



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY,
7TH NOVEMBER, 2007 AT 7.00 PM**



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

**Please
Repy to:** Stephen Addison
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Date: 30 October 2007

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, 7th November, 2007 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

Borough Secretary

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 - 6)

To approve, as a correct record, the minutes of the Council meeting held on 19 September 2007.

5. APOLOGIES

6. DECLARATION OF INTERESTS (Pages 7 - 8)

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 - ENFIELD LOCAL DEVELOPMENT FRAMEWORK (Pages 9 - 12)

To receive the issues paper prepared by the Labour Group.

The Constitution procedure rules relating to Opposition Business are attached for information.

8. REVIEW OF PARLIAMENTARY POLLING DISTRICTS AND POLLING PLACES (Pages 13 - 36)

To receive the report of the Chief Executive (No. 128) reviewing all polling districts and polling places in accordance with the requirements of the Representation of the People Act 1983. The council is required to sub-divide its area into polling districts for the purposes of parliamentary elections and to designate polling places for each of those districts. Council is asked to consider the detailed implications of the review, and to agree a set of recommendations for future electoral arrangements.

This matter was considered at the Electoral Review Panel meetings on 12 September and 23 October 2007.

9. REPORT ON THE OUTCOME OF A CONSULTATION ON THE FUTURE OF COUNCIL OWNED RESIDENTIAL CARE FOR OLDER PEOPLE (Pages 37 - 58)

To receive the report of the Director of Health and Adult Social Care outlining the outcome of a consultation exercise, agreed by Cabinet on 18th January 2007, on the future of Council owned residential care provision for older people.

The recommendations set out in the report were endorsed by the Cabinet on 10 October 2007.

A copy of the Scrutiny report on this matter is available in the members library, group offices and from the Democratic Services Team.

10. LICENSING ACT 2003 - SECOND EDITION OF THE LICENSING POLICY (Pages 59 - 84)

To receive the report of the Director of Environment, Street Scene and Parks (No. 130) proposing a revised Licensing Policy Statement in accordance with Section 5 of the Licensing Act 2003 that requires the Council, as Licensing Authority, to (a) determine its policy with respect to the exercise of its

licensing functions and (b) publish a statement of that policy, every three years.

The recommendations set out in the report were endorsed by the Licensing Committee on 24 October 2007.

11. SCHOOLS FORUM : CHANGE TO TERMS OF REFERENCE (Pages 85 - 96)

To receive the report of the Director of Education, Childrens Services and Leisure (No. 131) seeking approval to proposed new arrangements for determining school organisation proposals following the abolition of School Organisation Committees.

This matter was considered at the Constitution Review Group meeting on 18 October 2007.

12. GREEN BELT FORUM - REVISED ARRANGEMENTS (Pages 97 - 106)

To receive the report of the Director of Finance and Corporate Resources (No. 132) reviewing the arrangements for the Green Belt Forum and setting out proposals for its future operation.

This matter was considered at the Constitution Review Group meeting on 18 October 2007.

13. 10TH LONDON LOCAL AUTHORITIES BILLS, 3RD JOINT LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON BILL (Pages 107 - 112)

To receive the report of the Director of Finance and Corporate Resources (No. 126) proposing that the Council participate in the promotion of another general powers bill, namely the Tenth London Local Authority Bill giving additional powers to London Boroughs and a Joint London Local Authorities and Transport for London Bill.

The attached report is to be considered at the Cabinet meeting on 31 October 2007.

14. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES) (Pages 113 - 124)

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.”

A supplementary question is not permitted.

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

The fourteen questions and responses are attached to the agenda.

15. URGENT DECISIONS REQUIRING THE WAIVING OF THE CALL-IN PROCEDURE (PART 4.2 – PARAGRAPH 17.3 – PAGE 4-34/35 OF THE CONSTITUTION)

Council is asked to note the decisions taken and the reasons for urgency. The decisions set out below were 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. Partnership Agreement with Partners in the Skills 4U Project Delivering Training to Unemployed Residents

Decision:

Authority to enter into a partnership agreement with partners in the Skills 4U project and to confirm the action taken in signing the contract with ECOTEC to deliver training to unemployed residents in the partner areas.

Reason for Urgency:

The Partnership agreement needed to be signed by the partners by the end of June, or the funding would have been lost. This decision was not included in the June forward plan because advice had only just been sought with regards to the forward plan process. Inclusion in the next plan would have been too late for the reason given above.

ii. Report on the Contract with Eden Brown for the Supply of Agency Staff

Decision:

Exercise the option to extend the Council's contract with Eden Brown for the provision of agency workers until 31 June 2008.

Reason for Urgency:

The Council's contract with Eden Brown for the provision of agency workers expired on 30 June 2007. It had been assumed by staff managing the contract that given the wording of the original decision taken by Cabinet on 20 April 2005 i.e Eden Brown Ltd is appointed as Managing Agency for the supply of professional, technical and specialist staff for a limited period of two years with the option to extend the contract until 2009. That in fact Cabinet had already given approval in principle to the extension of the contract to

2009 should officers have deemed this to be in the best interests of the Council.

However, advice was only sought at a very late stage in this process from the Borough Secretary and Head of Finance Compliance and they have advised that constitutionally it is Cabinet that should give agreement to extend the contract rather than officers and further that given the value of the contract notice of the proposal to extend the contract should have been given in the forward plan.

As the contract ended on 30 June and the next meeting was not until 18 July, unless agreement was urgently obtained to extend the contract, the Council would have been in a position of trading with Eden Brown without a contract and potentially jeopardising the receipt of the discounts negotiated under the terms of the contract.

iii. Civic Centre Electricity Supply Contract

Decision:

To accept a tender for the supply of electricity for the Civic Centre.

Reason for Urgency:

The Council procures electricity for the Civic Centre by utilising the services offered by the Office of Government Commerce (OGC). The annual OGC contract (value approx £320k) came to an end on 30 September. The OGC was seeking prices from its framework supplier and was due to forward the results to Enfield later in the month. The price offered would have been only available for a very short time period (usually half a day). Consequently, the Council had needed to be in a position to accept the price as soon as notification was received in order to take advantage of the best offer. Due to an administrative oversight this item was not included in the Forward Plan.

iv. Arrangements in Connection with the Forthcoming Mediation regarding Merlin and Curlew Houses, including the Delegation of Authority from a Director to a Council Officer

Decision:

Approval to delegate authority to and to enter into a legally binding agreement arising from the mediation between the Council and contractors concerning a dispute about the responsibility for defects in external cladding works on Merlin and Curlew Houses.

Reason for Urgency:

The Mediation had been arranged for 19 October 2007 and the Council had to be able to make a binding decision in settlement of the claim at the mediation session. Without authority on the day to enter into binding agreement the mediation process would have been without value. This decision was not included in the forward plan because it had only recently become clear that the decision (in terms of the size of the potential settlement) would need to be treated as a key decision.

v. De Regulation of the Local Land Charges Register Fee (LLC1)

Decision:

To approve the fee for a full Local Authority Search (LLC1 and Con 29) - Subject to a review of the Con 29 from by 1st June 2007.

Reason for Urgency:

It was not possible to finalise the proposals needing to be agreed, in terms of the new search fees, in time to allow for call in as the guidance for the setting of the Official Certificate of Search Fees

vi. Supply of Electricity to ½ Hourly Billed Sites

Decision:

To accept a tender and award the contract for the supply of electricity for the Half Hourly (100kWh) billed sites.

Reason for Urgency:

The contract is due to run for 2 years commencing 1st November 2007. Unlike traditional tenders, prices may only be available for a number of hours as market conditions shift. It is therefore advantageous for the LBE to be in a position to make a quick decision once Council's agent recommends we settle which means that we cannot wait for the 5 day call-in period to elapse before signing the contract.

16. MOTIONS

16.1 In the name of Councillor Bond

"This Council rejects the proposal of the Cabinet in Report 122 considered at the Cabinet of 31 October 2007, to continue with a single Scrutiny Commission to scrutinise the budget proposals in preference to a more detailed analysis by each Scrutiny Panel.

This Council supports the principle of openness in scrutiny and encourages an active participation by stakeholders in the budget setting process.

It is therefore agreed that each Scrutiny Panel will consider the budget proposals for the service areas that they scrutinise."

17. MEMBERSHIPS

17.1 To confirm the following changes to committee memberships:

i. Green Belt Forum

Councillor Rodin to replace Councillor Hasan.

ii. Licensing Committee

Councillor Anwar to replace Councillor Constantinides.

18. NOMINATIONS TO OUTSIDE BODIES

To confirm any changes to nominations to outside bodies.

19. CALLED IN DECISIONS

None received.

20. DATE OF NEXT MEETING

The next meeting of the Council will be held on Wednesday 23 January 2008 at 7.00 p.m. at the Civic Centre.

COUNCIL - 19.9.2007

**MINUTES OF THE MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 19 SEPTEMBER 2007****COUNCILLORS****PRESENT**

Dogan Delman (Mayor), Lee Chamberlain (Deputy Mayor), Pamela Adams, Christopher Andrew, Kate Anolue, Gregory Antoniou, Alan Barker, John Boast, Chris Bond, Kris Brown, Jayne Buckland, Bambos Charalambous, Christopher Cole, Andreas Constantinides, Tony Dey, Annette Dreblow, Peter Fallart, Norman Ford, Vivien Giladi, Del Goddard, Jonas Hall, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ruth Hones, Ertan Hurer, John Jackson, Chris Joannides, Eric Jukes, Jon Kaye, Henry Lamprecht, Matthew Laban, Michael Lavender, Dino Lemonides, Paul McCannah, Kieran McGregor, Chris Murphy, Terence Neville, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Henry Pipe, Martin Prescott, Geoffrey Robinson, Michael Rye, George Savva MBE, Toby Simon, Edward Smith, Terence Smith, Glynis Vince, Kate Wilkinson and Ann Zinkin

ABSENT

Chaudhury Anwar MBE, Yasemin Brett, Christiana During, Achilleas Georgiou, Bernadette Lappage, Donald McGowan, Jeff Rodin, Eleftherios Savva, Andrew Stafford and Doug Taylor

49**MAYOR'S CHAPLAIN TO GIVE A BLESSING**

The Mayor reported that his Chaplain was unwell and there would not be a blessing at this meeting.

50**MAYOR'S ANNOUNCEMENTS**

The Mayor made the following announcements:

1. I recently visited Gladbeck for the Annual Appletatenfest. We were very well looked after and it was a good opportunity for networking and trying to establish better contacts between our towns.
2. I am delighted to say that the Autumn Show went well at the weekend. The Mayoress and I enjoyed walking round the various exhibits and watching the activities. Representatives from Courbevoie and Gladbeck joined us this year and I hope that their visit helped to cement the friendships that are so necessary to ensure the smooth running of the educational and sporting exchanges between our towns.
3. I am delighted to let you know the Serco Community Fund has donated £20,000 to my charity appeal. This is a huge boost and I will make sure that

COUNCIL - 19.9.2007

when the time comes this money will be put to very good use by local charities.

4. I would like to advise members of some forthcoming events for your diaries:

18th October Fun Casino Night at The Penridge in Southgate . Tickets £15 available from my secretary Rhoda Aldridge.

Friday 7th December Christmas Reception at Forty Hall.

Saturday 1st March Gala Dinner at the Royal Chace Hotel

My golf day will be held in April.

5. My fun run was held last Sunday and I would like to thank Councillor Headley for leading the Council contingent of 1 runner.

The Mayor then introduced Mr Ozcan Keles who was the first of a number of speakers that the Mayor had previously announced would be invited to address the Council to talk about their religious faith. Mr Keles highlighted the work undertaken by the Dialogue Society that he co-founded in 1999. The society promotes interfaith, intercultural and intercommunal dialogue in the UK. He went on to highlight that Islam was a religion of peace and security and that there was no conflict between Britishness and Muslimness.

The Mayor thanked Mr Keles on behalf of the Council for his presentation.

**51
MINUTES**

AGREED that the minutes of the Council meeting held on 27 June 2007 be confirmed and signed as a correct record.

**52
APOLOGIES**

Apologies for lateness were received from Councillors Andrew, Hall and Simon. Apologies for absence were received from Councillors Anwar, Brett, Georgiou, McGowan, Rodin, E Savva and Stafford.

**53
DECLARATION OF INTERESTS**

Councillors Barker and Hurer both declared a personal interest in Report No.83A – Acquisition of Lacey Hall Site and Site Development Strategy of Highfield and Hazelwood Schools, in their capacity as LEA Governors of Hazelwood Infant and Junior and Highfield Primary Schools respectively.

COUNCIL - 19.9.2007

Councillor Lavender declared a personal interest on Item 13.1 – Motions as his employer was involved in PFI schemes and builds and fits out ambulances and other emergency facilities.

54

SCRUTINY ANNUAL WORK PROGRAMME 2007/08

Councillor E Smith moved and Councillor Pearce seconded the report of the Overview and Scrutiny Committee (No. 79A) setting out the annual work programme for the Council's six Scrutiny Panels and the Overview & Scrutiny Committee.

NOTED that the report had been endorsed at the Cabinet meeting on 12 September 2007.

AGREED to adopt the Annual Scrutiny Work Programme for 2007/08.

55

ACQUISITION OF LACEY HALL SITE AND SITE DEVELOPMENT STRATEGY OF HIGHFIELD AND HAZELWOOD SCHOOLS

Councillor Vince moved and Councillor Lavender seconded the joint report of the Director of Education, Children's Services and Leisure, Director of Finance and Corporate Resources and Director of Performance, Partnership and Policy (No. 83A) advising Members of an opportunity that has arisen to acquire a site (Lacey Hall) adjacent to Hazelwood Infant and Junior Schools.

NOTED that recommendations 2.1 – 2.9 set out in the report had been approved at the Cabinet meeting on 12 September 2007.

AGREED that the Highfield Primary School project be included in the Education, Childrens Services and Leisure Capital Programme to be financed from £1m allocated but not committed to other schemes.

56

FOOD SAFETY SERVICE PLAN 2007/8

Councillor Neville moved and Councillor Lavender seconded the report of the Director of Environment Street Scene and Parks (No. 99) setting out the Food Safety Service Plan 2007/08 submitted for approval in accordance with the Food Standards Agency Framework Agreement on Local Authority Food Law enforcement, made under the Food Standards Act 1999.

NOTED that Councillor Neville highlighted that this was the fourth year in succession that the Council have managed to inspect 100% of high risk premises which represented a significant improvement on the 60% achieved by the Council in 2001/2.

COUNCIL - 19.9.2007

AGREED that the Food Safety Service Plan 2007/08 be agreed by the Council, as required by the Framework Agreement on Local Authority Food Law Enforcement.

57

ACCESS TO SERVICES STRATEGY.

Councillor Zinkin moved and Councillor Hones seconded the report of the Chief Executive (No. 50A) seeking approval to the Access to Services Strategy.

NOTED that

1. the recommendations set out in the report were endorsed by Cabinet on 18 July 2007.
2. the strategy is a living document and would be reviewed each year. A progress report would be presented to Cabinet on an annual basis.
3. the officers involved in the development of new reception areas at the Civic Centre, John Wilkes House and Charles Babbage House were congratulated on these new facilities.

AGREED the Access to Services Strategy 2007-2012.

58

TREASURY MANAGEMENT OUTTURN REPORT 2006/07

Councillor Lavender moved and Councillor Rye seconded the report of the Director of Finance and Corporate Resources (No. 100) reviewing the activities of the Council's Treasury Management function over the financial year ended 31 March 2007.

NOTED

1. the thanks expressed by Councillor Lavender to the officers of the Treasury Management Team for their hard work over the last year.
2. that Councillor Neville updated the Council on the Pension Fund's position following recent volatility in the Markets and the run on Northern Rock bank. He reassured the Council that the fund had not suffered any significant loss.

AGREED to accept the Treasury Management Outturn Report for 2006/07.

Councillors from the Labour Group abstained from voting on the above resolution.

59

COUNCILLORS' QUESTION TIME

1. Urgent Questions

None received.

2. Questions by Councillors

NOTED

1. the 6 questions, on the Council's agenda, which received a written reply by the relevant Cabinet Members.

2. the following supplementary questions received for the questions indicated below:

Question 2

Councillor Anolue to Councillor McCannah, Cabinet Member for Leisure, Culture and Olympics 2012;

"Can you confirm who overuled the decision of the officer organising the event to allow the Chairman of the Enfield Racial Equality Council to speak?"

Reply from Councillor McCannah:

"As I explained in the written answer to Councillor Analoue, I was unable to attend this event as I was away on business. I only became aware of this issue, if indeed there is any issue, when I received Councillor Analoue's question later that same week. I understand that the Chairman of EREC approached officers late on with a request to speak at the event. Officers felt that that late in the process, with the Deputy Mayor scheduled to be the only speaker, it was not appropriate to change the arrangements and I fully support the decision of the officers concerned."

Question 4

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

"Can Councillor Neville confirm what further plans he has for green spaces in Enfield?"

Reply from Councillor Neville:

"I can confirm that the parks that did not receive Green Flag Awards will be re-enterred. I had news yesterday that the Council's £783k Big Lottery Bid for the Florence Hey site in Fore Street to transform this open space has been shortlisted for further consideration. Section 106 planning gain resources

COUNCIL - 19.9.2007

have also been earmarked for schemes at Craig Park and Montague. Further works are planned for Broomfield and Arnos Parks to improve standards and ensure that the Borough's greatest assets are kept in good order."

**60
MOTIONS**

Councillor Boast moved and Councillor Pipe seconded a motion that "Enfield Council calls upon the Government to repeal any laws or regulations stemming from the European Working Time Directive that impede the emergency services in the performance of their duties."

After a lengthy debate the motion was put to the vote with the following result:

For: 29
Against: 19
Abstentions: 2

AGREED that the above motion be approved.

**61
MEMBERSHIPS**

AGREED the following change to committee memberships:

Public Transport Consultative Group

Councillor McGowan to replace Councillor Bond.

**62
NOMINATIONS TO OUTSIDE BODIES**

AGREED the following change to nominations to outside bodies:

Enfield Strategic Partnership

Councillor Charalambous to replace Councillor Rodin.

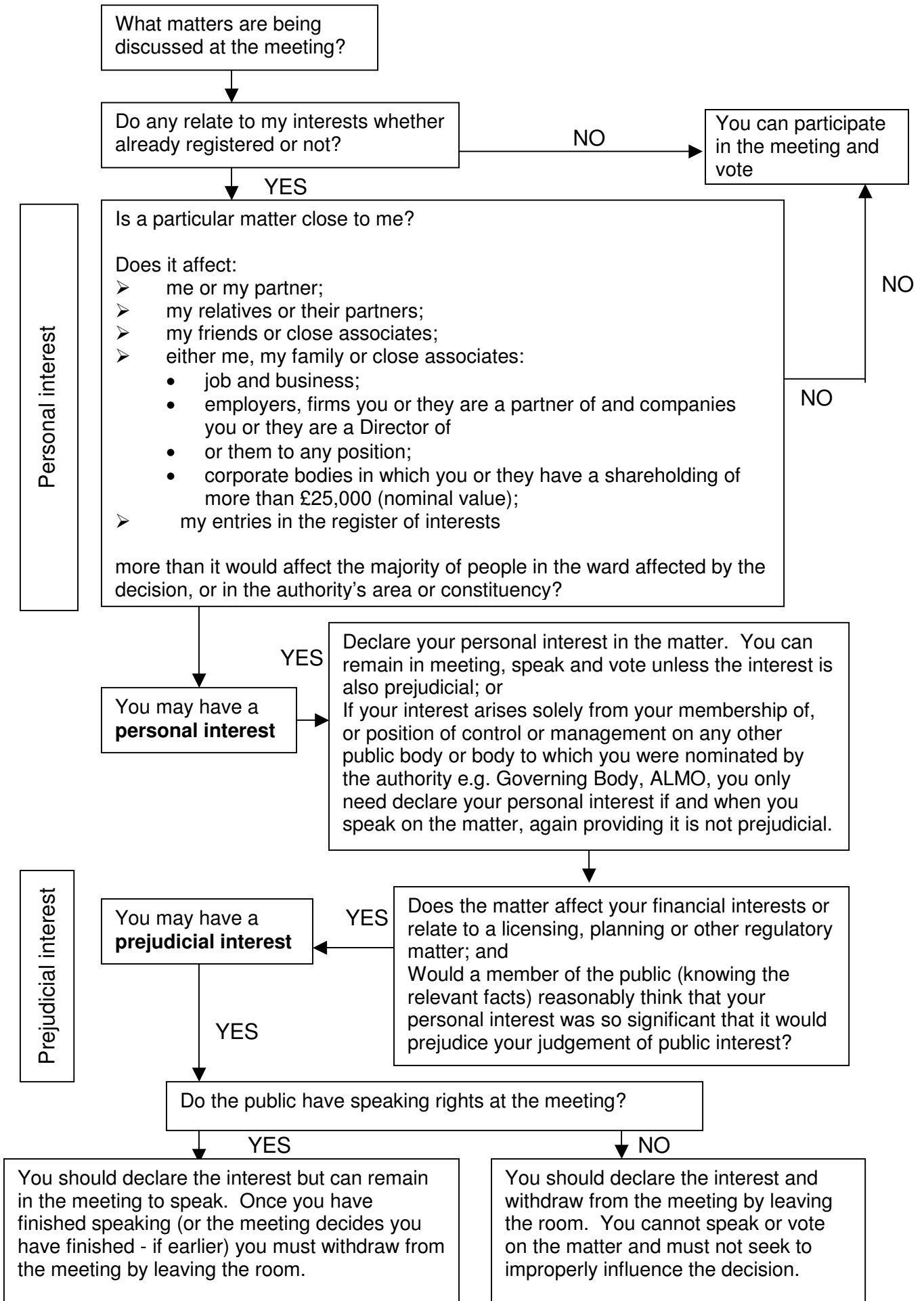
**63
CALLED IN DECISIONS**

There were no called in decisions.

