield West) and George Savva (Enfield South East)

ABSENT

Alev Cazimoglu (Cabinet Member for Health and Social Care), Vicki Pite (Associate Cabinet Member – Enfield North)

OFFICERS:

Ian Davis (Chief Executive), Tony Theodoulou (Executive Director of Children's Services), Jeremy Chambers (Director of Law and Governance), Peter George (Assistant Director, Regeneration and Planning), Bindi Nagra (Assistant Director - Health, Housing and Adult Social Care), Jeremy Pilgrim (Strategic Property Services), Mohammed Lais (Senior Asset Management Surveyor), Stephen Fitzgerald (Acting Director of Finance), Sue McDaid (Head of Regulatory Services), Andy Higham (Head of Development Management) and David B Taylor (Head of Traffic and Transportation) Jacqui Hurst (Secretary)

Also Attending: Councillor Lee Chamberlain and Councillor Derek Levy.

1

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alev Cazimoglu (Cabinet Member for Health and Social Care), Councillor Vicki Pite Associate Cabinet Member – Enfield North), Gary Barnes (Acting Executive Director of Regeneration and Environment) and James Rolfe (Executive Director of Finance, Resources and Customer Services).

An apology for lateness was received from Peter George (Assistant Director Regeneration and Environment).

**2
DECLARATION OF INTERESTS**

Councillor Achilleas Georgiou (Deputy Leader) declared a non-pecuniary interest in agenda item 18 (part two agenda) – Meridian Water: Progress Update (Minute No.18 below refers).

**3
URGENT ITEMS**

NOTED, that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) Regulations 2012 with the exception of Report No.89 – September 2017 Revenue Monitoring Report (Minute No.6 below refers) and Report No.90 – Business Rates (Minute No.7 below refers). These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

AGREED, that the above reports be considered at this meeting.

**4
DEPUTATIONS**

NOTED, that no requests for deputations had been received for presentation to this Cabinet meeting.

**5
ITEMS TO BE REFERRED TO THE COUNCIL**

AGREED, that the following report be referred to full Council:

1. Report No.90 – Business Rates (if required)

Members requested that prior to the above report being submitted to full Council, clarification be provided as to why a Council referral was necessary at this stage of the process.

6

SEPTEMBER 2017 REVENUE MONITORING REPORT

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Executive Director of Finance, Resources and Customer Services (No.89).

NOTED

1. That the report set out the Council's revenue budget monitoring position based on information to the end of September 2017.
2. The revenue budget forecast remained at an outturn position of £5.6m overspend for 2017/18.
3. The departmental monitoring information, budget pressures and mitigating actions as set out in the report. Members asked that future monitoring reports include more detailed information on the mitigating actions that were being taken and the relevant target figures. Further detail could be provided to the Cabinet Members for their own areas of responsibility.
4. The information provided in Appendix A6 of the report with regard to the Schools Budget. It was noted that whilst this was not part of the General Fund, an overspend of approximately £4.4m was currently forecast, this in the main was due to the out Borough placements of SEN students. It was anticipated that the forthcoming provision at Minchenden would address this issue.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed to note

1. The £5.6m overspend revenue outturn projection.
2. That Cabinet Members would continue to work with Executive Directors to implement action plans to reduce the forecast overspend in 2017/18.
3. The mitigating actions proposed to date by Executive Directors of overspending departments as set out in Appendix A of the report.

Reason: To ensure that Members were aware of the projected budgetary position, including all major budget pressures and underspends which had contributed to the present monthly position and that were likely to affect the final outturn.

(Key decision – reference number 4546)

7

BUSINESS RATES

Councillor Dino Lemonides (Cabinet Member for Finance and Efficiency) introduced the report of the Executive Director of Finance, Resources and Customer Services (No.90).