**64
DATE OF NEXT MEETING**

NOTED that the next meeting of the Council was to be held on Wednesday 7 November 2007 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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Council – 7 November 2007
Opposition Business
Issues paper prepared by the Labour Group

The Future Of Enfield

The subject that has been chosen as Opposition Priority Business is the Enfield Plan. The purpose of choosing this subject is not for the Council to debate the way in which the London Borough of Enfield should develop in the next 20 years, but to ensure that there is proper overview of the process by which the Plan is developed and adopted.

In order for the plan to be properly accepted by all those with an interest in it, there is a necessity for there to be genuine consultation and engagement with all sectors and sections of the borough. This in our view will include other public sector agencies, the private sector, the third sector, local communities and individual residents of the borough.

There are a number of community and voluntary organisations who are in a position to speak for parts of the local community but who may not have the capacity to properly engage with the process. The Plan needs to be acceptable to the parts of our community that such organisations represent and it may therefore be necessary to assist those organisations to build their capacity to properly engage in the process.

It is essential that developments in the plans of other public agencies are properly linked to those of the Council. This would include the Lee Valley Regional Park, the Mayor of London and the GLA, and North London Waste amongst others.

In developing the Plan there was a need for the Council not only to consult with people and organisations, but also to be prepared to work in partnership. It should be aiming to achieve consensus as far as possible.

It is important that the Plan is debated as it evolves not only at the Cabinet but also in all the Scrutiny Panels etc. It will not be acceptable if the only Council forum for discussion is single party and not accessible to the public.

We are concerned that so far matters have not progressed well and would therefore ask the Council to approve the following motion: "This Council regrets the lack of progress in the production for effective plans for the development of Enfield and asks its Overview and Scrutiny Committee to investigate the position and report back to the Council in time for its meeting on 23 January 2008."

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Council Constitution: Part 4 Chapter 4.1 – Council Procedure Rules

13. OPPOSITION BUSINESS

- 13.1 The Council will, at four meetings a year, give time on its agenda to issues raised by the Opposition Group. This will be at the 1st, 3rd, 5th and 7th meeting out of the 7 ordinary meetings programmed each year (unless otherwise agreed between the political parties). Forty-five minutes will be set aside at each of the four meetings.
- 13.2 All other Council meetings will also provide opportunities for the Opposition Group to raise issues either through Question Time, motions or through policy and other debates.
- 13.3 The procedure for the submission and processing of such business is as follows:
- (a) The Opposition Group shall submit to the Borough Secretary a topic for discussion no later than 21 calendar days prior to the Council meeting. This is to enable the topic to be fed into the Council agenda planning process and included in the public notice placed in the local press, Council publications, plus other outlets such as the Council's web site.
 - (b) The Borough Secretary will notify the Mayor, Leader of the Council, the Chief Executive and the relevant Corporate Management Board member(s) of the selected topic(s).
 - (c) Opposition business must relate to the business of the Council, or be in the interests of the local community generally.
 - (d) If requested, briefings on the specific topic(s) identified will be available to the Opposition Group from the relevant Corporate Management Board member(s) before the Council meeting.
 - (e) No later than 10 calendar days prior to the meeting, the Opposition Group must provide the Borough Secretary with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed on the agenda will be in accordance with paragraph 2.2 of Part 4, Chapter 1 of this Constitution relating to the Order of Business at Council meetings.
 - (f) The discussion will be subject to the usual rules of debate for Council meetings, except as set out below. The Opposition business will be conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition (or nominated representative) who may speak for no more than 10 minutes.
- (ii) A nominated member of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes.
- (iii) The Mayor will then open the discussion to the remainder of the Council. Each member may speak for no more than 5 minutes but, with the agreement of the Mayor, may do so more than once in the debate.
- (iv) At the discretion of the Mayor the debate may take different forms including presentations by members, officers or speakers at the invitation of the Opposition Group.
- (v) Where officers are required to make a presentation this shall be confined to background, factual or professional information. All such requests for officer involvement should be made through the Chief Executive or the relevant Director.
- (vi) The debate should contain specific outcomes, recommendations or formal proposals that may be put to the vote.
- (vii) The Majority Group will then be given the opportunity to say if, and how, the matter will be progressed

MUNICIPAL YEAR 2007/2008 REPORT NO. **128**

MEETING TITLE AND DATE:Council 7th November 2007**REPORT OF:**

Chief Executive

Agenda – Part: 1

Item: 8

Subject:

**Review of Parliamentary Polling Districts
and Polling Places**

Cabinet Member consulted: N/A

Contact officer and telephone number:

John Austin – 020 8379 4094

E-mail – john.austin@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. To comply with the requirements of the Representation of the People Act 1983, the Council is required to sub-divide its area into polling districts for the purposes of parliamentary elections and to designate polling places for each of those districts.
- 1.2. The Council must complete a full review of all polling districts and polling places by the end of 2007.
- 1.3. The Electoral Review Panel has carried out this review, and has agreed a set of recommendations for future electoral arrangements for consideration and adoption by the Council.

2. RECOMMENDATION

- 2.1. That the Council agrees the outcome of the review carried out by the Electoral Review Panel as summarised in the attached report for the future electoral arrangements in the borough.

3. BACKGROUND

- 3.1. The London Borough of Enfield is required to divide its area into polling districts for the purposes of parliamentary elections, and to designate polling places for each of those districts. In doing so, the authority must seek to

ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances, and have regard to the needs of electors who are disabled.

3.2. The following definitions are supplied for information:

- A **polling district** is a geographical sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.
- A **polling place** is a geographical area in which a polling station is located. However, as there is no legal definition of what a polling place is, the geographical area could be defined as tightly as a particular building or as widely as the entire polling district.
- A **polling station** is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district.

3.3. In order to satisfy new requirements introduced into the Representation of the People Act 1983, the authority is required to complete a full review of all polling districts and polling places by the end of 2007. That review commenced on 1 May 2007. The outcome is summarised in the attached report – Appendices 1 and 2.

3.4. At the start of the review, the authority wrote to a number of stakeholders, including all 63 councillors, the 3 Members of Parliament, the London Assembly member for the Enfield and Haringey constituency and local registered political parties, seeking initial comments on the existing arrangements. In addition, the views of Enfield Vision and Enfield Disability Action were sought as being organisations best placed to provide expertise in respect of access to premises and facilities for persons who have different forms of disability. The responses received are set out in Appendix 3.

3.5. On the basis that the Council has had a policy of fully reviewing electoral arrangements after major elections for some time, with the last review having been undertaken following the parliamentary general election in 2005, stakeholders were advised that the general principle underpinning this review was that of minimal change.

3.6. In addition to contacting the various stakeholders referred to in paragraph 3.4 above, the authority consulted the Returning Officer for the Edmonton, Enfield North and Enfield Southgate parliamentary constituencies. The Returning Officer is required to make representations to the authority, and in doing so must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).

3.7. The Returning Officer surveyed every site currently designated as a polling place by reference to a checklist adapted from that provided by the Electoral

Commission, and where public buildings such as schools are currently designated, attempted to recommend potential suitable alternatives.

- 3.8. These representations were submitted to the local authority on 26th July 2007, and the various stakeholders either supplied with a copy or advised as to where they could obtain one.
- 3.9. A copy of the full report is available in the Members' Library and the Group offices. As stated in paragraph 3.3, Appendices 1 and 2 provide a summary of this report. At present, there are 106 sites designated as polling places in the borough serving the 112 polling districts.
- 3.10 The Electoral Review Panel met on 12th September and 23rd October to undertake the review.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Not applicable. The Council is required to undertake this full review, and must consider the Returning Officer's representations and any representations made both by organisations that have expertise in respect of access to premises and facilities for persons who have different forms of disability and other stakeholders when doing so.

5. REASONS FOR RECOMMENDATIONS

- 5.1. To comply with the Council's responsibilities as set out in the Representation of the People Act 1983.

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

6.1. Financial Implications

The final designation of polling places will ultimately determine whether there will be additional financial implications. However, as the Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances, and have regard to the needs of electors who are disabled, any additional costs incurred will have to be absorbed.

6.2. Legal Implications

The review process is prescribed by the Representation of the People Act 1983, and failure to comply with the requirement to complete this review by the end of 2007 would lead the Council to being in breach of official duty.

6.3. Property Implications

The final designation of polling places will ultimately determine whether there will be property implications. However, the Returning Officer has considered

such implications in his representations, and made appropriate recommendations accordingly.

6.4. Other Directors

No implications have been identified for other Directors.

7. PERFORMANCE MANAGEMENT IMPLICATIONS

The designation of appropriate polling districts and polling places will assist the Returning Officer in continuing to deliver high quality electoral services across the borough.

8. ENFIELD FIRST

The designation of appropriate polling districts and polling places will contribute generally and specifically to the Council's objectives.

Background Papers

Representation of the People Act 1983
Returning Officer's Review Report – 26 July 2007

London Borough of Enfield

Representation of the People Act 1983

Sections 18A, 18B, 18C, 18D and 18E and Schedule A1

The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006

OUTCOME OF REVIEW

Appendix 1

Review commenced:

01 May 2007

Review undertaken by Electoral Review Panel:

12 September 2007

23 October 2007

Reported to Council:

07 November 2007

Background

The London Borough of Enfield is required to divide its area into polling districts for the purposes of parliamentary elections, and to designate polling places for each of those districts. In doing so, the authority must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances, and have regard to the needs of electors who are disabled.

In order to satisfy the requirements of the Representation of the People Act 1983, the authority carried out a full review of all polling districts and polling places, which commenced on 01 May 2007.

The authority wrote to a number of stakeholders, including all 63 councillors, the 3 Members of Parliament, the London Assembly member for the Enfield and Haringey constituency and local registered political parties, seeking initial comments on the existing arrangements. In addition, the views of Enfield Vision and Enfield Disability Action were sought as being organisations best placed to provide expertise in respect of access to premises and facilities for persons who have different forms of disability.

Representations

The Acting Returning Officer for the Edmonton, Enfield North and Enfield Southgate parliamentary constituencies submitted representations on 01 August 2007 on the suitability of the existing polling districts and polling places.

The council received further representations from the following on specific aspects of the review:

Mr Brian Laverick, N21
Councillor Toby Simon
Councillor Chris Bond
Mr Andy Love MP
Mrs Evelyn Rolph, EN1

Details of the representations are provided at Appendix B.

Consideration and Recommendations

At its meetings on 12 September and 23 October, the Council's Electoral Review Panel received the Chief Executive's report, which included the Acting Returning Officer's submission, and the other representations made.

For ease of reference, the Panel considered the arrangements in local authority ward order rather than parliamentary constituency order on the

basis that the same electoral arrangements will be used at all elections in the borough.

In summary, the Panel agreed to recommend to Council that no changes be made to the existing polling districts and polling places in the following wards on the basis that they provide electors with such reasonable facilities for voting as are practicable in the circumstances:

Ward	Current Parliamentary Constituency
Bowes	Edmonton and Enfield Southgate
Bush Hill Park	Edmonton and Enfield Southgate
Chase	Enfield North
Cockfosters	Enfield Southgate
Enfield Lock	Enfield North
Grange	Edmonton, Enfield North and Enfield Southgate
Lower Edmonton	Edmonton
Palmers Green	Edmonton and Enfield Southgate
Southgate	Enfield Southgate
Southgate Green	Enfield Southgate
Town	Enfield North
Winchmore Hill	Enfield Southgate

The following were considered separately due to issues being raised

Edmonton Green

Representations were made by Mr Andy Love MP that the polling place for the ZSF polling district be designated as a temporary building on the car park at the Laing Training Centre in Montague Road, on land in Pegamoid Road or on land in Swaythling Green.

The Panel however agreed to recommend to Council that no change be made to the existing voting arrangements as it felt that the proposed alternatives would not improve the voting arrangements in any significant degree and did not justify the extra expense involved.

Enfield Highway

Representations were made by Councillor Toby Simon proposing alterations to the polling district boundaries in the XHA, XHB and XHC polling districts, and

changing the designated polling place for the XHC polling district to the Enfield Highway Library or Enfield Highway Community Centre in Hertford Road instead of St James CE School.

The Panel however agreed to recommend to Council that:

- No alterations be made to the polling district arrangements in the Enfield Highway ward; and
- St James CE School continue to be designated as the polling place for the XHC polling district; and
- The XHE polling district be retained but that the Brimsdown Sports and Social Club in Brimsdown Avenue be designated as the polling place as the Wessex Hall is no longer available.

The reason for the retention of the existing polling district boundaries is that they already provide electors with such reasonable facilities for voting as are practicable in the circumstances. The reason for no changes to the polling place in the XHC polling district is that the existing arrangements are more central to the voters than the library, and more accessible than the community centre.

The reason for the designation of the Brimsdown Sports and Social Club as the polling place for the XHE polling district was considered to be the most appropriate solution as a result of the Wessex Hall becoming unavailable as it would provide electors with such reasonable facilities for voting as are practicable in the circumstances. However, it was felt that the polling district should be retained pending a suitable alternative polling place becoming available in the future.

Haselbury

The Panel agreed to recommend to Council that an administrative alteration be made to the boundary between the ZOD and ZOE polling districts to transfer the area to the north of Silver Street into ZOD, as summarised below:

Road	Properties	Electors
Bulwer Road	162	280
Denton Road	40	64
Haselbury Road	68	119
Sheldon Road	165	248
Warwick Road	163	273
Total	598	984

The current polling district splits are:

Polling District	Properties	Electors
ZOD	937	1,611
ZOE	1,079	1,613

The revised arrangements are:

Polling District	Properties	Electors
ZOD	1,535	2,595
ZOE	481	629

The reason for this proposed change is that it will provide better facilities for voting in the area for electors in the revised ZOD polling district than the existing arrangements.

Representations were made by Andy Love MP that a temporary building be located at the entrance to Hazelbury Primary School rather than the school building itself being used as a polling station.

The Panel however agreed to recommend to Council that no change be made to the arrangements at Hazelbury Primary School on the basis that it did not consider that better facilities for voting would be provided than currently exist.

Highlands

Representations were made by Councillor Toby Simon proposing alterations to the polling district boundaries in vicinity of The Ridgeway in the XEA polling district.

The Panel agreed to recommend to Council that a new polling district (XEF) be created and that the following roads be transferred into it from the XEA polling district:

Road	Properties	Electors
Aragon Close	5	15
Avalon Close	44	47
Hadley Road	16	24
Hansart Way	64	68

Harefield Close	10	0
High Oaks	16	27
Hunters Way	34	50
Jaycroft	9	8
Lavender Hill (200-252)	42	73
Mount View	23	40
Oak Avenue	31	68
Roundhedge Way	72	93
Spring Court Road	16	41
The Ridgeway	55	162
William Covell Close	17	33
Total	454	749

The current polling district splits are:

Polling District	Properties	Electors
XEA	1,478	2,545
YEB	462	714

The revised arrangements are:

Polling District	Properties	Electors
XEA	1,024	1,796
YEB	462	714
XEF	454	749

The Panel further agreed to recommend to Council that the Enfield Lawn Tennis Club in The Ridgeway be designated as the polling place for the YEB and XEF polling districts.

The reason for the proposed creation of an additional polling district is that better facilities will be provided for voting in the area than the existing arrangements.

Jubilee

Representations were made by Mr Andy Love MP that the polling place for the ZMB polling district be designated as a temporary building near the entrance to Dimsdale Drive and Lee Road, or near the open space at the end of Lee Road.

The Panel agreed to recommend to Council that no change be made to the current arrangements at Edmonton Upper School. The relocation of the temporary building to Lee Road open space does not significantly improve the voting arrangements and does not represent value for money as extra cost would be incurred due to the need for further work in connection to the electricity supply and the need for portaloos (these are already in place at Edmonton Upper School). Also it may cause confusion for the electors.

Ponders End

The Panel agreed to recommend to Council that an administrative alteration be made to the boundary between the XLC and XLD polling districts to transfer the area to the east of Falcon Crescent, Falcon Road and Gardiner Close into XLC, as summarised below:

Residential Road	Properties	Electors
South Street	24	23

The Panel further recommended that:

- The Welcome Community Centre in South Street be designated as the polling place for the revised XLC polling district instead of Alma Road School; and
- St Matthew's Church Hall in Church Road be designated as the polling place for the revised XLD polling district instead of St Matthew's CE School.

The reason for these proposed polling district and polling place changes is that they will provide better facilities for voting in the area than the existing arrangements.

Southbury

Representations were made by Councillor Chris Bond proposing alterations to the polling district boundaries and polling places in the Southbury ward.

The Panel agreed to recommend to Council that no changes be made to the existing voting arrangements in Southbury ward. A change would incur the cost of an additional polling place, which seems unnecessary for the amount of electors involved.

The Panel further agreed to recommend to Council that Suffolks Primary School in Hammond Road be designated as the polling place for the XGB polling district instead of Bishops Stopford School. The reason for the designation of Suffolks Primary School as the polling place for the XGB polling

district was considered to be the most appropriate solution as a result of the Bishops Stopford School becoming unavailable as it would provide electors with such reasonable facilities for voting as are practicable in the circumstances.

Turkey Street

Representations were made by Councillor Toby Simon that a new polling district be created in the area to the west of the railway line in the existing XBD polling district, and that a temporary building be designated as the polling place.

The Panel however agreed to recommend to Council that no alterations be made to the polling district arrangements in the Turkey Street ward for the reason that they already provide electors with such reasonable facilities for voting as are practicable in the circumstances.

Upper Edmonton

Representations were made by Mr Andy Love MP that the polling place for the YTD, ZUA and YUG polling districts be designated on the school grounds at Oakthorpe Primary School in Tile Kiln Lane (but not the school itself) or a temporary building in or around the corner of Chequers Way and Tile Kiln Lane.

The Panel agreed to recommend to Council that no change be made to the existing voting arrangements in Upper Edmonton ward as no alternative location could be found.

Adoption of New Electoral Arrangements

The recommendations of the Electoral Review Panel were presented to the Council at its meeting on 07 November 2007, and adopted in full to take effect on the publication of the next fully revised Register of Electors.

Representation of the People Act 1983

Sections 18A, 18B, 18C, 18D and 18E and Schedule A1

**The Review of Polling Districts and Polling Places
(Parliamentary Elections) Regulations 2006**

**OUTCOME OF
REVIEW**

Appendix 2

Summary of Revised Arrangements

No	Constituency	Ward	Polling District	Designated Polling Place	Comments
1	Enfield North	Chase	XAA	Botany Bay Cricket Club	No change
2	Enfield North	Chase	XAB	Brigadier Free Church	No change
3	Enfield North	Chase	XAC	St. John's C.E. School	No change
4	Enfield North	Chase	XAD	St. Luke's Youth Centre	No change
5	Enfield North	Chase	XAE	Capel Manor Primary School	No change
6	Enfield North	Chase	XAF	Worcesters Primary School	No change
7	Enfield North	Turkey Street	XBA	Lea Valley High School	No change
8	Enfield North	Turkey Street	XBB	Kempe Hall (Adjoining Branch Library)	No change
9	Enfield North	Turkey Street	XBC	Freezywater St. George's (Primary) School	No change
10	Enfield North	Turkey Street	XBD	The Dharma Centre	No change
11	Enfield North	Enfield Lock	XCA	Temporary Building (Park Road Flats)	No change
12	Enfield North	Enfield Lock	XCB	Totteridge Road Baptist Church Hall	No change
13	Enfield North	Enfield Lock	XCC	Kettering Hall	No change
14	Enfield North	Enfield Lock	XCD	St. Peter and St. Paul Church Hall	No change
15	Enfield North	Enfield Lock	XCE	Prince Of Wales School	No change
16	Enfield North	Enfield Lock	XCF	Enfield Island Community Centre	No change
22	Enfield North	Highlands	XEA	Temporary Building (Our Lady Of Walsingham Church)	Amended Polling District
24	Enfield North	Highlands	XEC	St. Mary's Church Hall	No change
23	Enfield North	Highlands	XEJ	Enfield lawn Tennis Club	New Polling District
27	Enfield North	Town	XFA	Annexe Rear Of Beacon Of Light Church	No change
28	Enfield North	Town	XFB	Chace Community School	No change
29	Enfield North	Town	XFC	St. Andrew's C.E. School	No change
30	Enfield North	Town	XFD	St. Andrew's Church Hall	No change
31	Enfield North	Town	XFE	4th Enfield Scout Group Headquarters	No change
32	Enfield North	Town	XFF	St. Michael's and All Angels Parish Hall	No change
33	Enfield North	Southbury	XGA	Carterhatch Junior School	No change

No	Constituency	Ward	Polling District	Designated Polling Place	Recommendation
34	Enfield North	Southbury	XGB	Suffolks Primary School	New Polling Place
35	Enfield North	Southbury	XGC	George Spicer Primary School	No change
36	Enfield North	Southbury	XGD	Fellowship Hut (Bush Hill Park Recreation Ground)	No change
37	Enfield North	Southbury	XGE	Ponders End Library	No change
39	Enfield North	Enfield Highway	XHA	St. Helier Hall	No change
40	Enfield North	Enfield Highway	XHB	St. Barnabas Hall	No change
41	Enfield North	Enfield Highway	XHC	St. James' C.E. School	No change
42	Enfield North	Enfield Highway	XHD	Brimsdown Sports and Social Club	No change
42	Enfield North	Enfield Highway	XHE	Brimsdown Sports and Social Club	New Polling Place
50	Enfield North	Grange	XJB	Scout Hut Enfield Baptist Church	No change
60	Enfield North	Ponders End	XLA	Ponders End Methodist Church	No change
61	Enfield North	Ponders End	XLB	The Royal British Legion	No change
62	Enfield North	Ponders End	XLC	Welcome Community Centre	Amended Poling District and New Polling Place
63	Enfield North	Ponders End	XLD	St. Matthew's Church Hall	Amended Poling District and New Polling Place
37	Enfield North	Ponders End	XLE	Ponders End Library	No change
17	Enfield Southgate	Cockfosters	YDA	St. Paul's Church Hall	No change
18	Enfield Southgate	Cockfosters	YDB	Christ Church Hall	No change
19	Enfield Southgate	Cockfosters	YDC	Freston Hall	No change
20	Enfield Southgate	Cockfosters	YDD	14th Southgate Scout Headquarters	No change
21	Enfield Southgate	Cockfosters	YDE	St. Thomas' Church	No change
23	Enfield Southgate	Highlands	YEB	Enfield Lawn Tennis Club	No change
25	Enfield Southgate	Highlands	YED	The Jolly Farmers Public House	No change
26	Enfield Southgate	Highlands	YEE	Temporary Building (Playground Opposite Lindal Crescent)	No change
44	Enfield Southgate	Southgate	YIA	Highlands Village Hall	No change

No	Constituency	Ward	Polling District	Designated Polling Place	Recommendation
45	Enfield Southgate	Southgate	YIB	Eversley School	No change
46	Enfield Southgate	Southgate	YIC	Southgate District Scout Headquarters	No change
47	Enfield Southgate	Southgate	YIE	Bourne Methodist Church Hall	No change
48	Enfield Southgate	Southgate	YIF	St. Andrew's Parish Hall	No change
49	Enfield Southgate	Grange	YJA	Formont Centre	No change
51	Enfield Southgate	Grange	YJC	St. Peter's Church Hall	No change
52	Enfield Southgate	Grange	YJD	Grange Park Methodist Hall	No change
57	Enfield Southgate	Bush Hill Park	YKE	Edmonton Lower School	No change
69	Enfield Southgate	Winchmore Hill	YNA	St. Paul's C.E. Primary School	No change
70	Enfield Southgate	Winchmore Hill	YNB	Friends Meeting House	No change
71	Enfield Southgate	Winchmore Hill	YNC	Palmer's Green United Reformed Church	No change
72	Enfield Southgate	Winchmore Hill	YND	Winchmore Hill Methodist Church Hall	No change
73	Enfield Southgate	Winchmore Hill	YNE	Holy Trinity Church Hall	No change
83	Enfield Southgate	Southgate Green	YQA	St. Monica's Scout and Guide Headquarters	No change
84	Enfield Southgate	Southgate Green	YQB	Walker Primary School	No change
85	Enfield Southgate	Southgate Green	YQC	Temporary Building (Broomfield Park)	No change
86	Enfield Southgate	Southgate Green	YQD	Bowes Road Library	No change
87	Enfield Southgate	Southgate Green	YQE	Garfield Primary School	No change
88	Enfield Southgate	Palmer's Green	YRA	Broomfield Club	No change
89	Enfield Southgate	Palmer's Green	YRC	Mayfield Athletic Club	No change
90	Enfield Southgate	Palmer's Green	YRD	Hazelwood Junior School	No change
91	Enfield Southgate	Palmer's Green	YRE	Palmer's Green Library	No change
98	Enfield Southgate	Bowes	YTA	Bowes Primary School	No change
99	Enfield Southgate	Bowes	YTB	Bowes Methodist Church Hall	No change
100	Enfield Southgate	Bowes	YTC	Tottenham Infants School	No change
101	Enfield Southgate	Bowes	YTD	Wilkinson Hall (2nd Edmonton Scout Group)	No change

No	Constituency	Ward	Polling District	Designated Polling Place	Recommendation
101	Enfield Southgate	Upper Edmonton	YUG	Wilkinson Hall (2nd Edmonton Scout Group)	No change
38	Edmonton	Southbury	ZGF	St. Mark's Hall	No change
53	Edmonton	Grange	ZJE	St. Stephen's Hall	No change
54	Edmonton	Grange	ZJF	Ridge Avenue Library	No change
55	Edmonton	Bush Hill Park	ZKA	Bush Hill Park Bowls, Tennis and Social Club	No change
56	Edmonton	Bush Hill Park	ZKB	Bush Hill Park Methodist Church Hall	No change
57	Edmonton	Bush Hill Park	ZKC	Edmonton Lower School	No change
58	Edmonton	Bush Hill Park	ZKD	Firs Farm School	No change
59	Edmonton	Bush Hill Park	ZKF	Bush Hill Park United Reformed Church	No change
64	Edmonton	Jubilee	ZMA	Edmonton Upper School (Portacabin in playground)	No change
65	Edmonton	Jubilee	ZMB	1159 Air Training Corps Building	No change
66	Edmonton	Jubilee	ZMC	William Preye Centre	No change
67	Edmonton	Jubilee	ZMD	Tramway (Edmonton) Christian Fellowship	No change
68	Edmonton	Jubilee	ZME	Mottingham Hall	No change
74	Edmonton	Haselbury	ZOA	Churchfield School	No change
75	Edmonton	Haselbury	ZOB	Latymer School (Portacabin at school entrance)	No change
76	Edmonton	Haselbury	ZOC	Hazelbury School	No change
77	Edmonton	Haselbury	ZOD	St. Aldhelm's Church Hall	Amended Polling District
78	Edmonton	Haselbury	ZOE	Klinger Community Hall	Amended Polling District
79	Edmonton	Lower Edmonton	ZPA	St. Edmund's Church Hall	No change
80	Edmonton	Lower Edmonton	ZPB	St. Peter's Church Hall	No change
81	Edmonton	Lower Edmonton	ZPC	St. Demetrios Church Hall	No change
82	Edmonton	Lower Edmonton	ZPD	Temporary Building In Zambezi Drive	No change
58	Edmonton	Palmers Green	ZRB	Firs Farm School	No change
92	Edmonton	Edmonton Green	ZSA	Maldon Memorial Hall	No change
93	Edmonton	Edmonton Green	ZSB	Edmonton Green Library	No change

No	Constituency	Ward	Polling District	Designated Polling Place	Recommendation
94	Edmonton	Edmonton Green	ZSC	Faith House (Edmonton United Reformed Church)	No change
95	Edmonton	Edmonton Green	ZSD	Brettenham School	No change
96	Edmonton	Edmonton Green	ZSE	Craig Park Youth Centre	No change
97	Edmonton	Edmonton Green	ZSF	Laing Training Centre (Unecol House)	No change
101	Edmonton	Bowes	ZTE	Wilkinson Hall (2nd Edmonton Scout Group)	No change
101	Edmonton	Upper Edmonton	ZUA	Wilkinson Hall (2nd Edmonton Scout Group)	No change
102	Edmonton	Upper Edmonton	ZUB	Wilbury Primary School	No change
103	Edmonton	Upper Edmonton	ZUC	Temporary Building (Bridport Road Railway Bridge)	No change
104	Edmonton	Upper Edmonton	ZUD	Gallery Fore Shop	No change
105	Edmonton	Upper Edmonton	ZUE	Raynham School	No change
106	Edmonton	Upper Edmonton	ZUF	St. John's Church Hall	No change

Representation of the People Act 1983

Sections 18A, 18B, 18C, 18D and 18E and Schedule A1

**The Review of Polling Districts and Polling Places
(Parliamentary Elections) Regulations 2006**

**OUTCOME OF
REVIEW
Appendix 3**

Representations Received

Mr Brian Laverick

I understand that at least 2 schools and one branch library were closed in order to become polling stations for the day. How can the cost of this be justified? If one divides the full annual cost of these institutions by the number of days each year that they actually provide their services one must surely come up with a figure that greatly exceeds the cost of renting, say, a local hall or even of hiring a Portakabin or marquee for the day and placing it at a suitable location. I suspect that the savings at the schools and libraries are negligible - do the staff volunteer to give up their salaries?

Can this possibly be reconciled with good financial management?

First, there seems to be some rather outdated thinking behind all of this. School premises should not be regarded as "public buildings" which the Council allows schools to use on days when it has no better use for them. According to the education budgets published on the Council website, I estimate that the cost of even a middle-of-the-road primary school is in the region of £8000 for each day it is actually providing education. There are significant variations - up and down - for individual schools. This is more than twice as much as your (surprisingly high) figure for renting a Portakabin and the figure could, even, be increased if one regards educating children as actually adding value. The cost of "renting" a school for £250 is irrelevant since we end up paying the full cost one way or another. The cost of libraries, likewise, must be much more though I haven't looked at that.

Secondly, there may be a case for more imaginative thinking on the provision of facilities, given the falling off of voting numbers, the rise in postal voting and much greater access to private transport than in the past. It may be that fewer polling locations are needed and, if it were really necessary for anyone (and I can't immediately think why), transport to the polling station could be provided.

Have you considered renting a modest tent rather than a Portakabin? Do the Council already own vehicles (such as mobile libraries) which could be used for a day at a lower cost?

Councillor Toby Simon

Enfield Highway Ward

I have some concerns about the polling districts and stations in my ward. First, the large ex-council estate in Meads, Castle, Redlands Roads, Park Terrace and Brimsdown Avenue is a long way from the polling station 39 which is well located for the rest of XHA. The polling station 40 for XHB is much closer. Would it be possible to analyse the marked register to see whether turnout is abnormally low on these roads and to assess whether switching them to St

Barnabas' Hall might improve matters? I would also like to suggest that we might avoid using (and closing) St James's School if we could use the Enfield Highway Community Centre or St James's Church on Enfield Highway.

Have the implications of the large new development on Enstone Rd which may add 200 dwellings (300+ voters?) to XHD been considered?

You have also identified a problem with the impending demise of Wessex Hall, though I don't recall this being identified as a hall closure in the housing department programme, which I and my colleagues would certainly have resisted. Although the polling district is small, it would have a very adverse effect on turnout (already low) if residents had to cross Durants Park to get to another station. I think we should provide a temporary building if need be.

Southbury ward

The polling station 37 for XGE is the library also used for XLE. These will now be in different constituencies. Is this feasible? How can this small exclave best be served?

Chase Ward

I was struck by the fact that people living on the Ridgeway, or nearby, will have to walk past polling station 22 to get to polling station 23. I suspect that this layout was caused by the Parliamentary boundaries, but with the impending laying of the order changing these, I think that the arrangement in this area should be reviewed.

Turkey Street ward

When I was a candidate in 2002 there was a polling station in a temporary building on Hoe Lane to serve an XBE polling district. This has now disappeared, and residents have to walk a long way to polling station 10. This seems rather undesirable.

Use of schools

I have considerable sympathy with the resident of Grange ward who commented on the effect of using schools. I would suggest that we should make renewed efforts to avoid using schools in ways that force them to close, and perhaps we can discuss this at the meeting. In any case, I hope that where dates of elections are fixed (as in 2008 and 2010) we give them ample notice so that they can consider using this for an INSET (Baker) school closure day.

Cost effectiveness

It would be useful to know the relative costs of large and small polling districts, and also to have a list of the number of electors using each polling station, so that we can take some account of best use of resources.

Councillor Chris Bond

On the XLE problem. You could use Bush Hill Park School. Though it is the other side of the A10 it is nearer than the Ponders End library and those that have children in that area that is where they go so they are used to the journey.

ZGF using St Marks is OK for part of this polling district but I do believe that Ayley Croft Community Centre should be used and that you create another PD South of Main Avenue but keep St Marks for the North part of ZGF.

Mr Andy Love MP

I refer to your letters of the 31st July and 23rd August regarding the review of Polling Places. I understand that the panel will be meeting on 12th September and as I am unable to be there I am writing with some thoughts and concerns regarding the recommendations in the review report.

ZMA/Jubilee Ward

You are suggesting a portacabin in the playground presumably to keep the school functioning on Election day. Yet the school is a long walk for almost all the electors in ZMA and surely if there is to be a portacabin it should be sighted somewhere more convenient? I would suggest a site somewhere near the entrance to Dimsdale Drive/Lee Road close to the junction with the Great Cambridge Road? If there is not enough room there then somewhere near the open space at the end of Lee Road? The electors of the Bury Street end of ZMA would have slightly further to walk but on balance I believe that this would be a more convenient location for the majority of those affected.

ZOC/Haselbury

A portacabin is being provided at Latymer School but not at Haselbury? Not only would this mean less disruption at the school but if the portacabin is sighted as close to the entrance as possible it will be considerably more convenient for my constituents?

ZSF/Edmonton Green

The Laing Training Centre has proved a massive turn off for the electors of ZSF and in my view is inappropriate as a site for a polling station. Why can't a portacabin be set up in the car park? On Pegamoid Road or on the adjacent park? This should prove a less hostile environment that may improve turnout.

ZUB/Upper Edmonton

I object in the strongest possible terms to the use of the Scouts Hall which is just about as far away as you can get from the electors of ZUB (or for that matter ZTE). Clearly we can't use the school but there are other buildings on that site including the old learning centre which may be a more convenient location. Otherwise has any consideration been given to a portacabin in and around the corner of Tile Kiln Lane and Chequers Way?

I hope that the Panel will find these suggestions helpful. Please let me know the outcome of their deliberations.

Mrs Evelyn Rolph

I only have knowledge of 4 of the polling stations, i.e. No. 38 St. Marks Hall, No. 55 Bush Hill Park Tennis & Social Club, No. 56 Bush Hill Park Methodist Church Hall and No. 59 Bush Hill Park United Reformed Church. I agree with the comments in the Review Report that these 4 polling stations are suitable for both able bodied and disabled voters.

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MUNICIPAL YEAR 2007/2008 REPORT NO. 129**MEETING TITLE AND DATE:**

Council, 7 November 2007

REPORT OF:Director of Health & Adult
Social Care**Agenda – Part:1****Item: 9****Subject: Report on the outcome of a
consultation on the future of Council
owned Residential Care for Older People.****Wards: All**

Contact officer and telephone number:

Ray James 020 8379 4340

E mail: ray.james@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This paper sets out the recommendations agreed by Cabinet on 10 October 2007 and follows the outcome of a detailed consultation exercise, on the future of Council owned residential care provision for older people.
- 1.2 In February 2007, a series of consultation meetings were held in each of the homes for residents, service users and their families. Separate meetings were arranged for staff. Between February and April 2007 a team of social workers was appointed during the consultation period to assess the needs of the 120 residents of the four in-house care homes in order to report their findings back to Members, and from April to July 2007 consultation meetings were arranged with the local Voluntary Sector and other Stakeholders
- 1.3 The needs and expectations of older people receiving care are changing, both locally and nationally many more people are being supported for longer in their own homes and in extra care settings. The four in-house residential care homes were originally designed for older people with physical frailty and not for older people with dementia or nursing care needs. An independent survey was carried out to assess the condition of the homes and to provide estimates of the cost of refurbishment to comply with National Minimum Standards, and the consequence of refurbishment on the number of rooms that could be provided.
- 1.4 The design and fabric of the buildings are becoming increasingly less suitable as time progresses, and the service requires continual investment to meet the changing service and registration requirements. The homes are now falling behind modern standards set by Government, as well as the expectations of many older people and their relatives.

- 1.5 An analysis of trends in recent, and anticipated, demand for related forms of care was also undertaken to inform the nature of future requirements. For the last five years admissions to residential care have declined in Enfield, a pattern that is replicated nationally as increasingly more people are supported by intensive care in their existing homes or in extra care schemes.
- 1.6 This decline has been marked in Enfield, with admissions to non-specialist residential care in the last five years falling by c.30%. Where there is sustained demand for care in a residential setting, it is for those people with dementia and/or nursing care needs where the staff and the physical environment can provide the required specialist care.
- 1.7 This report recommends arrangements for securing the appropriate mix of high quality residential and/or nursing care for those older people with complex dementia related needs in future years.

2. RECOMMENDATIONS

- 2.1 That Council agree in principle to the re-provision of services in a new, purpose built dual registered residential and nursing care facility for older people, subject to a further report to Cabinet on the detailed capital and revenue implications once the specific site and size of development is confirmed. This will include residential care, nursing care, day care, respite care and facilities for carers. A decision on the final location will be based on access, planning consent and affordability.
- 2.2 The new scheme will be designed and built in a manner that allows for cluster units that over time have the capacity to provide a flexible response to meeting an increasingly diverse range of needs.
- 2.3 In view of the current low level of occupancy and all of its bedrooms being unsuitable for wheelchair users, that Elizabeth House is the first home to close. That existing residents be offered the choice of moving to the remaining three units or to alternative placements in the independent sector over the next six months.
- 2.4 That the three remaining units re-open for new admissions and continue to provide services until such time as the new build unit is ready, at which point residents will have the opportunity to transfer to the new unit along with existing staff under TUPE arrangements, where appropriate.

- 2.5 Following the withdrawal of £200,000 funding by the PCT the Rehabilitation Unit at Reardon Court will change and revert to operating as a unit providing 9 permanent residential beds, to accommodate residents transferred from Elizabeth House in the first instance.
- 2.6 To replace the respite provision at Elizabeth House by changing the use of 8 beds at Bridge House and 1 bed at Coppice Wood Lodge (as they become vacant) to respite care.
- 2.7 To relocate day care services from Elizabeth House to the planned Extra Care Scheme on the Forest Road site and to source accommodation for the in-house home care service.
- 2.8 Because Reardon Court does not meet the National Minimum Standards (in terms of its physical environment), that further work be undertaken to secure an affordable and appropriate mix of services on the Reardon Court site.
- 2.9 That Members note the ongoing provision of dual registered care at Honeysuckle House as detailed in paragraph 6.1. The outcome of the tender process, including, detailed costings will be the subject of a separate report.
- 2.10 To consult further, both within the Council and with partners, on property disposal options and to agree that the first call on any capital receipts will be for the re-provision of services for older people. A decision on the final location will be based on access, planning consent and affordability.
- 2.11 To agree in principle the resources necessary to ensure the careful transfer of residents to appropriate settings and the continued programme management and oversight of the re-provision project.