NOTED

1. That the Government had indicated its wish to see a London-wide business rate pilot pool established in April 2018. The Leaders' Committee at London Councils had indicated an in-principle agreement to an application to Government for such a pool, subject to the individual approval of all London authorities.
2. How the pool would operate, as set out in section 4 of the report.
3. Paragraphs 5.3 and 5.4 of the report with regard to governance and timetabling. Members noted the complex decision making processes that were taking place and the financial clarity to be confirmed in due course.
4. Following discussion, Members approved the recommendations of the report which if required, would be referred to full Council.

Alternative Options Considered: In the light of the possible financial benefits, and the proposals for how these benefits might be shared, the preferred option was to join a London-wide pool, rather than remain in the present situation. The prospectus from London Councils sets out different options for sharing any potential gain amongst London authorities.

DECISION: The Cabinet agreed to note the report and **RECOMMENDED TO COUNCIL** (if required, Minute No.5 above referred)

1. To agree in-principle to participation in a 2018/19 pilot London business rate pool and
2. Delegate authority to the Leader of the Council and the Executive Director of Finance, Resources and Customer Services to take the necessary actions to finalise the agreements regarding designation of the pool, operation of the pool and distribution of financial benefits and implement the proposals.

Reason: There were potential financial benefits to this council and London wide from joining a pilot pool which was why it was recommended that London Borough of Enfield participate. Because of the timescale, it was requested that authority to conclude this process be delegated to the Leader and to the Executive Director of Finance, Resources and Customer Services.

(Key decision – reference number 4602)

8

PUBLIC SPACES PROTECTION ORDERS

Councillor Daniel Anderson (Cabinet Member for Environment) introduced the report of the Executive Director of Health, Housing and Adult Social Care and Executive Director of Regeneration and Environment (No.91).

NOTED

1. That this represented an extensive piece of work and introduced a range of measures to tackle anti-social behaviour issues. Public views had been sought and a robust evidenced based process followed.
2. The anti-social behaviours that had been identified for a series of Public Spaces Protection Orders (PSPOs) as set out in paragraph 3.2.1 of the report. There had been positive support received through the consultation feedback as set out in the report.
3. Members went through each PSPO detailed in the report on an individual basis. The comments and discussions arising are set out below, those with no issues arising were accepted without further question.
4. **Prohibit the holding of fireworks to cause intimidation etc or throwing of fireworks:** In response to a question raised by Councillor Brett, it was noted that this could only be applied to public land. Measures would be taken to publicise this PSPO particularly during the months when fireworks were most prevalent. This proposed PSPO was accepted by Members.
5. **Dog Controls: Failure of the person in charge of a dog to have it on a lead at all times in the designated area:** In response to issues raised by Councillor Sitkin further clarification would be provided within the wording of the PSPO.
6. **Dog Controls: The maximum number of dogs in a person's charge is four unless in possession of a valid licence issued by the Council permitting up to six dogs.** A discussion took place on this issue with a number of concerns raised by Councillor Sitkin with regard the number of dogs specified. Questions were raised as to when a licence would be required and by whom and the potential impact on individuals owning more than 4 dogs. Members also noted the need to protect all park users, particularly children, and for multiple dog owners/walkers to ensure that dog fouling was effectively dealt with. The controllable nature of the dogs in question was also a factor. There were a range of associated factors. Members also questioned how this PSPO would be effectively enforced. The comment received from the Kennel Club, detailed in the report, was noted. In conclusion Members

noted the need to balance the needs of dog walkers and other park users. This PSPO was agreed in principle subject to further work being undertaken to consider the required controls over dogs, the numbers involved and control mechanisms in place. This would be delegated to Councillor Anderson to agree following further work undertaken by officers to address Members' concerns.

7. **Prostitution:** Councillor Brett requested amendments to the wording to require consideration being given to "signpost sex workers to other jobs" and for prosecuted kerb crawlers to be referred to "appropriate behaviour training programmes". It was noted that the PSPO would provide another enforcement tool in addition to those police powers that were already in existence.
8. **Vehicles Deposited on Land:** In response to discussion, Members noted the restrictions that applied to the Council's powers in dealing with such matters.
9. **Parking Around Schools:** Members were advised that this proposed PSPO had been withdrawn for the time-being pending further work on this and wider issues affecting schools. Following the completion of the work required, this would be presented to a future Cabinet meeting for consideration and agreement.
10. In conclusion, Members supported all of the PSPOs detailed in the report with the exception of "The maximum number of dogs in a person's charge is four unless in possession of a valid licence issued by the Council permitting up to six dogs" and; "Parking Around Schools", as detailed above.