3. BACKGROUND

- 3.1 At the Cabinet meeting of 18th January 2007 Members agreed to the establishment of a Project Group, chaired by the Head of Older Peoples Services, and Project Board, chaired by the Director of Health and Adult Social Care, to oversee the processes required to consult on the future of the in-house residential care service, and to develop recommendations for the further consideration of the Council, and to consider future arrangements for Honeysuckle House.
- 3.2 The four care homes - Elizabeth House, Bridge House, Coppice Wood Lodge and Reardon Court - are registered with the Commission for Social Care Inspection to care for people with dementia over 65 years of age. They provide a multi-cultural service where, together with white UK Enfield residents, older people are cared for from the Greek, Greek Cypriot, Turkish, Turkish Cypriot, African, African Caribbean and Jewish

communities of Enfield, providing appropriate diets where required. The map in Appendix 1 (placed in the Members library) shows their location.

- 3.3. The four care homes were built in the last 30 years to provide residential care services for older people who were physically frail. Residents were originally accommodated in double or single rooms. They have been adapted over time to provide residential services to older people with dementia care needs.
- 3.4 Residents range in age from 65 to 101 years. Their average length of stay is 2 years and one person has been a resident for 10 years. In addition to the permanent beds three of the homes - Elizabeth House, Coppice Wood Lodge and Reardon Court - provide residential respite care with a total of 22 beds. Access to this facility is through a community care assessment that identifies the need to provide residential respite care to support carers in their caring role. Periods of respite care can then be booked with the home throughout the year.
- 3.5 In addition to residential respite care, two of the homes - Reardon Court and Elizabeth House - provide day care/respite 7 days a week for up to 32 and 15 people respectively. Both of these day care/respite services are clearly supported by the service users and their carers, and for many people provide a lifeline that enables the carers to continue in their caring roles. Table 1 on page 4 summarises the services available in the homes.

Name of Home	Permanent Beds	Respite Beds	Rehabilitation Beds	Day Care Places
Bridge House	39	0	0	0
Coppice Wood Lodge	34	4	0	0
Elizabeth House	34	9	0	15
Reardon Court	18	9	9	32
Total	125	22	9	47

Table 1 - Summary of Services by Residential Care Homes

- 3.6 Every effort has been made to consult with service users and their families. Meetings were held during February 2007 in each of the in-house care homes to discuss with all concerned the future of the in-house residential care service and to ascertain their views. Separate meetings were also arranged for the staff in the homes for the same purpose. Appendix 2 (placed in the Members library) contains a copy of a presentation made to the meetings. Appendix 3 (placed in the Members library) provides a summary of the views of the residents and their families either at the individual meetings or in the completed questionnaires and individual letters submitted subsequently. Following the publication of this report, further meetings are scheduled to take place in each of the homes to discuss the report's recommendations. A further series of consultation meetings was held with the voluntary sector

and other stakeholders during the period March to July 2007; Appendix 3 (placed in the Members library) includes a list of these meetings also.

3.7 Summary of the assessment of needs of current residents

3.7.1 As part of the consultation programme all of the permanent residents were assessed individually by a team of social workers who involved the residents' families and friends in each assessment. For those who were without a family or friend to support them, an advocate was provided to ensure their rights and best interests were considered. When making decisions about the future of a residential home it is imperative that Members are made aware of the needs of the residents. Appendix 4 (placed in the Members' library) provides a summary report of the needs of the residents in each of the homes.

3.7.2 The report concludes that the majority of residents in the homes are affected by dementia and/or other mental health problems and further that each of the residents at the time was appropriately placed. They have a range of cognitive impairments that can be manifest in many different ways, some people experiencing memory loss but still functioning quite well, whilst others may only be able to process the simplest of instructions; other people may experience a complete personality change and become increasingly restless or even aggressive and violent towards those who are around them. All those who experience the dementing process could potentially develop more challenging behaviours such as wandering all day and night or becoming abusive to their carers and other residents. Appendix 5 (placed in the Members' library) gives further summary information on dementia taken from the Alzheimer's Society commissioned report, Dementia UK, published in 2007.

3.7.3 There is potential for re-location of some residents to alternative accommodation as a result of the recommended course of action. In effecting any such transfers of care, staff will have regard to the specific needs of each resident and will dedicate resources to ensuring that all transfers happen smoothly in line with best care management practice.

3.8 Outcome of the consultation programme

3.8.1 The consultation meetings were very well attended by relatives and friends of the residents and there were some common themes expressed about the excellent quality of care provided in each of the homes, that the homes provided a homely and welcoming environment, that they had good links with psychiatric and primary care services and provided a range of activities and outings for residents.

- 3.8.2 The provision of day and residential respite care was crucial to supporting carers to continue in their caring roles.
- 3.8.3 Every effort was made in the consultation meetings with residents and their families to discuss with them how we must start planning now for the future of our care provision. It was clear however that for the relatives of the current cohort of residents any discussion, for example, about providing extra care sheltered housing as an alternative to residential care, was too late for the immediate needs of current residents. Relatives were more concerned to express their understandable view that they wanted the care homes to be refurbished and remain essentially as they are, rather than look too far into the future and consider wider issues.
- 3.8.4 There was clear recognition that planning to provide care in a dual registered setting would be beneficial in terms of continuity of care, but relatives saw this in the main as being for somebody else in the future, and not necessarily for their immediate relative who was being cared for currently.
- 3.8.5 Many of the families had gone through a process of familiarising themselves with the homes through initially visiting, and then making use of, the day and/or respite services before agreeing to a permanent admission. Trust had been built up over a period of time and service users and their relatives remained confident in the staff and in the care they provided.
- 3.8.6 A series of consultation meetings was held with the voluntary sector and other stakeholders. The tenor of all the meetings was an understanding of the need to plan now for services that would meet growing and changing expectations of people presently who might require services in the future.
- 3.8.7 Separate meetings were held for staff in each of the units, which were also well attended. A feature of these meetings was that many staff, although understandably anxious about their own positions, were more concerned about future provision for the residents, and in particular the need to maintain a 24/7 service for people with dementia who required constant supervision and monitoring in a safe environment that provided emotional support and companionship.
- 3.8.8 There was support for the development of extra care schemes as alternatives to residential care and providing places in dual-registered care homes for those older people who could only be supported in a 24/7 care setting. (A dual-registered care home is one registered by the CSCI to provide both residential care and nursing care in the same provision, allowing older people whose needs increase to move on to nursing care provision, but within familiar surroundings, thereby facilitating better continuity of care). There was also concern for the current residents of the homes

and how service re-provision would impact on them. There were strong views about the need to continue to provide and develop day and respite services for carers in any new proposals.

4. Current and future predicted requirements

- 4.1 Nationally there is a substantial increase predicted in the population of people over the age of 65. For Enfield, however, the Office for National Statistics predicts an overall reduction in the population of over-65's from 36,200 in 2006 to 35,900 in 2016. Within that figure there will be a slight increase in the proportion of people aged 85+ and 90+, 7% and 4% respectively. Within these overall numbers the proportion of older people from BME communities is expected to double by 2016.
- 4.2 The number of people with dementia within the over-65 population in Enfield is estimated at 2476. This figure consists of 1625 women and 851 men. This prevalence is predicted to remain the same over the next 10 years but may be affected by people receiving an earlier diagnosis of dementia. Within this figure the over 75's will require a more intensive level of service to maintain them at home or in extra care environments whilst making individual choices about how their services are provided.
- 4.3 Local and national data show an increase in the number of older people funding their own care, through property or other assets. This trend is expected to continue and will to some extent mitigate other demographic pressures.
- 4.4 The sustained increase in the number of people being supported in their own homes for longer has heightened the need for day and respite provision in future years. Our analysis of trends in recent, and anticipated, demand for related forms of care was also undertaken to inform the nature of future requirements.
- 4.5 For the last five years admissions to residential care have declined in Enfield, a pattern that is replicated nationally as increasingly more people are supported by intensive care in their existing homes or in extra care schemes.
- 4.6 This decline has been marked in Enfield, with admissions to non-specialist residential care in the last five years falling by c.30%. Where there is sustained demand for care in a residential setting, it is for those people with dementia and/or nursing care needs where the staff and the physical environment can provide the required specialist care. This latter group has remained relatively stable (see Table 2) and is predicted to continue to do so in the future.

Table 2 - Admissions to Residential and Nursing Care March 2002 – March 2007

Service Type	Mar-02	Mar-03	Mar-04	Mar-05	Mar-06	Mar-07
Residential - Physically Frail	435	395	380	339	321	302
Residential with Dementia	187	182	183	184	199	206
Nursing	256	226	223	212	210	195
Nursing with Dementia	29	24	27	30	32	36

5. OPTIONS IDENTIFIED AND A KEY STRATEGIC DECISION

5.1 The Cabinet Report of 18th January 2007 identified four options for consideration. These were:

- doing nothing,
- investing in the internal/external fabric of our existing homes,
- closing our existing homes and developing block contracting arrangements with independent providers,
- re-providing our existing homes through a re-build programme financed through a variety of initiatives.

5.2 These options were referred to throughout the consultations and have been refined further by the Project Group using a matrix that was developed at a workshop to determine the key components of good quality care for older people with cognitive impairment. The resulting range of eight options was then appraised against this matrix by the Project Group, which was extended to include the managers of the in-house residential homes, and representatives from the Hospital and Community based social work teams for older people. The process and scoring is detailed in Appendix 6 (placed in the Members' Library).

5.3 In summary the Project Group recognised that the options could be divided into 'doing nothing/doing the minimum' and 're-providing through a carefully planned programme of closure'. This will be the key strategic decision that needs to be made. In order to assist the decision-making process an independent firm of surveyors was commissioned to provide opinions on:

- The feasibility, appropriateness, cost and consequences of bringing the buildings up to National Minimum Standards.
- The existing value of the freehold property and business.
- The proposed value in respect of reconfiguration of the existing homes allowing compliance with the National Minimum Standards for new builds, within the existing footprint.
- The proposed value for site redevelopment within the existing use and with an alternative use.

5.4 The reports were prepared in accordance with the Appraisal and Valuation Manual of The Royal Institute of Chartered Surveyors. Some of

the findings of the independent surveyor's reports are included in the sections below.

5.5 **Doing Nothing and Doing the Minimum**

5.5.1 The surveyors' reports noted, variously, in respect of Elizabeth House, Bridge House and Coppice Wood Lodge that, for example:

- "The property was outdated and continued to be operated because of the clear demand for spaces within this category of care"
- "In terms of décor the home is old fashioned and generally poorly presented, with wear and tear evident throughout and an air of neglect in some areas is exacerbated by dated furniture and soft furnishings. This does little to relieve the institutional feel of the home."

5.5.2 The report also advises that none of the homes meet National Minimum Standards and one home, Elizabeth House, does not have bedrooms that provide sufficient turning space for wheelchair users. Room sizes need to be in excess of 12 sq metres, and all of the rooms are less than 9.1 sq metres. This would also be a problem for residents who require the assistance of a hoist for transfers.

5.5.3 Doing the minimum was popular with some of the residents and their families as this would mean the buildings being upgraded to meet National Minimum Standards and continuing to provide a good quality in-house service in familiar surroundings. This is not considered feasible, as in all of the homes this would almost certainly necessitate major structural work, which would mean residents having to be moved from the home. It would also require a level of spatial improvement that would reduce the registered capacity by 33 beds across Bridge House, Coppice Wood Lodge and Elizabeth House and increase their overall unit costs. The standards required could only be met at Reardon Court by building extensions to the sides of the building at a cost that is seen to be prohibitive. Doing the minimum would also involve reviewing the day care service within Reardon Court and Elizabeth House in order to make the minimum changes to improve utilisation.

5.5.4 The surveyors' reports noted that only 34 out of 149 bedrooms in the four homes met the National Minimum Standards space requirements of 12 sq metres. In order to comply with the National Minimum Standards, 33 of the 113 rooms across Bridge House, Coppice Wood Lodge and Elizabeth House would be lost.

5.5.5 It became clear that the do nothing or do minimum options did not provide a viable future for the in-house care homes as even a

minimum level of intervention would require existing residents to be moved for a period of time whilst the work took place, and significantly there would be a loss of 33 rooms in the process which would increase the cost of providing care substantially.

5.6 Re-provision Options

5.6.1 Full details of the potential range of Re-Provision Options (Options 3-6) are included in Appendix 6 (placed in the Members' library) together with their scoring.

5.7 Spot Contracting Options

5.7.1 A timescale would need to be developed for closure which would be dependent on suitable replacement provision in the independent sector, the staffing costs associated and any double running costs.

5.7.2 By recommending this option, closing the in-house homes would mean that the Council would need to provide alternative placements through spot contracting for existing residents as well as for new people in the future. The Council is a key player in developing the quality of residential care in Enfield; by commissioning care solely through spot purchasing we would be less able to influence or develop the quality of care and would be entirely dependent on individual residential care providers.

5.8 Block Contracting Options

5.8.1 By recommending this option we would be block contracting with the existing independent sector, while disinvesting in direct provision by closing homes, and a significant part of the Council's day care provision, and contracting long term with the independent sector to provide the same number of day centre places and beds but re-configuring the residential care into residential beds and nursing care beds. Whilst this might be a preferred choice, there is a lack of dual-registered provision in Enfield and where it currently exists we have block contracts in place. As with spot purchasing we would be in danger of reducing our ability to influence the market.

5.9 New Build Option

5.9.1 This option would mean the Council influencing the design and build of service provision for older people both now and in the future. This would mean the complete demolition of the three/four homes and day centre/s, and rebuilding as resource centres, which could include the same number of day places (possibly integrated with the health and voluntary sector day services) and beds but re-

configured as residential and nursing care beds. This option also opens up the possibility of commissioning places with the Mental Health Trust as well as developing resources for Carers.

5.9.2 In addition, the new build to reprovide services from Elizabeth House, Coppice Wood Lodge and Bridge House, further work is required to confirm an affordable and appropriate mix of services to continue on the Reardon Court site.

5.9.3 The preferred option was New Build with further discussions to be held over the future of Reardon Court

6. HONEYSUCKLE HOUSE

6.1 Given the scarcity of dual-registered care in the Borough the current contract for Care Management services (with Care UK) at Honeysuckle House has been extended to August 2008. This will allow further time to undertake a full tendering process for this service. A separate report will be made on the future of Honeysuckle House. In the interim, residents will be secure and would only be affected if there were to be a change in the provision of care.

7. REASONS FOR RECOMMENDATIONS

7.1 The Cabinet meeting on 18th January 2007 gave permission to consult on and consider the future of the in-house residential care homes, in the light of all available information. The consultation process has taken place and found that the families of our residents had a high regard for the quality of care they had experienced from the staff in the homes. This was an experience that was underlined by comments from some of the statutory and voluntary agencies that also formed part of the consultation.

7.2 Recommendations emerged after listening to the views of the residents and their families and to a range of people representing organisations within the voluntary and statutory sector. These views were closely scrutinised by Members of the Project Group and Project Board before recommendations were made. There has also been a very helpful, extensive and constructive examination of the issues within a Member-led Scrutiny Working Group. The findings of this Scrutiny Review were outlined in a separate report considered at Cabinet, alongside the main report. This Scrutiny report is available in the members library, group offices and from the Democratic Services Team.

7.3 It is clear that the design and fabric of the buildings are becoming increasingly less suitable as time progresses. The homes were built to provide care to physically frail older people of a previous generation and they are now falling behind modern standards set by Government, as well as the modern expectations of older people and their relatives.

- 7.4 An independent survey of all of the units was made to ascertain the possibility of, and costs associated with, making the units compliant with the National Minimum Standards. The independent surveys that were commissioned showed that only 34 rooms met published standards and none of the rooms in Elizabeth House could provide appropriate space for wheelchair access or a hoist to assist in making transfers.
- 7.5 If a decision was made to invest in the fabric of the existing buildings, the level of disruption would mean residents needing to be moved and the homes closed for the work to take place. This in turn would lead to a loss of rooms in each of the homes, which would in turn increase the overall running costs of each of the homes. Older people increasingly want to be cared for at home. If an older person does need to be cared for in a residential setting, it becomes ever more important for their privacy to be respected (including for example en suite facilities) and for their dignity to be considered in all areas of activity. Many older people will also need nursing care, which cannot by law be provided in a home run by a local authority. The level and quality of care that older people require both now and in the future cannot be delivered in the existing residential care homes and needs to be re-provided in a new build facility.
- 7.6 Enfield Council has high standards and aspires to be recognised as an authority offering excellent standards of service to all of its residents, and in particular to the most vulnerable. Service development for older people is increasingly based on principles of self-determination, promoting independence in the community, social inclusion and choice. We know that the majority of older people wish to remain in their own home for as long as possible, and the development of extra care housing facilities is enabling us to do this alongside the intensive support we are able to offer to older people in their existing homes. At a point when older people may require a more intensive 24/7 care and support service that can only be provided in a residential or nursing setting, we must ensure this is done according to modern standards. The care setting should also be able to provide nursing care as and when it becomes necessary so that there is both continuity of care and a reduced need for hospital admission.
- 7.7 In summary, the recommendation is to agree the closure of Elizabeth House within a period of six months from the decision being made. The freeze on placements in the other three homes is recommended to be lifted so that the current permanent residents of Elizabeth House may be offered places in the remaining homes or, according to their wishes, in the private and independent sector. All transfers of care would be handled with sensitivity, social workers and care staff working side-by-side with the residents themselves and their families, friends and supporters. The existing 9-bed respite unit at Elizabeth House would be re-located to Bridge House (8 beds) and Coppice Wood Lodge (1 bed). The homes would continue to admit new residents (the latter having of course been advised that their placements would not be open-ended and being given the option also of a permanent place in an independent sector home) until such time as a new-build, dual-registered care home

is commissioned that provides permanent residential and nursing care as well as residential respite care. All of the residents of Bridge House, Coppice Wood Lodge and Reardon Court (dependent on further discussions) would then be able to transfer directly to the new building when it is ready for occupation, together with the staff they know from their existing placements who would transfer under TUPE arrangements.

- 7.8 By making these recommendations we are confident that we will be able to provide high quality care for older people in Enfield that is in keeping with 21st century standards and aspirations. We will ensure that we transfer all we have learned from the services that we deliver currently in our in-house provision and ensure that good quality care is provided in the new provision. In addition we will have given a clear signal to the independent sector market of our expectations when supporting older people in a residential setting.

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

8.1 Financial Implications

8.1.1 This report recommends the reprovision of the facilities at Elizabeth House, Bridge House and Coppice Wood Lodge in a new purpose built dual registered unit. Phase 1 of this reprovision would see the closure of Elizabeth House within 6 months of a decision being made. Of the facilities referred to in this report, Elizabeth House currently has the highest unit cost per week. This is largely as a result of low occupancy at Elizabeth House due to difficulties placing clients as the design and layout of the building is unsuitable for some users.

8.1.2 Phase 1 – Closure of Elizabeth House

Elizabeth House site comprises:

34 permanent residential beds
9 respite and interim beds
15 day care places
Accommodation for the in-house home care service

A decision to close Elizabeth House will require part of the budget for the facility (£1,173K p.a.) to be reallocated to fund the new arrangements.

8.1.3 The following paragraphs deal with the financial implications of the reprovision of these facilities elsewhere in the Borough.

a) Permanent Residential Beds

There are currently 20 permanent residents at Elizabeth House. The estimated cost of providing 20 additional places in private sector homes is in the order of £536k p.a., based on

the current “spot purchasing” cost. However, if service users choose to move to an alternative in-house unit, this additional cost will be reduced.

b) Respite Provision

Elizabeth House currently provides 9 respite/interim beds. This report recommends that 8 permanent residential beds at Bridge House and one at Coppice Wood Lodge be transferred to respite provision.

As respite care requires a higher staffing ratio than permanent residential provision, 2 additional care assistant posts will be required at Bridge House, at an estimated cost of £43k p.a.

Any cost associated with the additional respite bed at Coppice Wood Lodge can be absorbed within existing budgets. However, there will be a loss of income from the permanent beds being used for respite care. The total loss of income (for 9 beds) is estimated to be £47k p.a.

c) Rehab Beds at Reardon Court

For sufficient permanent in house provision to be retained (and in the light at the PCT’s withdrawal of financial support) these nine beds of Reardon Court will become permanent residential beds. This has no additional cost implication. However, the Council will receive additional income estimated to be of the order of £100k p.a., assuming 90% occupancy.

d) Day Care Provision

The existing day service at Elizabeth House will be re-provided at St Josephs Extra Care Housing Scheme. Relocation of this service will require additional 1 additional care officer at approximately £27k p.a.

e) In-house Home Care Accommodation

Full closure of the Elizabeth House site will require the in-house home care team (x14 staff) to be re-located. An alternative site has not yet been identified and at this stage, the cost of the alternative facilities are unknown.

f) Severance Costs

It is important to note that there could be significant severance costs associated with the staff reductions. It should be possible to redeploy some care staff within the remaining in-house residential

services (see HR implications) but, in a worst case scenario, one-off severance costs could amount to around £550k.