Members expressed their thanks and appreciation to Sue McDaid and her team for the extensive and comprehensive work that had been undertaken.

Alternative Options Considered: NOTED, the detailed alternative options considered as set out in section 4 of the report including:

- To not introduce any Public Spaces Protection Orders (PSPOs).
- To introduce PSPOs to replace Dog Control Orders and Designated Public Place Orders only.
- To introduce all the orders contained within the original proposals.
- Preferred Option – to agree to the making of the Orders as outlined in section 3.5 of the report.

DECISION: The Cabinet

1. Considered and noted the outcome of the public consultation (as detailed in Appendices 1 and 2 and paragraph 3.4 of the report).
2. Considered and noted the Equalities Impact Assessment (Appendix 4 of the report) and consideration of the Human Rights Act (as detailed in paragraph 3.6.3 of the report).

3. Agreed to approve the Public Spaces Protection Orders as outlined in paragraph 3.5.2 of the report and Appendix 3 of the report, with the exceptions outlined in the minutes above in relation to “The maximum number of dogs in a person’s charge is four unless in possession of a valid licence issued by the Council permitting up to six dogs” and; “Parking Around Schools”. The Cabinet Member for Environment and the Executive Director of Regeneration and Environment to undertake more detailed appraisal of the options regarding pick-up and drop-off around schools.
4. Agreed that the maximum amount of £100 be agreed as the level of the Fixed Penalty Notice, with no discount for payment within 14 days.

Reason: The proposed PSPOs would help address concerns raised by the public with the Police and Council about anti-social behaviour occurring in the Borough. The intention of PSPOs was to stop individuals or groups committing anti-social behaviour in a public space so that the law-abiding majority could use and enjoy public spaces, safe from anti-social behaviour.
(Key decision – reference number 4568)

9 GENOTIN ROAD CAR PARK, ENFIELD TOWN

Councillor Alan Sitkin (Cabinet Member for Economic Regeneration and Business Development) introduced the report of the Executive Director of Finance, Resources and Customer Services and Executive Director of Regeneration and Environment (No.93). Councillor Sitkin commended the proposals to Cabinet and emphasised the importance of retaining Metaswitch Networks Ltd. within the Borough, as set out in the report. Councillor Sitkin further highlighted the economic impacts and the proposals going forward for public parking provision. The loss of Metaswitch Networks Ltd. to the Borough would be significant. The Council’s regeneration aspirations were noted together with the need to attract businesses and inward investment to the Borough.

Councillor Taylor reported that comments on the report had been received from Councillor Terry Neville in his capacity as a Grange Ward Councillor. Councillor Taylor agreed that Councillor Neville’s comments for Cabinet consideration be recorded in the minutes, as appended. Councillor Taylor then ensured that the points raised were discussed and responded to.

NOTED

1. That Report No.95 also referred as detailed in Minute No.17 below.
2. Members discussed the timing of the proposals in terms of the Enfield Town Masterplan and compatibility with the framework and the

consultation process which had been undertaken. Officers explained that the timing had been generated by the requirements of Metaswitch who had considered potential sites both within and outside of the Borough with the Genotin Road site being their favoured option. This was led by the leasehold element of their existing premises coming to an end next year and, that it would not be renewed by the site owner.