8.1.4 Summary of Phase 1 Financial Implications

	Year 1 £'000	Full Year £'000
Gross saving arising from the closure of Elizabeth House (assuming 1 April effective date)	(1,173)	(1,173)
Ongoing annual costs of reprovision:		
a) Alternative provision for 20 existing clients	536	536
b) Respite provision	90	90
c) Additional income from residential beds at Reardon Court	(100)	(100)
d) Day Care provision – additional member of staff	27	27
e) Relocation In-House Home Care Team	TBA	TBA
f) Staff severance costs (maximum)	550	-
Net Saving	(70)	(620)

Note: the additional costs assume worse case scenario for a) and f).

8.1.5 Phase 2 – Closure of 2 further in-house residential homes and build alternative provision

At this stage it is not possible to estimate the capital cost of building new provision or any associated revenue costs/savings that would result from the future closure of Bridge House and Coppice Wood lodge. A decision to implement Phase 2 of this strategy must be subject to a detailed financial analysis and a further report to Cabinet.

8.1.6 Costs to Date during 2007/08

Since the decision in January 2007 to temporarily cease admissions into the in-house residential units there has been an increased call on independent sector placements and thus increased expenditure from external care purchasing budgets. On average 7 clients have been placed in the independent sector at an additional net cost of £214k.

Reviews and re-assessments of service users in our in-house residential homes have been conducted to ensure that the requisite information was available for this report. (See Appendix 4 placed in the Members' Library). Together with project management fees, to date this has cost 50k.

Expenditure of a further £20k will be needed to the end of this financial year to ensure a smooth transition for service users to their new residential placements.

These additional costs (£284k in total) have been included in the monthly revenue monitoring reports to Cabinet.

8.2 Legal Implications

- 8.2.1 Section 47 of the National Health and Community Care Act 1990 requires Local Authorities to assess the care needs of persons in their area who appear to be in need of community care services. The Act then requires the Authority to decide whether services should be provided in the light of the assessment they have conducted. Community care services can mean residential provision under Section 21 of the National Assistance Act 1948 or non-residential services/support at home under Section 2 of the Chronically Sick and Disabled Act 1970.
- 8.2.2 Section 47 of the National Health and Community Care Act 1990 requires Local Authorities to assess the care needs of persons in their area who appear to be in need of community care services. The Act then requires the Authority to decide whether services should be provided in the light of the assessment they have conducted. Community care services can mean residential provision under Section 21 of the National Assistance Act 1948 or non-residential services/support at home under Section 2 of the Chronically Sick and Disabled Act 1970.
- 8.2.3 This report presents to Cabinet the outcome of the wide consultations and officer considerations on the future of the in-house residential care services which the Authority provides to individuals under Section 21 of the National Assistance Act 1948. The statutory duty is to provide residential accommodation for persons aged 18 or over who by reason of age, illness, disability or other circumstances are in need of care and attention that is not otherwise available to them. Accommodation can be provided in-house or in a home managed by another Authority or in a home managed by a private concern or voluntary organisation. Accommodation provided in-house carries with it added protection for the residents under the Human Rights Act 1998. The care and attention provided must be social care; a local authority may not provide nursing care. If the officer's recommendations are accepted by Cabinet then nursing care needs could be met by the PCT in new built dual registered schemes.
- 8.2.4 The four options on the future for the Authority's in-house residential services were set out in the Cabinet Report of 18th January 2007 and these four options were the subject of the consultations with residents, their families, staff, the voluntary sector and other stakeholders. One consideration for the Authority in this decision-making process is the impact of the Human Rights Act 1998. Section 6 of the Act provides "it is unlawful for a public authority to act in a way which is incompatible with a convention right". Articles 2, 3 and

8 are the most likely convention rights that could be engaged within this decision-making process.

- 8.2.5 Article 2 is known as the “right to life” and provides that “everyone’s right to life shall be protected by law, no one should be deprived of his life intentionally save in the execution of a sentence of a Court following his conviction of a crime for which this penalty is provided by law”. This convention right has been interpreted by the Court to mean there is a positive duty imposed upon public authorities to ensure the integrity of life is protected. Within this decision-making process therefore, regard must be given to the potential impact upon individuals of moving from their current care home.
- 8.2.6 Article 3 is known as “prohibition of torture” and provides that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. Again the Courts have interpreted this convention right and have applied it to modern day equivalent circumstances and have considered it within social care settings. The threshold for engaging this particular right is high and again consideration must be paid to the impact on individual service users of the decision-making.
- 8.2.7 Article 8 is the most likely convention right to be engaged in this kind of process and is known as the “right to respect for private and family life”. The right provides that:
- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
 - (2) There should be no interference by public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedom of others”.
- 8.2.8 The Courts have considered whether, within similar decision-making processes elsewhere, Article 8 was engaged. The Courts have decided that this would depend upon the individual circumstances for a particular resident. Again the impact of the decision-making would be relevant to engagement of Article 8. However, it is important to note that even if Article 8 is engaged for any particular resident that Article 8 is not an absolute right, i.e. the interference may be justifiable on the grounds of the economic well being of the Local Authority and the interests of those in need of its services both now and into the future. This particular convention right recognises that there may be conflicting rights and that a balance has to be struck in decision-making in favour of one side of the argument, i.e. where an individual’s Article 8 rights might be engaged by the Authority’s actions that interference with those Article 8 rights might well be justified under the proviso set out in Article 8 (2) above.

- 8.2.9 There have been a number of cases through the Courts over the years where decisions or proposals to close residential provision has been challenged and these cases have produced guidance on the proper process to be followed to inform such decision-making. The consultation process adopted here has taken on board the judicial guidance on process and the material considerations to be presented for consideration by the decision maker.
- 8.2.10 This report details the various considerations (including at paragraph 3.7 a summary of the assessment of needs of current residents) to be taken into account to enable a decision to be made upon the future for the in-house residential services.

8.3 Property Implications

- 8.3.1 On behalf of Health and Adult Social Services a report was commissioned by the Property Services team from Pinders Chartered Surveyors in respect of each of the four homes. Pinders are specialists in the care home market and were selected following a tendering exercise.
- 8.3.2 The reports outlined the condition of each home and provided an assessment as to how each might be upgraded or redeveloped to conform to modern space standards and future expectations. Values were attributed for each property for the existing provision as a going concern business, with adaptations as possible within the existing buildings or as extended and as redevelopment options for both reprovision and for alternative use, namely residential development.
- 8.3.3 The summary findings as to the existing condition, limitations for the creation of modern accommodation and bedroom sizes is set out in the body of the report. Values have been attributed to the sites and as a general comment officers can confirm that the new-build care home market would attract site values comparable to private housing residential values. If the homes were to be sold as existing care homes the values are substantially less.
- 8.3.4 Each of the care home sites is currently occupying a site area of approximately one acre. The independent advisers confirm that similar one acre sites can accommodate new build care homes providing 60 bed spaces. Subject to planning and clear title with no adverse conditions it is assumed that similar reprovision can be achieved on the 3 principle sites at Elizabeth house, Bridge house and Coppice Wood Lodge. Given that the reprovision is recommended on a single site for a 100 bed new build reprovision it is deemed appropriate then a site area of approx 1.5 acres is assumed.
- 8.3.5 Wider property asset management review through the Asset Management Group (AMG) recognises the potential of Elizabeth

House with both the Pitfield Way offices site soon to be vacated and the adjoining short let car hire occupancy on Council land adjoining. If a 100-bed care home is required at this location there would be highway, utility, bus movement and education issues to be considered which could impact upon the time and cost parameters of the delivery requirements for a new home. Additionally, AMG will consider such other opportunities that this site could offer for the Lytchett Way Estate and other Council services in the vicinity.

8.3.6 The valuation advice provided by the independent experts confirm that the market value of care home sites is similar to values achieved for similar housing sites. Officers therefore consider that a 1.5 acre site could be identified elsewhere in the Council disposal programme as substitute sites for Elizabeth House.

8.4 Human Resource Implications

8.4.1 Currently, c230 Council staff are engaged in the direct provision of the in-house residential care services. The permanent workforce is supplemented by agency workers engaged to maintain service user/staff ratios pending determination of the future service provisions strategy.

8.4.2 The closure of Elizabeth House will result in 35 staff becoming potentially redundant in the near future. Where there is a possibility of more than 20 redundancies arising in a 30-day period, there is a statutory obligation to formally consult with the trade unions about the proposals and the consequential staffing implications.

8.4.3 The Council's current contract of employment makes provision for staff to be transferred to similar jobs at any other location within the Borough. Given the number of agency workers engaged at Reardon Court, Coppice Wood Lodge and Bridge House, the need for redundancies could be minimised by redeploying staff from Elizabeth House to these locations to replace the agency workers. Where redeployment is not feasible, staff will be made redundant and will receive statutory and discretionary benefits in line with the Council's policy agreed in October 2006.

8.4.4 The future employment options for staff at Coppice Wood Lodge, Bridge House and Reardon Court will be dependent upon the preferred re-provision option. If services are to be re-provided through spot purchasing (options 5 and 6), then it is highly probable that all staff will be made redundant. Any redundancy payments would be made in line with the Council's prevailing policy at the time of redundancy.

8.4.5 Where the preferred option is the re-provision of services on sites within the Borough, then it is likely that staff would be transferred to the employment of the new provider under the terms of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

- 8.4.6 It will not be possible to assess the potential implications for staff should the preferred option be the contract or block purchasing of services until the details of any such proposals are known.
- 8.4.7 The proposal to relocate day care facilities to the Forest Road site, (recommendation 2.7) will be accompanied by the relocation of the day care staff to the new site under existing terms and conditions of employment.
- 8.4.8 In addition to the impact on staff employed in the relevant residential establishments, any reprovision decision may also have an impact on the employment of central support staff, which has not yet been considered.

8.5 PERFORMANCE MANAGEMENT IMPLICATIONS

- 8.5.1 As a result of these proposals we will develop residential care services for vulnerable older people in Enfield that are fit for the 21st Century, respecting the rights and dignity of older people by providing greater privacy in a better environment. In addition we will hope to influence the independent provider market by having high standards for our residential care services.
- 8.5.2 These new services will add to our existing successes in supporting more people at home and developing extra care housing as an alternative to residential care whilst recognising the importance of continuing to provide residential and day care/respite to support carers in Enfield. The CSCI have clearly communicated their expectation that these services need to be modernised and the future of services to older people is a significant influence on our performance rating for Adult Social Services and thereby overall CPA score.

8.6 COMMUNITY IMPLICATIONS

- 8.6.1 An Equalities Impact Assessment has been drafted (Appendix 7 placed in Members' library) on the modernisation of services for older people with dementia.
- 8.6.2 Positive Impacts:
- The provision of residential care in a new build environment will ensure that older people are provided with care in a more dignified setting that meets national minimum standards and provides them with a larger individual room and their own

bathroom and toilet, promoting privacy and a more conducive environment for relatives and friends to visit

- A new build design will facilitate improved access for wheelchair users and for people who need the assistance of a hoist to transfer
- By building dual registered care homes that also provide nursing care, residents will no longer have to transfer to a nursing home when their needs change; such a development will also lead to reduced levels of admission to hospitals and greater continuity of care
- Any new facilities established will be consulted on with a wide range of service users and potential service users, including those from minority groups in the community
- It is envisaged that any new facilities will have the potential to be flexed in line with the prevailing needs; the required balance between residential care, nursing care, respite care and day care will be kept under review, with the new facility becoming part of its local community, promoting accessibility and good relations between the different service user groups

8.6.3 Negative Impacts:

The closure of Elizabeth House will necessitate transferring the current residents to alternative homes causing a discontinuity of care, and transferring the day centre service users to an alternative venue

- To reduce this impact, all transfers of care will be facilitated with the utmost sensitivity, coordinated by social work staff and care staff, working in partnership with residents and their families/friends/advocates
- Residents will be offered a choice of transferring to a vacancy in our remaining residential homes (having been clearly informed that such a move would not be permanent, but followed by a further move to a new facility in due course) or to a home in the independent sector

9. PUTTING ENFIELD FIRST

- 9.1 The recommendations in this report are entirely consistent with our stated aim of providing high quality and accessible health and social care services for vulnerable people.

Background Papers

- Modernising Cognitive Impairment Services Needs Analysis
- Cabinet Report 18th January 2007
- Alzheimer's Society Report Dementia UK 2007

Appendices (Placed in Members' library)

- 1 Map showing the homes
- 2 Presentation used as basis of discussion with residents/relatives
- 3 Summary of consultation programme and responses
- 4 Summary of assessment of needs of existing residents
- 5 Extract from Alzheimer's Society Dementia UK 2007 report.
- 6 Detailed Option Appraisal
- 7 Equalities Impact Assessment

MUNICIPAL YEAR 2007/2008 REPORT NO. **130**

MEETING TITLE AND DATE:

Council 7 November 2007

REPORT OF:Director of Environment, Street
Scene and Parks**CONTACT OFFICER:**Mark Galvayne
Tel: ext. 4743
mark.galvayne@enfield.gov.uk**Agenda – Part:1****Item: 10****Subject:****Licensing Act 2003 - Second Edition of the
Licensing Policy****Wards – All****Cabinet Member consulted:**

Not applicable

1. EXECUTIVE SUMMARY

- 1.1 Section 5 of the Licensing Act 2003 requires that the Council, as Licensing Authority, must (a) determine its policy with respect to the exercise of its licensing functions and (b) publish a statement of that policy, every three years.
- 1.2 On 17 November 2004 Council approved the first edition of Enfield's Licensing Policy Statement. The second edition must be approved on or by 16 November 2007.

2. RECOMMENDATIONS

- 2.1 To approve the second edition of the Enfield's Licensing Policy Statement, attached as Appendix 1.

3. BACKGROUND

- 3.1 The Licensing Unit has kept the first edition of the Licensing Policy under review since its publication in 2004.
- 3.2 During the last three years no concerns have been raised in respect of the content, legality or enforceability of that policy. Nor have any omissions been identified.
- 3.3 Consequently, there is no desire to substantially amend the content of the policy in its second edition.

3.4 Public consultation in respect of the second edition took place between 14 September and 19 October 2007.

3.5 On 24 October 2007 the Licensing Committee considered the responses to that consultation and recommended the second edition of the policy for approval by Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. REASONS FOR RECOMMENDATIONS

5.1 To meet the Council's statutory responsibilities.

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

Financial, Legal & Property Implications

6.1 None

7. PERFORMANCE MANAGEMENT IMPLICATIONS

7.1 None

8. PUTTING ENFIELD FIRST

8.1 The Licensing Policy Statement seeks to support 'Putting Enfield First'.

Background Papers

The Licensing Act 2003
Regulations issued by the Secretary of State

LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

**LICENSING POLICY
STATEMENT**

**Second Edition
7 November 2007**



CONTENTS

SECTION	TITLE	PAGE
1.	Introduction - - - - -	3
2.	Licensing Objectives - - - - -	4
3.	Policy Statement - - - - -	4
4.	Consultation - - - - -	4
5.	Definitions - - - - -	5
6.	The Borough of Enfield - - - - -	6
7.	Children - - - - -	7
8.	Licensing Hours - - - - -	9
9.	Licence Applications and Review - - - - -	10
10.	Operating Schedules - - - - -	11
11.	Conditions - - - - -	11
12.	Crime and Disorder - - - - -	11
13.	Drugs - - - - -	11
14.	Nuisance - - - - -	12
15.	Special Factors for Consideration - - - - -	12
16.	Significant Events - - - - -	14
17.	Live Music, Dancing and Theatre - - - - -	15
18.	Capacity Limits - - - - -	15
19.	Cumulative Impact - - - - -	16
20.	Temporary Events - - - - -	16
21.	Enforcement - - - - -	17
22.	Integration for Policies and Avoidance of Duplication	17
23.	Alcohol Harm Reduction - - - - -	19
24.	Consumption of Alcohol in Public Places - - - - -	19
25.	'Responsible Licensee' Guidelines - - - - -	19
26.	Promotion of Racial Equality - - - - -	20
27.	Summary of Age Restrictions - - - - -	20
28.	Delegation of Functions - - - - -	21
29.	Licensing enquiry contacts - - - - -	22
30.	Explanatory Notes - Sex Establishments - - - - -	22
31.	Note from the Metropolitan Police Service - - - - -	22

1. INTRODUCTION

- 1.1 This Licensing Policy Statement ('the Policy') is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Licensing Act 2003 ('the Act').
- 1.2 The Policy relates to all licensing activities falling within the provisions of the Act, namely:
- the supply of alcohol (either sold by retail or supplied to a club member)
 - the provision of regulated entertainment
 - the provision of late night refreshment
- 1.3 Supply of alcohol includes the retail sale of alcohol, including for consumption on or off premises, with or without food, and the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club.
- 1.4 Regulated entertainment occurs where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining the audience and includes:
- a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - entertainment of a similar description
- 1.5 Late night refreshment is the provision of hot food and/or drink between the hours of 23:00 and 05:00.
- 1.6 The Policy takes into account Guidance ('the Guidance') issued by the Secretary of State for Culture, Media and Sport ('the Secretary of State') under section 182 of the Act.
- 1.7 The Policy supports the Council's Corporate strategy of 'Putting Enfield First' by making Enfield:
- a safer place to live, work, study and do business
 - cleaner and greener
 - economically successful and socially inclusive
 - improving the quality of life

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

3. POLICY STATEMENT

- 3.1 The purpose of the Policy is to inform Members, applicants, residents and businesses of the key principles under which the Council will make licensing decisions.
- 3.2 Every application considered by the Council under this Policy, will be considered on its merits where relevant representations are made in respect of any application and a hearing is convened and regard is given to the Act and the Guidance and any supporting regulations.
- 3.3 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees and in the vicinity of premises.
- 3.4 While licensing is not the primary mechanism for controlling anti-social behaviour away from premises, it is a key aspect of such control, and licensing is part of the holistic approach to the management of the evening and night-time economy.
- 3.5 As required by section 17 of the Crime and Disorder Act 1998, the Council has had regard the effect of this Policy on crime and disorder, and the need to do all it reasonably can to prevent it.

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others):
- The Chief Officer of Police
 - The London Fire and Emergency Planning Authority
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area

5. **DEFINITIONS**

- 5.1 'Interested Party' is defined in section 13(3) of the Act and means any of the following:
- a person living in the vicinity of the premises
 - a body representing persons who live in that vicinity
 - a person involved in a business in that vicinity
 - a body representing persons involved in such businesses
- 5.2 'Responsible Authority' is defined in section 13(4) of the Act and means any of the following:
- the chief officer of police for any police area in which the premises are situated
 - the fire authority for any area in which the premises are situated
 - the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
 - the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
 - the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health
 - a body which (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
 - any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
 - in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State
 - a person prescribed for the purposes of this subsection.
- 5.3 'Provisional statement' means a statement issued under section 31(2) or (3) (c) of the Act, which relates to premises that are about to be constructed, extended or otherwise altered.
- 5.4 The Council regards 'irresponsible price promotions' as those that encourage people to drink faster and more than they would when normal pricing arrangements apply.
- 5.5 'Significant event' is deemed by the Metropolitan Police Service to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

6. THE BOROUGH OF ENFIELD

- 6.1 The centre of Enfield is 12 miles from the centre of London. The authority covers an area of 31.7 square miles. The M25 forms the northern boundary of the borough, which also has two trunk roads – the A10 (London to Cambridge) and A406 (London's North Circular Road). Five train lines pass through the borough (including the Piccadilly Underground Line).
- 6.2 Enfield Council is a unitary authority, having responsibility for a wide range of services although, as one of the 32 London boroughs, it is also served by the Greater London Authority for transport, Police and emergency services. The Council is composed of 63 Councillors representing 21 wards.
- 6.3 At mid-2005 the population of the borough was estimated to be 280,500 (according to the Office for national Statistics) making Enfield the 6th largest of the 32 London boroughs.
- 6.4 On almost all measures, Enfield is one of the most highly deprived Outer London boroughs, though moderately deprived in the context of London and England. In the Indices of Deprivation 2004, Enfield ranked 104th most deprived out of the 354 local authority areas in England.
- 6.5 Crime in Enfield falls below the average for similar outer London boroughs and perceptions of Anti-Social Behaviour have reduced 30 percent since 2003/04. The total recorded crime rate for Enfield at 96.6 per 1,000 population was below the England & Wales rate of 100.2 and well below the London average of 123.0 in 2006/07. Crime has fallen consecutively for the last four financial years.
- 6.6 Enfield is home to London's second largest industrial estate, Brimsdown. This is backed by a strong retail sector prevalent throughout the borough and a focus of company headquarters on the western borders. The service sector accounts for over 78,000 employees in the borough, 84.2% of the total.
- 6.7 Enfield is adjoined by seven local authorities. These are the London Boroughs of Barnet, to the west, Haringey, to the south, Waltham Forest, to the east and the District Councils of Broxbourne, to the north, Epping Forest, to the north east, and Hertsmere and Welwyn Hatfield to the north west.

7. **CHILDREN**

- 7.1 The Act imposes certain controls by way of criminal penalty relating to the access to certain premises by unaccompanied children. In addition, Policy may create further restrictions for certain premises relating to access by children.
- 7.2 The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on premises and seeks to encourage their access to constructive leisure pursuits that support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the purposes of the Licensing Objectives.
- 7.3 The Council will not therefore impose conditions that restrict or prevent access by children unless this is necessary to promote the Licensing Objectives. It will however seek to ensure that children are not permitted to remain at or enter certain premises after a specified cut-off time or times.
- 7.4 In determining a specified cut-off time, the committee will take into account:
- the concerns of Responsible Authorities and Interested Parties who have made representations
 - the steps set out in an operating schedule that the licensee will take to meet the Licensing Objectives having regard to the nature of the premises or events for which the licence is required
- 7.5 **POLICY No. 1**

For premises supplying alcohol for consumption off premises, the Council will normally require applicants to have arrangements to ensure that children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

NB. The age-limit of 14 years is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications.

- 7.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
- where adult entertainment is provided
 - where there have been convictions of the current management for serving alcohol to minors
 - where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
 - where there is a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided at the premises

- 7.7 In order to protect children, the Licensing Committee or Sub-Committee's options would include, among other things, requiring conditions relating to:
- requirements for the production of proof of age cards or other age identification before sales are made
 - limitations on the hours when children may be present
 - age limitations below 18
 - limitations or exclusions when certain activities are taking place
 - access limited to parts of the premises
 - requirements for accompanying adults
 - full exclusion of people under 18 from the premises when any licensable activities are taking place
- 7.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.
- 7.9 Conditions may be imposed on licences for premises where children will be present during regulated entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.
- 7.10 Children and cinemas
- 7.10.1 The Council will require licensees to include in their operating schedules arrangements for restricting the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification or the Council, as the case may be.
- 7.10.2 In respect of all premises licences and club premises certificates that authorise the exhibition of films to children, a mandatory condition will be required for the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 or by the Council.
- 7.10.3 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions from the Guidance.
- 7.10.4 It is not the Council's intention to re-classify films that have been classified by a body designated under section 4 of the Video Recordings Act 1984. However, the Council reserves the right to do so in exceptional circumstances.

8. **LICENSING HOURS**

- 8.1 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives.
- 8.2 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise.
- 8.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 8.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received and a hearing takes place.
- 8.5 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work.

8.6 **POLICY No. 2**

<p>There will be a strong presumption that the Council will not license premises to permit persons under the age of 18 to be present on premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises.</p>

8.7 **'Off sales'**

- 8.7.1 The Guidance recommends to Licensing Authorities that shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Licensing Objectives.

8.7.2 Whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises.

8.7.3 Licences for the sale of alcohol for consumption off premises, particularly late night sales, will be resisted and/or limitations may be imposed in the case of specific premises known to be or likely to be, a focus of crime and disorder, nuisance or those presenting a risk of harm to children.

8.8 Late Night Takeaway Premises

8.8.1 Applications for premises offering late night take away food and drink will be considered on their individual merits and in the absence of relevant representations shall be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and conditions that are mandatory under sections 19 to 21 of the Act.

8.8.2 However, the impact upon the licensing objectives from people gathering at such premises, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity.

8.8.3 The cumulative effect of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require takeaway premises to provide litterbins in order to prevent the accumulation of litter.

9. LICENCE APPLICATIONS AND REVIEW

9.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to: the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.

9.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.

9.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

10. OPERATING SCHEDULES

- 10.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives. Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules, how they will meet the Special Factors for Consideration below.

11. CONDITIONS

- 11.1 When relevant representations are made by a Responsible Authority or Interested Parties, the Committee may impose conditions on licences. Any such conditions, which must be necessary for the promotion of the Licensing Objectives, will be specific to the individual premises and events. Conditions may be drawn from the model pool of conditions in the Guidance.

12. CRIME AND DISORDER

- 12.1 Conditions that may be attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, for example the provision of Closed Circuit Television (CCTV) in certain premises.
- 12.2 The Council may consider that certain premises require greater supervision for the purpose of promoting the Licensing Objectives. In such cases, and in light of any representations, the Guidance, this policy and steps identified as necessary to promote the licensing objectives, the Council may impose a condition that supervisors must be employed at the premises either at all times or at such times when certain events take place.
- 12.3 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority. This does not apply to: premises staging plays or exhibiting films; casinos or bingo halls; or premises where a Club Premises Certificate is in force.

13. DRUGS

- 13.1 Special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office and model conditions from the Guidance. Where these conditions are to be imposed advice may be sought from appropriate bodies such as the Enfield Drug Action Team and the Police, who it is envisaged will make representations on such applications.

14. NUISANCE

- 14.1 The Council will have regard to the impact of licensable activities at specific premises on persons living and working in the vicinity of those premises, which are disproportionate and unreasonable. These issues will mainly concern noise, light pollution, noxious smells, litter and vermin and pest infestations.
- 14.2 Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of 'interested parties'.
- 14.3 Special conditions and other limitations may be considered necessary where customers may be inclined towards carelessness and anti-social behaviour as a result of consuming alcohol.

15. SPECIAL FACTORS FOR CONSIDERATION

- 15.1 **Prevention of Crime and Disorder** - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including:
- crime prevention design, including adequate lighting of car parks and CCTV
 - text/radio pagers
 - door supervision, including arrangements for screening for weapons and drugs
 - other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened and plastic 'glasses'; and bottle bins)
 - drug dealing and abuse
 - prostitution and indecency
 - methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises
 - methods to discourage taking alcohol off the premises in open containers
 - methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods
 - capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit
 - appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol
 - irresponsible alcohol promotion.

15.2 **Public Safety** - the means by which risk to public safety will be or is prevented by the effective management and operation of the licensed activities including:

- whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it
- whether the applicant has carried out a risk assessment as to the maximum number of people who can attend the premises safely and evacuate it in an emergency
- measures to record and limit the number of persons on the premises
- the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner
- confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority
- arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency
- the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc
- for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation

15.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including:

- noise from persons smoking outside the premises
- noise from delivery vehicles
- noise from vehicles delivering and collecting customers
- noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens
- noise, anti-social behaviour and other disturbance caused by persons leaving the premises
- in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises
- congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises
- litter and accumulations of rubbish
- the removal from premises of drinking vessels and bottles
- vermin and pests
- light pollution
- use of fireworks or other explosives / special effects
- noxious smells
- arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises

- 15.4 **Protection of Children from Harm** - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including:
- the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements
 - premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present
 - the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature
 - the protection from significant gambling
 - arrangements to deter, drug taking or dealing
 - adequacy of controls on the times during which children may be present on the premises
 - the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm

16. **SIGNIFICANT EVENTS**

- 16.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events the Council recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 16.2 The Council further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Council anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Council within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 16.3 Forms 696 and 696A are available on the Metropolitan Police web site. It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and licensing@enfield.gov.uk.
- 16.4 The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions.

16.5 The recommended risk assessment conditions are:

16.5.1 The licensee shall undertake a risk assessment of any significant promotion or event using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service and the Council not less than 14 days before the event is due to take place.

16.5.2 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Council, within 14 days of the conclusion of the event.

16.6 Licensees are be advised to consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is significant.

17. LIVE MUSIC, DANCING AND THEATRE

17.1 The Council recognises proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, including for example, opera, jazz and the performance of a wide range of traditional and historic plays, contemporary music and other arts.

17.2 Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the 'licensing objectives'. The imposition of conditions will only arise where there is a hearing into an application brought about by the receipt of relevant representations in respect of it.

18. CAPACITY LIMITS

18.1 The Council will give consideration to setting capacity limits for licensed premises or clubs where it may be necessary for public safety or otherwise to prevent over-crowding which may lead to disorder and nuisance. Where applicable, further consideration will also be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled.

19. CUMULATIVE IMPACT

- 19.1 The Council may refuse premises licences where representations are received from a Responsible Authority or Interested Party that the issue of a licence may, due to a concentration of premises in an area, result in exceptional problems for that area to the detriment of the Council's 'licensing objectives'.
- 19.2 It is for any person making such representations to provide evidence to the Licensing Committee or sub committee that the addition of the premises concerned is likely to cause the cumulative impact claimed. When considering such representations, the Committee will:
- identify any serious and chronic concern
 - identify the area from which problems are arising and the boundaries of that area
 - make an assessment of the causes
 - consider adopting a policy about future licence applications from that area

20. TEMPORARY EVENTS

- 20.1 The Act requires that a Temporary Event Notice (TEN) must be given to the licensing authority no later than 10 working days before the day on which the event begins. Nevertheless, the Council will seek the co-operation of Personal Licence holders and other people serving TENs in allowing more than the minimum required 10 days. To this end the Council strongly recommend giving (the longest possible notice) at least three months' notice to hold all but the smallest events; this will allow the Council to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.
- 20.2 Organizers of temporary events should be aware that although a licence or authorisation may not be needed under the Act, other legislation might apply. This can include:
- Health and Safety at Work etc. Act 1974
 - Fire Precautions Act 1971
 - Environmental Protection Act 1990 (Noise and nuisance)
- 20.3 Organizers of temporary events should also be aware that it is highly likely that the Council's enforcement officers will visit events held under the terms of a Temporary Event Notice to ensure compliance with legal requirements. While mindful of the Council's Enforcement Policy, the Council will normally prosecute where serious offences are detected.
- 20.4 Organizers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

21. ENFORCEMENT

- 21.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be:
- Proportionate - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised
 - Accountable - regulators must be able to justify decisions, and be subject to public scrutiny
 - Consistent - rules and standards must be joined up and implemented fairly
 - Transparent - regulators should be open, and keep regulations simple and user friendly
 - Targeted - regulation should be focused on the problem, and minimise side effects
- 21.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 21.3 The Council will adopt a risk-based inspection programme. The Council's risk model for will be based upon the Licensing Objectives.
- 21.4 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web site.

22. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 22.1 Licensing control is but one part of an overall strategy to deal with any environmental or other impacts of the leisure economy. Other mechanisms include:
- Planning controls
 - Positive measures to create a safe and clean town centre environment
 - Powers of the Council to designate public areas where the consumption of alcohol is not permitted
 - Police enforcement of disorder and anti-social behaviour
 - The prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk
 - The confiscation of alcohol from persons in designated areas
 - Police and Local Authority powers to close down instantly any licensed premises on grounds of disorder or likelihood of disorder or excessive noise emanating from the premises
 - Powers of the Local Authority under the Environmental Protection Act and Health and Safety at Work Act
 - Power of police or a local resident or business to seek a review of a licence
- 22.2 Any decision in relation to licensing applications will be separate from planning decisions. However licences will not normally be granted where:

- operating schedules relate to proposals for which planning permission is required and no application has been made or is contemplated
 - the proposals are contrary to decisions of the planning committee or appeals from that committee, or an application has been refused
- 22.3 Neither of the above affects an individual's right to make an application for a Provisional Statement.
- 22.4 The Licensing Committee will receive reports on crime and disorder, transportation, cultural matters, employment and tourism to ensure that these matters are properly reflected in their decisions.
- 22.5 The Licensing Committee will consider the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the Policy will be examined with a view to investigating how this situation may be addressed.
- 22.6 Where appropriate the Licensing Committee will provide regular reports to the Planning Committee on the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder.
- 22.7 The Interim Local Implementation Plan, prepared in support of the Mayor for London's Transport Strategy, takes into account the need to disperse people from town centres and to avoid concentrations of people that produce disorder and disturbance.
- 22.8 So far as possible, duplication with other regulatory regimes will be avoided and conditions will only be attached to licences that are necessary for the promotion of the 'licensing objectives'.
- 22.9 The Council will actively support and maintain protocols with the London Fire and Emergency Planning Authority and Metropolitan Police to ensure effective co-operative working arrangements.

23. ALCOHOL HARM REDUCTION

- 23.1 The Government has published an Alcohol Harm Reduction strategy and the London Borough of Enfield and its partners has produced an Alcohol Harm Reduction policy, which the Council will take into account in considering representations to licence applications and complaints from Responsible Authorities and Interested Parties seeking a review of a licence.
- 23.2 The Council will take into account that excessive consumption of alcohol is identified with an increased incidence of anti-social behaviour, including noise and disturbance to residents from people leaving premises. Aggravating factors may include whether the sale of alcohol is the exclusive or primary purpose of the premises; irresponsible price promotions and the style or 'lay out' of the premises (including floor space area and provision of seating and tables etc.; the amount of 'vertical drinking' and / or loud and 'pulsating' music).
- 23.3 The Council recognises that the provision of table meals, including before and during entertainment, contributes to the responsible consumption of alcohol.
- 23.4 The Council also recognises the social value of bone fide private members clubs and the special consideration given to them by the Act and the Guidance.

24. CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

- 24.1 The Council has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. These 'designated areas' will be kept under review by the Council.
- 24.2 In considering licence applications and reviews, which have been the subject of relevant representations, the Council will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol for consumption off premises and unauthorised removal of drinks that have been supplied for consumption on premises.
- 24.3 In respect of premises wholly or mainly engaged in the supply of take-away food in designated areas, the Policy is to discourage applications for sales of alcohol for consumption off the premises, given the risk that the alcohol sold will then be consumed in the designated area.

25. 'RESPONSIBLE LICENSEE' GUIDELINES

- 25.1 This is a Council initiative that seeks to promote and recognise good management practice that contributes towards the Licensing Objectives'. All licensees are encouraged to subscribe to the Council's 'Responsible Licensee' guidelines.

26. PROMOTION OF RACIAL EQUALITY

26.1 This Policy recognises that:

- the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups
- local authorities are also required under the 1976 Act, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring

26.2 The Council will monitor the impact of the Policy on the promotion of race equality. Any perceived impact will be reported to the Licensing Committee.

27. SUMMARY OF AGE RESTRICTIONS

27.1 The table below summarises certain age restrictions. The list is not exhaustive and is provided as a guide.

Type of Premises	Access or sales restriction (Source in brackets)
Premises exclusively or primarily used for the sale or supply of alcohol for consumption on the premises	No unaccompanied under 16's at any time (section 145 of the Act) No under 18's after 23:00 (Policy)
Other licensed premises whilst open for the sale or supply or alcohol for consumption on those premises	No unaccompanied under 16's between the hours of midnight and 05:00 (section 145 of the Act)
All licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	Under 18's only until 'specified cut-off time' identified in the premises licence (where applicable) (Policy)
Off-licensed premises	No unaccompanied under 14's after 21:00 (Policy)
All premises	No sale of alcohol to under 18's (except 16 and 17 year olds where supplied as part of a table meal where an over 18 is present). (Section 146 of the Act)
Film exhibition	Restricted in accordance with film classification (Section 29 of the Act)

28. DELEGATION OF FUNCTIONS

28.1 The delegations of functions in relation to Licensing matters is as follows:

MATTER TO BE DEALT WITH	LICENSING SUB-COMMITTEE	OFFICERS
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other case
Applications for interim authorities	If Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a police objection to a temporary event notice	All cases	

29. CONTACT DETAILS

29.1 Further information and advice on this Policy and the requirements of the Act and related matters is available as follows:

Address : London Borough of Enfield
Licensing Team, PO Box 57,
B-Block North, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578
Fax : 020 8379 5120
Email: licensing@enfield.gov.uk
Internet: www.enfield.gov.uk

30. EXPLANATORY NOTE – SEX ESTABLISHMENTS

This information is provided for convenience and is complementary to, but does not form part of, the Policy under the Act .

The Council has previously agreed a policy in relation to sex cinemas and sex encounter establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended.

The Council has resolved that the appropriate number of sex cinemas and sex encounter establishment licences to be granted for each relevant locality in the Borough is nil.

Any application received will be considered on its merits and the Council's policy that the Licensing Committee and sub committees should exercise caution in considering any application.

31. NOTE FROM THE METROPOLITAN POLICE SERVICE

These are the standards Police would seek to promote :

CCTV

CCTV is an essential part of any security in licensed premises. Its integrity is of the utmost importance to ensure it not only acts as a deterrent but can provide evidence if required which is admissible in any future prosecution. Police would expect any system to conform to the following points : (1) The system must be a digital system; (2) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (3) Cameras must be sited to observe the entrance doors both inside and outside and all areas required by Police; (4) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification – not less than 120% of screen; (5) Cameras viewing till areas must capture frames not less than 50% of screen; (6) Cameras overlooking floor areas should be wide angled to give an overview of the premises. They must be capable of detection i.e. not less than 10% of screen; (7) Be capable of visually confirming the nature of the crime committed;

(8) Provide a linked record of the date, time and place of any image; (9) Provide good quality images – colour during opening times; (10) Operate under existing light levels within and outside the premises; (11) Have the recording device located in a secure area or locked cabinet; (12) Have a monitor to review images and recorded picture quality; (13) Record images as near to real time as possible; (14) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (15) Be regularly maintained to ensure continuous quality of image capture and retention; (16) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (17) Have signage displayed in the customer area to advise that CCTV is in operation; (18) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (19) Digital images must be kept for 31 days; (20) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (21) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (22) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (23) All access to the medium on which the images are recorded should be documented; (24) Police will have access to images at any reasonable time; (25) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (26) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.

ALARM SYSTEM

Alarm systems are essential in deterring crime or reducing loss if crime is committed. All premises storing alcohol should have alarm systems in place to ensure it is properly secured. Police would expect any alarm system to conform to EU 50131 (or if existing, system to BS4737). Panic buttons must be incorporated on the advice of Police.

RAID CONTROL

Many premises suffer the offence of armed robbery and other serious offences. Premises in particular small businesses, are more vulnerable at night into the early hours of the morning from more violent crime as less staff are employed and the environment quieter. Police would expect certain premises, especially those selling alcohol for off sales only, to install Raid Control (anti-Robbery devices) if the premises open past 0100 hours. Examples of Raid Control include: (1) A time delay safe is fitted; (2) A separate covert real time camera is fitted above the front door. (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training; (5) Cash must be minimised in the till.

PROOF OF AGE

A proof of age scheme is essential to aid staff selling alcohol and other restricted goods to ensure no illegal sales occur. Police would expect all premises to follow the guidelines below.

1. A method of documenting refused sales for example a “refusal book or diary” must be kept at the point of sale, or one at each point of sale where necessary, or recorded electronically on the till. This must be completed on each separate occasion that an individual is refused a sale of alcohol.
2. The refusals system e.g. a book/diary must be immediately made available to Police and/or the Local Authority upon request.
3. The designated premises supervisor must undertake routine monitoring of the refusals records and record that this is being done.
4. All staff who make sales of alcohol must receive regular training (induction and refresher) this should include: (1) Application of relevant proof – of- age scheme or similar; (2) Penalties for selling to an under age person; (3) Asking for appropriate photographic identification. This must be either a passport; photographic driving licenses or an identity card with the P.A.S.S logo (Proof of Age Standards Scheme); (4) The refusals process; (5) Any other information as deemed appropriate.
5. Training must be documented and records kept for at least 2 years. This record must be immediately made available to the Police and/or Local Authority upon request.

MUNICIPAL YEAR 2007/2008 REPORT NO. 131

MEETING TITLE AND DATE:

Council
7th November 2007

REPORT OF:

Director of Education, Children's
Services and Leisure

Agenda – Part:1	Item: 11
Subject: Schools Forum: Change to Terms of Reference	
Wards: All	
Cabinet Member consulted:	

Contact officer and telephone number:

Sangeeta Brown / Bob Ayton – 020 8379 3135

E-mail: bob.ayton@enfield.gov.uk

1. EXECUTIVE SUMMARY

This report seeks approval to proposed new arrangements for determining school organisation proposals following the abolition of School Organisation Committees.

2. RECOMMENDATIONS

That the Terms of Reference of the Schools Forum be amended to enable it to receive objections/comments concerning statutory proposals for school organisation and the local authority's recommendations in accordance with statutory guidance and the Council's scheme of delegation.

3. BACKGROUND

- 3.1 School Organisation Committees (SOCs) were formally abolished on 25th May 2007 following the introduction of new regulations under the Education & Inspections Act 2006, which also include new arrangements to enable local authorities to decide statutory proposals for school organisation.
- 3.2 The authority is now the sole decision maker for many types of school organisation proposals, including the following:
- Discontinuation of community, foundation and voluntary mainstream and special schools;
 - "Prescribed alterations", e.g. the enlargement of premises of existing schools of the above types, adding or removing SEN

provision, adding provision for children over compulsory school age, change of category (except for change to foundation which in most instances rests with the Governing Body).