3. With regard to the compatibility with the Masterplan and consultation, Officers explained that the proposal was consistent and that whilst the Masterplan was not required for such applications, they could work together and inform each other as issues progressed and developed. Any application coming forward would be subject to detailed planning consent.
4. In response to a question raised, it was noted that Portcullis Lodge Car Park was on Metropolitan Open Land and adjacent to a Conservation Area, the development opportunities for this site were therefore more restricted.
5. That the Masterplan had identified the site for potential mixed use development including office, residential and commercial. It was reiterated that detailed planning consent would be required.
6. Officers responded to issues raised by Members with regard to the Mayor of London's Transport Strategy and the London Plan, and the potential impact on this application. There were a number of key issues for determination.
7. Members discussed the current and anticipated public parking capacity requirements in Enfield Town. The proposals in going forward were outlined in more detail including the provision of weekend and evening parking by Metaswitch and the potential use of Council staff car parks for the same periods to meet demand. It was noted that Portcullis Lodge car park would provide approximately 80 spaces. There would be minimal loss of parking revenue as parking would be provided elsewhere and a payment negotiated with Metaswitch during the development period.
8. Concern was expressed that the report did not adequately reflect the other alternative sites that had been explored and hence the reason for the Genotin Road site. Members acknowledged the importance of retaining the company within the Borough. Officers outlined the work that had been undertaken and explained the reasons for the chosen site by Metaswitch.
9. It was noted that until the detailed planning application was made the land required and total footprint of the development would be unknown. Officers stated that rights of way across the site to Enfield Town station would be reserved.

10. A discussion followed on the economic considerations of the proposals going forward. Paragraphs 3.1.8 and 3.1.9 of the report were highlighted. Members noted the difficulties in the financial modelling of the proposals with regard to business rates with the changes coming forward, as outlined in Report No.90 (Minute No. 7 above referred). Assumptions had to be made at this stage, however, it was felt that the Council would benefit from an increase on current levels.
11. In conclusion, Members supported in principle the retention of Metaswitch in the Borough and noted that there would be a detailed planning process in going forward and that further clarifications would be forthcoming as the application progressed. This would also provide a clear message to other businesses that the Council wanted to attract inward investment in the Borough.
12. Councillor Taylor proposed a number of amendments to the recommendations as set out in the decisions below. In going forward it would be important to ensure that the Cabinet was kept fully apprised of the progress and any further issues arising. The proposed terms of the development would be presented to a future Cabinet meeting for approval.

Alternative Options Considered: Not trying to retain Metaswitch Networks Ltd. in the Borough would be considered a lost opportunity to retain a world class leader in technology, investment and employment.

Officers had considered using other facilities and land owned by the Council for expansion and office development. The Civic Centre had been discussed in particular the Tower (A Block), also a disposal/lease of several office locations in the Town had been discussed, however Metaswitch would prefer an exclusive occupational site.

DECISION: The Cabinet agreed in principle to further work being undertaken in respect of the Options as set out in Report No.95, part two and further:

1. Delegated authority to the Cabinet Member for Finance and Efficiency and the Cabinet Member for Economic Regeneration and Business Development with the Executive Director of Finance, Resources and Customer Services and the Assistant Director – Strategic Property Services to progress the final terms and structure of any Option Agreement in accordance with the Council's Property Procedure Rules. The delegation would be subject to a further report to Cabinet prior to any Option Agreement being entered into.
2. Delegated authority to the Executive Director of Finance, Resources and Customer Services in conjunction with the Executive Director of Regeneration and Environment to explore as a priority the feasibility of opening Portcullis Car Park to the public.

3. That the impact on disabled parking is considered as part of the revised parking offer.

Reason: This was a rare opportunity to be able to retain a key business in the borough and support the expansion to create a global HQ building in the London Borough of Enfield. This development would catalyse the Enfield Town regeneration and deliver positive outcomes for the whole borough and continue Enfield Council's commitment to Business and Economic development in the Borough. It could act as a catalyst for further employment development in the Town Centre.

(Key decision – reference number 4567)

10

ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY COMMITTEE

NOTED that there were no items to be considered at this meeting.

11

CABINET AGENDA PLANNING - FUTURE ITEMS

NOTED, the provisional list of items scheduled for future Cabinet meetings.

12

MINUTES

AGREED, that the minutes of the previous meeting of the Cabinet held on 30 October 2017 be confirmed and signed by the Chair as a correct record.