The authority is also able to publish statutory notices for these types of proposals (except for a change of category to foundation, which again rests with the Governing Body).

- 3.3 The authority can also propose new foundation mainstream and special schools (and community schools with the agreement of the Secretary of State) but the establishment of all new schools is now subject to a competition, unless specifically agreed otherwise by the Secretary of State. The Schools Adjudicator is the decision maker for competitions.
- 3.4 The regulations do not prescribe how authorities should consider and decide proposals. This is for authorities to determine, but due regard must be paid to statutory guidance and there are new powers of appeal to the Schools Adjudicator against any decision of an authority.
- 3.5 Rather than duplicate the SOC, it would be more appropriate to consider existing mechanisms by which the authority can take consult within its new decision making powers on school organisation proposals. There remains the requirement for initial consultation with prescribed parties on proposals prior to the publication of statutory notices, but thereafter it is considered that responses to published proposals where decision-making rests with the authority should be referred to the Schools Forum. The Forum is a statutory body comprising headteachers, governors and other non-school members and so has similar representation among its membership to that of the former SOC.
- 3.6 The Schools Forum at their meetings on 28th June and 26th September 2007 and the Constitution Review Group on 18th October 2007 agreed that the Schools Forum's Terms of Reference be amended to enable:
 - the Schools Forum to receive objections/comments regarding statutory proposals and the authority's recommendations. The Schools Forums' views regarding statutory proposals would then be taken into consideration in finalising any recommendations to Cabinet/Council.
 - the Schools Forum would receive an annual update report covering such issues as pupil number projections, school organisation developments, etc, in much the same way as previously reported to the SOC. Attached at Appendix A are the revised terms of references.
- 3.7 Under the previous arrangements, if no objections were received to published proposals, they were determined by the authority through the Council's Scheme of Delegation via a report to the Director of Education, Children's Services & Leisure and the Lead Member for Education and Children's Services. It is proposed that this process continues under the new arrangements which are illustrated on the flow-chart attached at appendix B.

- 3.8 The proposed amendments to the terms of reference have been discussed with the Cabinet Member for Education and Children's Services.

4. ALTERNATIVE OPTIONS CONSIDERED

The SOC could simply be reconvened with its previous levels of representation, but it would have no legal status. Authorities are statutorily required to have a Schools Forum. Adding the proposed school organisation function to the Forum's Terms of Reference will ensure that responses to statutory proposals still receive consideration by appropriate parties whilst at the same time streamlining the administrative processes of the Council.

5. REASONS FOR RECOMMENDATIONS

Following the abolition of SOCs, there is a need to put a consultation process in place that enables the authority to fulfil its new decision making responsibilities.

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

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

6.2.1 Under the Schools Forum (England) Regulations 2002 and 2005, the London Borough of Enfield is required to have a schools forum for their area. Any amendments to the terms of reference of the school forum are to be in accordance with the Schools Forum (England) Regulations 2002 and 2005, taking into account the Financing of Maintained Schools, LEA and Schools Budget Regulations.

6.2.2 The Schools Forum should conduct its business in accordance with all relevant legislation and regulations including those made pursuant to Education & Inspections Act 2006 and in accordance with the Council's Constitution and Scheme of Delegation.

6.3 Performance Management Implications

Not applicable

7. PUTTING ENFIELD FIRST

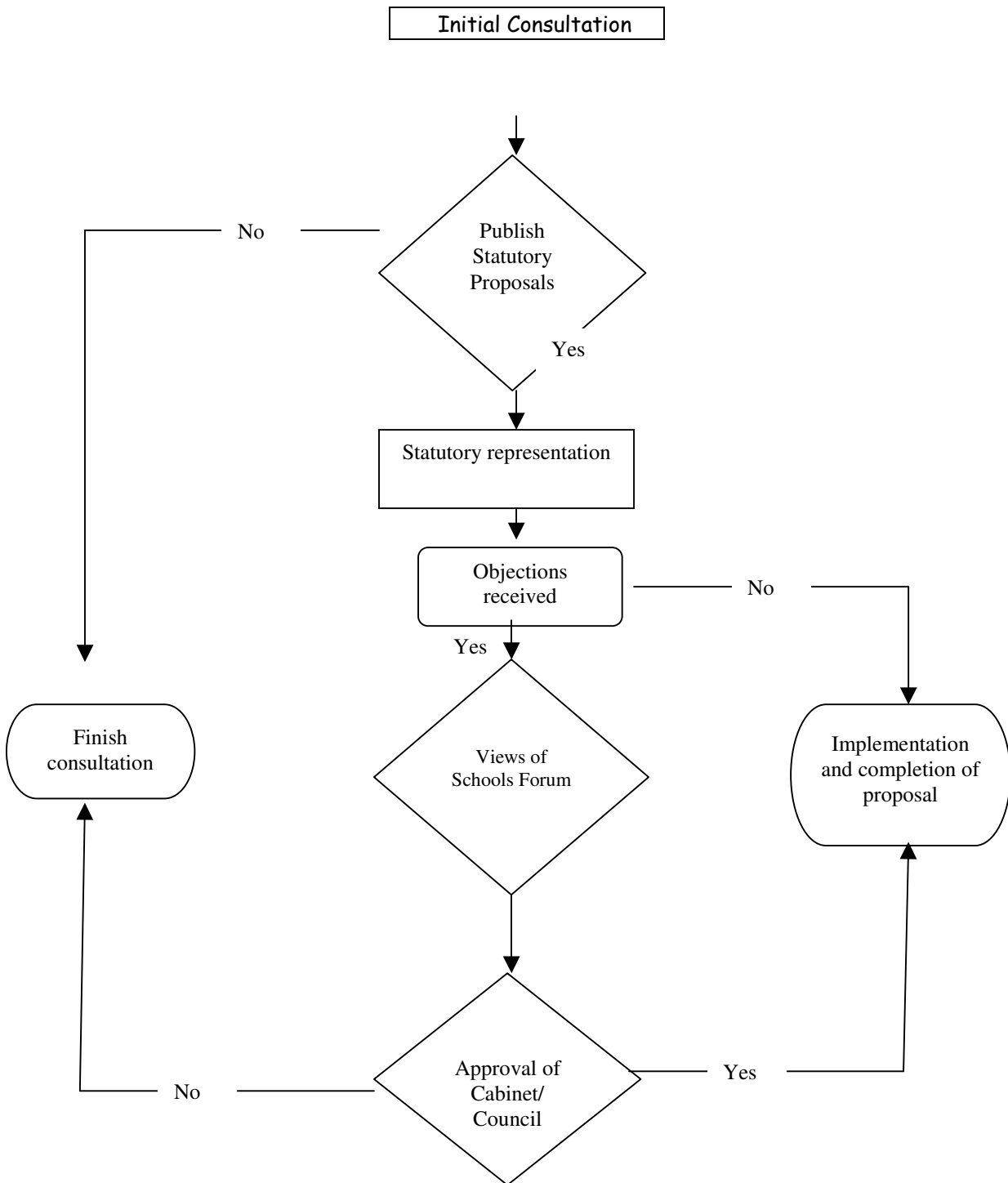
The recommendations in this report will contribute towards meeting Objective 5(e) of the Council's Key Aim of Supporting the Delivery of Excellent Services:

Provide effective community leadership and increase public participation in the Council's decision making process and local initiatives.

Background Papers

Report to Schools Forum 28th June 2007 – Name and Terms of Reference.
Report to Constitution Review Group 18th October 2007 – Schools Forum: Change to Terms of Reference

SCHOOL ORGANISATION - PROPOSED DECISION MAKING PROCESS



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LONDON BOROUGH OF ENFIELD**SCHOOLS FORUM****DRAFT TERMS OF REFERENCE**1. Definitions

In these terms of reference the following expressions shall have the meanings assigned to them below:

'The CSA' shall mean the Children's Services Authority of the London Borough of Enfield.

The 'Regulations' shall mean the

- Schools' Forums (England) Regulations 2002 and the Schools' Forum (England)(Amendment) Regulations 2005;
- Local Education Authority (LEA) and Schools' Budget Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

2. Functions

2.1 In accordance with Regulations, the Schools' Forum of the London Borough of Enfield shall:

- be consulted on the Local Authority school funding formula;
- be consulted on issues, specified in regulations, in connection with the Schools' Budget;
- be consulted on service contracts.

2.2 The Council will also consult the Forum on other matters connected with the Schools' Budget or on matters connected with the Local Authority revenue budgets or capital expenditure as it sees fit.

2.3 The Forum may scrutinize and challenge the Local Authority's application of funds to the Schools' budget, Delegated Schools' Budget, Central CSA Budgets and Capital Budgets. It may also scrutinize and challenge DfES/Central Government funding to Enfield Council for education.

2.4 The Forum may agree or refuse requests from the Local Authority to:

- increase the level of expenditure in the Schools' Budget above that provided for by regulations;
- vary the operation of the Minimum Funding Guarantee for specific schools to avoid them receiving unfair budget outcomes.

2.5 The Forum will consider referrals from the Member Governor Forum/Chairs' Briefing, any other consultative group and Schools' Governing Bodies.

- 2.6 The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.
- 2.7 The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools' Funding; the Terms of Reference would be amended to reflect any such requirements.
- 2.8 The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc,**
- 2.9 The Forum will be consulted on objections/comments received regarding statutory proposals to school organisation and the authority's recommendations.**

3. Membership and Attendance

Headteacher representatives will be elected from the relevant headteachers' conferences and governor representatives from the Member Governor Forum/Chairs' Briefing with regard to nominating at least one representative from the voluntary sector.

The early years representative will be nominate from the early years private, voluntary and independent sector.

The Teachers' Committee will nominate a representative member.

The forum shall consist of the following members:

Schools members

- 4 primary sector headteachers
- 4 primary sector governors
- 4 secondary sector headteachers
- 4 secondary sector governors
- 1 special sector headteacher
- 1 special sector governor

Non-schools members

- 1 Early years representative
- 1 Teachers' Committee
- Assistant Director Children's Access and Support
- Chair of Education, Skills and Leisure Scrutiny Panel

Total of 22 members with non-schools representatives forming 18% of the total membership.

Attendance

As well as members attending meetings, it is expected that the Lead Cabinet Member for Education, Children's Services and Leisure (ECSL), officers with

resources responsibilities from the Local Authority and an officer from the Learning and Skills Council will attend and participate in meetings of the Schools' Forum.

4. Substitutes

- 4.1 A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools' Forum (marked for the attention of the CSA Support Officer, Planning Quality and Performance, ECSSL) and shall remain effective until it is withdrawn.
- 4.2 A school member may only nominate a substitute member who:
- is a governor of the same sector of school of which the member in question is a governor.
 - is a headteacher of the same sector of school of which the member in question is a headteacher.
- 4.3 The member appointed by the Church of England or Roman Catholic Diocese or United Synagogue may only nominate a substitute member if these bodies (by which the member was nominated) consent to the proposed nomination.
- 4.4 The member appointed by the Teachers' Committee may only nominate a substitute who is also a member of the Teachers' Committee.

5. Tenure of Office

- 5.1 Each member shall be appointed to the Forum for a period of three years.
- 5.2 Any member may resign by giving written notice to the Clerk to the Forum.
- 5.3 A member's appointment shall end if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
- 5.4 In light of any review of the Education, Children's Service and Leisure Department's participative and consultative arrangements the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the regulations.
- 5.5 The appointment of an individual who fails to attend three consecutive meetings or arrange a substitute will become void. (This rule will not apply to the Member of the Learning Skills Council who has observer status on the Forum).

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.

- 6.2 In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- 6.3 The Chair and Vice-Chair shall hold office for a period of one year. The election for these positions will take place at the first meeting and thereafter at the first meeting after the annual meeting of the Council.
- 6.4 In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a member so elected will hold office until the first meeting after the annual meeting of the Council.
- 6.5 The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

7. Meetings

- 7.1 The Forum shall meet at least twice each year.
- 7.2 Further meetings may be called with the agreement of the Chair or by decision of the Forum or to enable the Forum to carry out its tasks effectively.
- 7.3 Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- 7.4 From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and will report to the full Forum meetings.

8. Public Access

All documents and proceedings shall be open to the public unless the Forum resolves that there is good reason for documents or proceedings to be kept confidential.

9. Quorum

The quorum for the meeting shall be nine members representing 40% of the total membership.

10. Voting

Any question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.

11. Conduct and Declarations of Interest

- 11.1 In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 11.2 Members of the Forum shall declare an interest in any proposal which directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

12. Expenses and Training

- 12.1 Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.
- 12.2 The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their School's Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be made to the Assistant Director (Strategy and Resources). In the event of a dispute over whether a course should be funded, the Chair will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.

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MUNICIPAL YEAR 2007/2008 REPORT NO. **132**

MEETING TITLE AND DATE:

Council – 7 November 2007

REPORT OF:

Director of Finance & Corporate Resources

Agenda – Part: 1	Item: 12
Subject: Green Belt Forum – Revised arrangements	
Wards: Various	
Cabinet Member consulted: Councillor Rye	

Contact officer and telephone number:

Joe Keys/John Austin – 020 8379 1612 and 020 8379 4094

E mail: john.austin@enfield.gov.uk

1. EXECUTIVE SUMMARY

This report reviews the arrangements for the Green Belt Forum and sets out proposals for its future operation. The proposals were considered by the Constitution Review Group on 18th October, and its views are contained within paragraph 5.1(b).

2. RECOMMENDATIONS

2.1 That the future arrangements for the Green Belt Forum as set out in paragraph 5.1 (a-e) relating to terms of reference, membership, community participation, frequency, rules of meetings and officer support be approved – in particular:

- (a) the terms of reference of the Forum be widened to include all green belt land in the borough
- (b) the Forum's role will be to:
 - comment on strategic and policy issues affecting the green belt in Enfield, such as government, regional or local policies, and changing patterns of usage
 - consider and comment on major developments which are likely to affect the character or appearance of the green belt.
 - comment on the Council's various enforcement policies which are likely to affect the character and appearance of the green belt
 - keep under review the Council's overall management of the green belt in the Borough

- (c) the membership of the Forum comprises 7 councillors – 4 Conservative members and 3 Opposition - 6 of whom were nominated at Annual Council on 9th May 2007 (Councillors Dreblow, Giladi, Hasan, Pearce, George Savva, and Terence Smith).

Council is therefore recommended to nominate an additional Conservative member

- (d) in the light of Counsel's opinion summarised in paragraph 8.2, the Council agree that councillors who are members of the Green Belt Forum should not be members of the Planning Committee (as with the Conservation Advisory Group) and that the Constitution be revised accordingly.
- (e) the Forum meetings take place in public, with an open invitation to local interest groups.

3. BRIEF HISTORY AND TERMS OF REFERENCE OF THE FORUM

- 3.1 Cabinet of 13 December 2006 considered a review by consultants of the management of the green belt and agreed to engage external agents to manage the Council's green belt portfolio and to make proposals about longer term management of the estate. Knight Frank were duly appointed. At the same time, Cabinet recommended that the scope and terms of reference of the Green Belt Forum be reviewed. This report reviews arrangements for the Forum and seeks decisions in relation to its future operation.
- 3.2 The origins of the Forum go back to the Council's Property Services Sub-Committee of 14 December 1994, when it considered a report on the management of the green belt estate since the transfer of agricultural land on the demise of the GLC. The Sub-Committee resolved that a consultative forum be established to consider future management policy and that the forum be initially set up with representatives from local organisations, Council officers and 3 elected members.
- 3.3 Since its inception, the Forum has met on an irregular basis with, for example, 5 meetings in 1996 but none in 2002. It is understood that the last meeting was on 29 November 2006. The current terms of reference are "to discuss green belt issues in relation to land owned by the Council".
- 3.4 Over the years, the Forum has considered a wide range of matters, including reviews of the Leisure Tourism Strategy, the green belt estate management plan, educational opportunities and recreational activities in the green belt. More recently, the Forum had a presentation from consultants of Tottenham Hotspur Football Club on their proposals for land off Bulls Cross and Whitewebbs Lane. The Forum has also considered and commented on a

variety of maintenance, planning enforcement, estate management and highways matters.

- 3.5 The meetings have been chaired by an elected member. There are about 50 people on the most recent mailing list for invitations, although attendance appears to be about 20 – 25 people. However, in 1996, over 250 people attended public meetings arranged by the Forum to consider the Capel Manor development proposals at Forty Hall Farm.
- 3.6 Historically, green belt tenants have not been included in the Forum, although it is understood that tenants who have had development or diversification proposals have been invited to put these proposals to the Forum. They will be welcome to attend future meetings along with other interested parties.

4. **PARTICIPATION**

- 4.1 The Councillors nominated to the Forum for 2007/08 are Councillors Dreblow, Giladi, Hasan, Pearce, George Savva, Terence Smith. These members have been consulted on the proposals.
- 4.2 Representatives from a variety of conservation and amenity bodies have also attended meetings. Examples of such groups are:

Friends of the Earth
Greenpeace
Enfield Archaeology Society
Enfield Sports Advisory Council
Enfield Angling Council
Enfield Preservation Society
London Green Belt Council
London Wildlife Trust
Forty Hill and Bulls Cross Study Group
Enfield Conservation Trust
Crews Hill Residents Association

- 4.3 It is proposed that the number of councillors be increased to 7 with an additional member being nominated from the Conservative Group. Meetings will be held in public with an open invitation to local interest groups.
- 4.4 Interested parties will be able to register their interest with the Council and will be sent agendas for each meeting by way of invitation.

5. **FUTURE OF THE FORUM**

- 5.1 It is suggested that the Forum operates as follows:

(a) **Terms of Reference**

To be extended to cover all green belt in the Borough – not just that owned by the Council.

The Forum will not have executive decision making powers but will be an advisory/consultative body with the following terms of reference:

- To comment on strategic and policy issues affecting the green belt in Enfield, such as government, regional or local policies, and changing patterns of usage
- To consider and comment on major developments which are likely to affect the character or appearance of the green belt.
- To comment on the Council's various enforcement policies which are likely to affect the character and appearance of the green belt
- To keep under review the Council's overall management of the green belt in the Borough

(b) **Membership**

7 members of the Council – 4 Conservative and 3 Opposition

Given the Forum's proposed role in considering and commenting on major developments which are likely to affect the character or appearance of the green belt (see 2nd bullet point above), the Council is asked to consider whether it would want to apply the same rule as for the Conservation Advisory Group - that a councillor cannot be a member of both the Green Belt Forum and the Planning Committee. This is to avoid any compromise of the planning process and to minimise the likelihood of allegations of predetermination and bias.

The Constitution Review Group considered the review of the Forum on 18th October 2007 and generally concurred with the proposals. The Group agreed that dual membership should be permitted and opted to delete a sentence proposed within the draft terms of reference to restrict the Forum from involving itself in individual planning applications. The Group felt that any relevant situations could be dealt with by members declaring interests. In doing so however, the Group asked officers to seek Counsel's opinion.

Counsel's opinion has been sought and this is summarised in paragraph 8.2 below. Based on the clear advice received, it is the view of the Council's Monitoring Officer that such dual membership should not be permitted, particularly if the Forum is likely to involve itself in individual planning applications. Hence the recommendation in paragraph 2.1(d).

From the membership agreed at Annual Council (see paragraph 4.1 above), Councillors Dreblow, Hasan, Pearce and T. Smith are currently members of both the Forum and the Planning Committee.

(c) **Frequency of Meetings**

Two meetings per year. Additional meetings can be called by the Democratic Services Team, in consultation with the Chairman, if matters of an urgent nature need to be considered.

(d) **Rules for Meetings**

Notices of meetings and relevant supporting papers will be distributed to all on the agreed circulation list a minimum of 5 clear working days before the meeting. They will, at the same time, be posted onto the Council's website and made available in hard copy at the Civic Centre and main Council libraries.

Minutes of each meeting will be kept and made publicly available in the same way as agendas and supporting papers. Such minutes will be submitted to the subsequent meeting for approval and signature by the Chairman.

Meetings will take place in public. Interest groups and the public generally will be able to speak, but at the discretion of the chairman. The chairman will have the right to exclude anybody who disrupts the meeting or attempts to do so and/or adjourn the meeting for as long as he/she thinks necessary.

Councillors are subject to the rules with regard to personal and prejudicial interests as required by their Code of Conduct 2007.