13

STATEMENT IN RESPONSE TO CONSULTATION ON POTENTIAL CHANGES TO CHARGING POLICY FOR ADULT SOCIAL CARE SERVICES

NOTED, the following statement from Councillor Alev Cazimoglu (Cabinet Member for Health and Social Care):

"I want to thank all of the local people and representatives who have engaged with and responded to the recent consultation on potential changes to the Council's Charging Policy for Adult Social Care Services.

Having listened to and considered the strength and breadth of views expressed I will not be bringing forward any recommendations for decision at this meeting.

The Council is required to meet growing demand for the care and support of older and disabled people locally with insufficient funding from Central government, this has and will continue to necessitate a number of difficult decisions. In that context it is important to take a longer and more in depth look at how best to ensure fairness in our charging policy and use of resources in future years.”

**14
ENFIELD STRATEGIC PARTNERSHIP UPDATE**

NOTED, that there were no written updates to be received at this meeting.

**15
DATE OF NEXT MEETING**

AGREED, that the next meeting of the Cabinet take place on Wednesday 20 December 2017 at 8.15pm.

**16
EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED, in accordance with Section 100(A) of the Local Government Act 1972 to exclude the press the and public from the meeting for the items listed on part two of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**17
GENOTIN ROAD CAR PARK**

Councillor Alan Sitkin (Cabinet Member for Economic Regeneration and Business Development introduced the report of the Executive Director of Finance, Resources and Customer Services and Executive Director of Regeneration and Environment (No.95).

NOTED

1. That Report No.93 also referred as detailed in Minute No.9 above.
2. Following the detailed discussion outlined in Minute No.9 above, Members reiterated the significant economic impact for the Borough and noted the proposed options in going forward. It was noted that option 2 was initially supported by both parties. Members acknowledged the further work that was required, including with regard to the financial implications and the potential risks. Concerns expressed by individual Members were discussed and addressed by officers present.
3. The need to amend the recommendations in the light of the changes agreed in part one (Minute No.9 above refers) and the outstanding issues requiring further consideration including financial modelling, parking provision and business rate income. Whilst Members supported the proposals in principle at this stage, a number of issues needed to be resolved.
4. The value in considering two options for comparison and detailed consideration. Clarification was provided on the valuation processes to be followed and the potential ground rent income. Both options should be kept open at this stage of the process. Officers outlined the discussions which had taken place with Metaswitch to date.
5. The recommendations were amended in the light of discussions, as reflected in the decisions below.

Alternative Options Considered: As detailed in Report No.93, Minute No.9 above refers.

DECISION: The Cabinet

1. Subject to the decision of Cabinet in part one (Minute No.9 above refers), to approve that the Council enters into further negotiations with Metaswitch Networks Ltd., in respect of the potential Options for the disposal of the site.
2. Noted that a further report to Cabinet and Council would be forthcoming which would demonstrate the impact on the Council's finances of the preferred Option and which would also seek to approve the Option the Council enters into with Metaswitch Networks after planning approval for the site.

Reason: As detailed in Report No.93, Minute No.9 above refers.
(Key decision – reference number 4568)

MERIDIAN WATER: PROGRESS UPDATE

Peter George (Assistant Director Regeneration and Environment) updated Members on the progress which had been made following the Cabinet meeting held on 30 October 2017. The relevant timings going forward were outlined. A further report would be presented to a future Cabinet meeting.

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On 14 Nov 2017, at 17:05, Cllr Terry Neville <Cllr.Terry.Neville@Enfield.gov.uk> wrote:

Dear Doug,
I'm writing in my ward member capacity.

Largely for reasons of timing I was very surprised to see the above item on the Cabinet agenda for Wednesday. Unfortunately, I'm unable to be at the meeting, but the issue is of significant importance to Grange ward, and I'd be obliged if you would kindly read out my concerns below and have them noted in the minutes.

While sentiment has no part in strategic planning decisions, can I say at the outset that I much admire Metaswitch as a company, and certainly want to retain them in Enfield. That said, my concerns are as much about process as they are about substance.

The report argues, quite rightly that we would not want to lose Metaswitch as an Enfield company. Several points however concern me:

1. Timing

Why is Cabinet being asked to make this decision before the completion of the consideration of representations on the The Town Master Plan, as the decision would seem to prejudice proper consideration of the Master Plan (Breach of Sedley principles - Supreme Court decision against Haringey).

2. Compatibility with Draft Framework Master Plan.

The proposal appears to be at odds with the Draft Framework Masterplan for the Town, (which was only published in July 2017) inasmuch as para 5.4 of the Framework states:

"The Genotin Road Car Park site presents a short term development opportunity for mixed use development to strengthen the economy of the Town..... including offices, residential, commercial ground floor uses and car parking.... with new buildings capable of being taller than those around them".

The Framework also makes clear that **"Redevelopment of the car park should only proceed following the review of public parking provision across the Town Centre"**.

This is what the council consulted on, with the consultation ending only six weeks ago!, and as yet no formal consideration of the public response, yet Cabinet is not in effect being asked to disregard all of that as though it hadn't taken place! There isn't even any serious mention of that consultation in the cabinet report!

The cabinet report at paras 1.7 and 3.7 says that **"the proposal conforms with the Master Plan"**, but plainly it doesn't. The proposal is for a building for sole use by Metaswitch to house 348 employees, with possibly a few more. We are not told whether the building would, with car parking occupy the whole of the footprint of Genotin, but plainly there wouldn't be much capacity for the **residential, and**

commercial ground floor uses declared in the Master Plan as the preferred combination of uses for this site.

There is nothing in the cabinet report about the additional uses specified for the site, and nothing about the proposal being subject to the outcome of review of public parking provision.

You will readily see that proceeding with this proposal makes a mockery of the consultation, and more importantly, strategic planning in this borough. If we can't be consistent in our strategic objectives for two months, what chance have we, and more importantly those who might want to invest in Enfield, of any real long term strategic planning?

3. The Economic Argument.

The economic arguments advanced in the report - additional jobs etc - only stand up of course if the vacated offices remain as offices! But paragraph 3.16 makes plain that as likely as not the vacated offices will be converted to residential in which case the additional jobs created by this proposal, such as they are, would be minimal and in net terms the Town would be no better off. That being the case the economic argument can only then rest on the loss of the 348 current jobs provided by Metaswitch. I concede that is a significant consideration. But, it is plain from both the report and the Draft Framework that Metaswitch's aspirations in that regard were, and have been well known to the Council long before the Draft Framework was published, and arguably the latter should have taken full account of that fact. Not to have done so is hardly transparent.

4. I simply don't follow some of the arguments advanced in the report in support of the proposal, which are at best overly optimistic, and at worst somewhat spurious. For example, para 3.7 - says the proposal supports the policy of attracting inward investment. - Metaswitch are already in the borough! Para 3.8, likewise!

5. Car parking.

The proposal means the loss of 129 car parking spaces! And at a time when the Town is almost literally falling apart at the seams and needs more, not less support. While we know that there is capacity in the multi storey, we also know that multi storey car parks are not the first choice of motorists - hence Genotin is regularly full much of the day. With the A10 offering surface car parking and a retail offer that many would consider better than that of the Town, to say nothing of Brent Cross (even before redevelopment) and Brookfield Farm, we have to be careful not to "kill the goose", albeit that it's sometime since this particular goose laid any golden eggs!

The report says that Metaswitch have offered to allow weekend parking by the public, but interestingly there is no suggestion that that is made a condition of the sale. While Metaswitch may agree now, there is no certainty that they would continue to do so, nor indeed that they will always be there - businesses change hands from time to time, particularly those in the IT industry.

These are my thoughts. I do hope Cabinet will give them proper consideration.

Kind Regards,

Terry

Cllr. Terry Neville OBE JP
LB Enfield - Member for Grange Ward

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