(e) **Support to the Forum**

Over recent years, the Forum meetings have been supported administratively by staff in Property Services. It is recommended that the arrangements are put on a more formal footing, and that the Democratic Services Team take on this role. Senior officers from Property Services and other Council departments will continue to support the Forum in their professional capacity.

6. ALTERNATIVE OPTIONS CONSIDERED

6.1 To continue with the Forum in its present form.

This is not considered a viable option given the wishes of Cabinet to review arrangements.

6.2 To discontinue the Forum

This is not considered a viable option given the wishes of Cabinet to review arrangements.

7. REASONS FOR RECOMMENDATIONS

To implement the decision of Cabinet in December 2006.

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

8.1 Financial Implications

Any costs arising from the proposals within this report could be met from within existing departmental resources.

8.2 Legal Implications

8.2.1 Counsel's opinion has been sought on the principle of whether councillors should be members of both the Green Belt Forum and the Planning Committee, particularly in view of the revised and extended terms of reference of the Forum. The new terms of reference for example will permit the Forum to consider and comment on major developments that are likely to affect the character and appearance of the green belt.

8.2.2 Counsel's advice includes the following:

"Whilst the terms of reference of the Green Belt Forum are not identical to the Conservation Advisory Group and do not include an expressly stated advisory role, it is reasonable to assume that the purpose of the Forum considering and commenting upon planning applications is not intended to exist in a vacuum. The purpose of considering and commenting upon planning applications must therefore include the possibility of those comments being used to influence the decision making process by the Planning Committee on such applications. To that extent, in my view, the same mischief that underlay the case of *Georgiou v. London Borough of Enfield and others* [2004] EWHC 779 (Admin) is likely to arise if members of the Green Belt Forum are permitted also to be members of the Planning Committee.

If permitted, any member of the Council who is both a member of the Green Belt Forum and a member of the Planning Committee, who is associated with comments made in respect of a planning application by the Green Belt Forum will inevitably find it difficult to demonstrate that they are approaching the determination of the planning application with an open mind. In my view, it is very likely that the risk of predetermination will arise.

The Council has overcome the difficulties associated with dual membership of the Conservation Advisory Group and the

Planning Committee by prohibiting the same. This, in my view, is the preferable way forward in respect of the revisions to the terms of the reference of the Green Belt Forum.

The fact that the Green Belt Forum may not take a vote in relation to the planning application does not matter. “

8.2.3 Counsel has also addressed the option of allowing dual membership and relying on the members declaring personal and prejudicial interests where appropriate. He comments as follows:

“The prospect of a member of the Green Belt Forum subsequently having to disassociate himself/herself in the process of the consideration of the planning application by Planning Committee with comments made by the Green Belt Forum, seriously, if not fundamentally, calls into question the value of the Members' participation in the Green Belt Forum. I am also wholly unconvinced that merely disassociating oneself with earlier comments will be sufficient to avoid the appearance of bias due to illegitimate predetermination.

The Green Belt is a planning concept and is an area of planning which gives rise to considerable controversy when inappropriate development is proposed within the Green Belt. The protection of the Green Belt involves careful assessment of competing interests of acknowledged planning importance, which in any particular case, are not likely to be fully presented when the Green Belt Forum considers any application for planning permission.

I am also unconvinced that the mischief associated with predetermination can be adequately addressed by the provisions of the Members' Code of Conduct as it relates to personal and prejudicial interests. The mere fact that a member of the Planning Committee is also a member of the Green Belt Forum will not necessarily mean that the Member involved will have a personal interest in a planning application that the Green Belt Forum has considered and commented upon.

In addition, the new Members' Code of Conduct provides an exemption where a Member's interest arises solely from his/her membership on a body to which the Member was appointed by the Council. In such circumstances, as long as the Member does not have a prejudicial interest, there is no need to disclose the personal interest unless the Member speaks on the matter. It is possible therefore that Members may take that view that saying nothing will avoid the appearance of bias. It may not do so in any particular case.

Accordingly, on the basis of the proposed revisions to the Green Belt Forum's terms of reference, I consider that dual

membership of the Green Belt Forum and the Planning Committee should not be permitted. The wider terms of reference of the Green Belt Forum are also likely to give rise to circumstances in which Members become associated with a particular attitude or position in relation to the Green Belt in the Council's area more generally.

Such circumstances are in my view objectively capable of amounting to an appearance of bias. It may also affect the efficient running of the Planning Committee if members of the Committee who are also members of the Green Belt Forum find it necessary to exclude themselves from applications for planning permission for development in the Green Belt generally.

Moreover, Members insistence that the Green Belt Forum's terms of reference should not include a statement to the effect that the Green Belt Forum generally should not involve itself with individual planning applications clearly indicates that it is intended that the Green Belt Forum will comment upon individual planning applications. If such a statement is not to be included in the terms of reference, I consider that it is essential that dual membership be prohibited. "

8.3 Property Implications

It is noted that the Forum is proposed to have an advisory and consultative role and that this would extend to all green belt land. The Council's own land holdings in the green belt include the tenanted agricultural estate which is managed by Knight Frank on behalf of the Authority. The agents report to the Council's Property Service on these responsibilities. The Forum may provide a consultative mechanism on issues in the green belt and give an opportunity to understand relevant estate management matters.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

Enfield wants to continue to protect its green spaces and conservation areas by giving it priority in the Council's corporate aims and objectives. By revising the arrangements for the Green Belt Forum, Enfield is reaffirming its commitment and support to safeguarding Enfield's environment.

10. PUTTING ENFIELD FIRST

Aim 1 – A cleaner, greener Enfield

Aim 5 – Supporting the delivery of excellent services

Background Papers

Cabinet and Property Services Sub-Committee reports and minutes as referred to in this report.

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MUNICIPAL YEAR 2007/2008 REPORT NO. **126**

MEETING TITLE AND DATE:

Cabinet: 31 October 2007

Council: 7 November 2007

REPORT OF:Director of Finance and
Corporate Resources

Agenda – Part:

Item: 13

**Subject: 10th London Local Authorities
Bills, 3rd Joint London Local Authorities
and Transport for London Bill**
Wards: All**Cabinet Member consulted:**

Councillor Michael Rye

Contact officer and telephone number:

Philip Copland, Borough Solicitor (020 8379 4170)

E mail: Philip.copland@enfield.gov.uk**1. EXECUTIVE SUMMARY**

It is necessary for the Council to pass the following resolution in order for it to participate in the promotion of another general powers bill, namely the Tenth London Local Authority Bill giving additional powers to London Boroughs and of a Joint London Local Authorities and Transport for London Bill. There may also be a separate bill dealing with shopping bags. This is the first of two resolutions the Council is required to pass is to comply with the statutory procedure concerning private bills. A second confirming resolution will be required to be passed after the bills have been deposited.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Council in order to participate in the promotion of the bills pass a resolution in the form provided by the parliamentary agents and attached hereto as **Appendix 1**.

3. BACKGROUND

- 3.1.1 The Association of London Government has requested Westminster City Council to promote another General Powers Bill, the 10th London Local Authorities Bill on behalf of member boroughs and a Joint London Local Authorities and Transport for London Bill.
- 3.1.2 The Council has participated in other London Local Authorities Bills, the most recent being the 9th London Local Authorities Bill which received Royal Assent on the 19th July 2007.

- 3.1.3 The Executive of the London Councils agreed in November 2006 to a consultation exercise with boroughs to identify which possible new powers could be promoted in a future 10th London Local Authority Bill.
- 3.1.4 The Executive canvassed the views of London's 33 councils and the Boroughs submitted 39 proposals which have been subsequently considered by the Executive with some being deleted by the Executive following legal advice.
- 3.1.5 The bills now proposed includes provisions relating to a range of powers for environmental protection, housing, public protection, street trading and transport. There is likely to be a separate bill promoted with TfL on matters in which interests are shared and there may also be a separate bill dealing with shopping bags. A schedule of the proposed powers together with an accompanying report to the Leaders' Committee is attached at Appendix 1 for the information of Members.
- 3.1.6 The Executive resolved on 10th July 2007 to deposit the bills in parliament in November 2007.
- 3.1.7 As part of the statutory procedure it is a requirement that, in order to participate, each member borough is required to pass a Resolution of its intention to participate in the promotion of the bills. To comply with the Parliamentary timetable a Resolution must be passed by full Council on the 7 November 2007.
- 3.1.8 A second confirming resolution will need to be passed when the bills have been deposited before parliament.
- 3.1.9 Consultation between the London Boroughs on the provisions is ongoing and not all of the proposals may be proceeded with.

4. ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options but a failure to pass the resolution would prevent the Council from participating in the promotion of the bill.

5. REASONS FOR RECOMMENDATIONS

To enable the Council to participate in the promotion of the Bills. The Council will have an opportunity to pass further comment on the draft bills if it resolves to participate in the promotion of the bills.

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

6.1 Financial Implications

The costs are difficult to quantify in advance. The promotion of a 10th London Local Authorities Bill will require each supporting borough to contribute to the bill's promotion. In the past this has been estimated at £12,000 per borough if all 33 boroughs support the promotion, but the figure is spread across a number of years and will depend upon the

number of proposals contained in the bill, how contentious they are and the actual length of actual time it takes to promote the bill.

It is estimated that the cost of promoting the 10th London Local Authorities Bill, deposited in November 2007 would be £216,000 to £266,000 which is £6,500 to £8,000 per borough.

There is likely to be additional costs by separating the transport provisions into a separate bill. The overall costs of promoting the 2 bills is estimated at £9,000.00 per borough.

The Council's approved revenue budget includes provision of £6,160 per annum to cover costs associated with the promotion of London Local Authorities Bills. Given that the associated costs will be spread over several financial years, this is considered sufficient to meet the expenditure in respect of the proposals described in the report.

6.2 Legal Implications

In accordance with s.87 of the Local Government Act 1985, the resolution must be passed by a majority of the whole of the members of the council if it is to have any effect.

Failure to pass the resolution will result in the council not being able to participate in the promotion of the bills.

6.3 Property Implications

None identifiable.

7. PERFORMANCE MANAGEMENT IMPLICATIONS

None identifiable.

8. COMMUNITY IMPLICATIONS

None identifiable.

9. PUTTING ENFIELD FIRST

The bills contain a number of environmental provisions which would help the Council promote a cleaner, greener Enfield.

Background Papers

1. Schedule of Provisions
2. Report to the London Councils Leaders' Committee 10 July 2007
3. Summary of comments on consultation

Appendix 1

That the Council approves the inclusion in a bill or bills to be promoted by Westminster City Council or, as the case may be in a bill or bills to be promoted jointly by Westminster City Council and any other person as appropriate, of provisions effecting all or some of the following purposes –

- (a) to make provision about the decriminalisation of offences relating to public health, highways and road traffic and making contravention of the relevant legislation subject to a civil penalty charge regime; the introduction of a local levy, administered by London borough councils, on the provision of disposable shopping bags or to introduce a prohibition on the provision of disposable shopping bags; the introduction of a local levy administered by the London borough councils on the sale of chewing gum; an extension of the type of premises in respect of which a street litter control notice can be issued under the Environmental Protection Act 1990 to include a wider range or non-domestic premises; to enable councils to better control the feeding of wild birds; to enable borough councils to make charges for the use of urinals; to make further provision about the control of the placing of items on the highway; altering London borough councils' powers to fix signs and apparatus to buildings; amending London borough councils' powers to charge for the provision of amenities on highways under Part VIIA of the Highways Act 1980; controlling the placing of household waste in street litter bins; to enable London borough councils to recover costs incurred by them in rectifying damage caused by them when removing unlawful advertisements; to enable London borough councils, as local housing authorities, to take enforcement action and recover costs in cases where there has been a failure to comply with a duty imposed in relation to the management of houses in multiple occupation under regulations made under Section 234 of the Housing Act 2004; imposing a requirement in respect of food premises which are subject to inspection by London borough councils under the Food Safety Act 1990 to display copies of inspection notices or summaries thereof on the premises; to impose a new licensing regime for social clubs; to alter the requirements relating to the service of documents under the City of Westminster Act 1966, which deals with sex establishments; to enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments; to enable London borough councils to delegate their functions under existing street trading legislation and enable other bodies to manage street markets; to alter the street trading legislation in the City of Westminster so as to enable Westminster City Council, without a Court Order, to dispose of articles seized under the Act; to make further alterations to street trading legislation in London; to control the distribution of free refreshments on the highway and in other public open places; to enable the highway authority to recover traffic

management and street cleansing costs incurred as a result of public events and to have the power to close or manage traffic for certain special events; to enable the highway authority to provide charging points for electric vehicles in the highway; to enable local planning authorities to require that a deposit is provided prior to commencement of development, to be offset against costs arising from making good damage to the highway caused by the construction of the development; to enable action to be taken against persons who interfere with gates placed in pursuance of powers under road traffic legislation; to enable councils to better control pedicabs; to enable councils to serve penalty charge notices by post where there has been a parking contravention, and where service was prevented by the vehicle driving away; to allow decriminalised enforcement in respect of advance stopping areas for cyclists at traffic lights; to allow decriminalised enforcement in respect of the use of mobile phones whilst driving; to enable London borough councils to vary fixed penalty levels for cycling on the footway; to enable the better control of the depositing of builders' skips on the highway; and to provide for a decriminalised regime of enforcement in relation to the driving of abnormal vehicles on the highway;

- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

COUNCILLORS' QUESTIONS**Question 1 from Councillor Adams to Councillor Barker, Cabinet Member for Adult Social Services:**

"Would the Cabinet Member for Adult Social Services comment on Skinners Court?"

Response from Councillor Barker:

"Skinners Court opened in December 2006, and celebrated its official opening with a visit from HRH The Duke of Gloucester on 19th October 2007.

This is a new model of delivery for extra care supported housing for older people in the Borough. The scheme was one of the few approved through Department of Health funding during 2004, and represents a major achievement for both London Borough of Enfield and external partners the Skinners' Company working with Hanover Housing who developed the scheme. The Skinners Charity undertook significant fundraising activities to ensure the scheme delivered to a "state of the art" high quality standard. This achievement has been acknowledged through winning the Evening Standard "Best New Development in the Affordable Homes Sector" 2007.

The built environment maximises people's ability to maintain independence through full accessibility, combined with a range of communal services such as health room, hairdressing facilities, on-site shop and cinema. Following consultation with tenants the local community uses the communal areas of the scheme and tenants can benefit from interaction with a whole range of community group activities such as the over 50's forum, the Parkinson's' society, Greek club, and a carers group. The team also offer bingo and quiz nights for residents. Tenants also have access to their own themed "sub-lounges" which support I.T and library facilities, and an art/craft room.

The vision for Skinners Court is to provide an alternative model to residential care. Each resident has their own flat, and has the choice to access on-site care and support, available 24 hours per day, or to directly purchase their own care through a direct payment. Care and support is individually tailored to meet each person's needs, and adapts as individual needs change. Our vision is to enable people to be supported to remain independent without the need to move on into residential care.

It is a development for which the officers involved should be congratulated and the Council can rightly be proud of it's part in ensuring that some of the more vulnerable members of our community can receive the care and support they need in such a high quality environment."

Question 2 from Councillor Bond to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Many residents who are keen to become members of the Friends of their local parks are being told that this is not possible until April next year. Given that Members on this side have been asking members of the public to become members of these organisations and not wishing to lose that enthusiasm to become involved locally, what is he going to do to rectify this matter?”

Response from Councillor Neville:

“Any one who wishes to join an existing Friends Group can do so at any time. While we welcome the formation of new Friends Groups there is pressure on the officer support available for their meetings, assistance with writing a constitution and identifying funding opportunities. Due to our own success in recruiting Friends of the Parks groups, we have asked that the next group looking for support, Bush Hill Park Friends, wait until March when we will engage actively with them. This has been discussed with them and they understand the reason.

Councillor Bond should be aware that this Administration has increased financial assistance to Friends of the Parks Groups by setting up a small grants fund which has allocated £20k in the last two years and will allocate a further £10k this year. We have actively supported the Friends in applications for external funding and have an allocated officer working with them. The current number of Groups supported is fifteen which is the highest number for several years and well above the level in 2002 when his party controlled the Council. I am committed to working closely with Friends of the Parks Groups as I re-affirmed to them at the recent Green Flag celebration with the Mayor.”

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

“Would the Cabinet Member for Environment and Street Scene inform the council of Enfield’s success in the London in Bloom competition?”

Response from Councillor Neville:

“Enfield has once again enjoyed a successful year in the London in Bloom competition, leading to the following awards, and I congratulate the winners and all the officers associated with these achievements.

Best front garden, Mr & Mrs Fletcher of Windward Close, Freezywater - absolutely fabulous display, not only in their front garden, but they also do the most amazing hanging baskets adorning one of the lamp posts at the end of their road - brightening up the area.

Best Town Centre, Palace Gardens – Gold - very prestigious, normally won by one of the inner London boroughs or Kensington High Street and an award highly sought after by the other boroughs.

Best Borough Large City - Silver Gilt - with this administration adopting a commitment to sustainable horticultural best practices and drought tolerant planting within Parks and Open spaces this is another excellent award and with the continuation of our hard work there is the potential for Gold for next year, which we will be striving to achieve.

Bowes Primary and Hazelbury Infants received Silver in the 'Schools' category. Both these schools joined our 'Schools Programme' Autumn 06 and were committed to improving upon their environmental and horticultural knowledge and best practices. Enfield in Bloom have worked both with staff and children in developing their gardens and have constructed raised planters on site as well as providing the seeds, trees, shrubs, raspberry canes, perennials and vegetables. Bowes School have also planted vegetables and seeds in our vegetable patch in the grounds of the visitor centre at Trent Park.

This years successes can be seen as a glowing endorsement of this administrations commitment to a Cleaner Greener Enfield, and I feel we can look forward with confidence to next years entries.”

Question 4 from Councillor Rodin to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Can Councillor Neville tell the Council when the review of priorities within the Council’s Parking and Enforcement Plan will be concluded and the results made available to all Councillors and the residents of the Borough?”

Response from Councillor Neville:

“A draft report is currently being considered. A further meeting of the Joint Working Group made up of Enfield Business and Retailers Association (EBRA), Federation of Enfield Residents and Allied Associations (FERAA), Members of Enfield’s Special Project Scrutiny Panel and Environment, Parks and Leisure Scrutiny Panel was held on Monday 24th September 2007 to consider the initial findings from the Consultant’s review. I am currently considering this draft report and the comments made by the working group and I shall be meeting with the Consultants later this week to discuss.

The Parking Enforcement Plan forms part of the Council’s Local Implementation Plan which is a statutory document setting out how the Council intends to improve transport and the environment in Enfield. The Council has therefore a statutory requirement to consult various organisations including The Metropolitan Police, Transport for London, and neighbouring boroughs, on the outcome of this review. This statutory consultation will be carried out over the next three months and a final report detailing the outcome of the review and how to communicate the findings to residents is hoped to be submitted to Cabinet for approval in early spring 2008.

This Administration is committed to funding the priorities identified within the review from within the Parking Places Reserve Account or its own capital and revenue resources. It is anticipated many of the changes will be about hours and times of Controlled Parking Zones, bus priorities and intelligent allocation of road

space which generally require changes to notices and orders rather than extensive physical works.”

Question 5 from Councillor Eleftherios Savva to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Would the Cabinet Member for Environment and Street Scene report the latest figures for road safety accident casualties in the Borough?”

Response from Councillor Neville:

“I am pleased to tell the Council that statistics on the number of road accidents and casualties in Enfield for 2006 have been released and indicate encouraging improvements in road safety in the Borough.

The figures for 2005 showed that for the first time since the formation of the Borough of Enfield, 40 years ago, the total number of casualties on the roads in Enfield was less than 1250. The year 2006 saw a further reduction to 1054 – the lowest ever recorded, and representing a further improvement of 151 (13%) from the level in 2005. At its highest, the figure in 1978 was 2182. The figure for 2006 is well below the average figure for 1994 to 1998 of 1740, which is used as the agreed baseline for how the Council is making Enfield’s roads safer.

The number of people killed on roads in Enfield in 2006 was 21. However, an increase in number of people killed on the roads rising from 13 to 21 is of great concern but it is to be noted that this figure changes very sharply from year to year.

The number of cyclists injured on roads in Enfield fell from 48 in 2005 to 39 in 2006, and similar figures for pedestrians saw a slight decrease from 181 to 155. In addition, the total casualties for Powered Two Wheeler Users has fallen from 112 in 2005 to 96 and the number killed or seriously injured has fortunately seen a small decrease from 26 to 19.

However, the number of casualties on Enfield’s roads is still too high and there are sadly still a significant number of people who indulge in irresponsible driving on our roads.

The analysis of contributory factors to road accidents shows that over 95 % of the casualties are associated with driver/rider/pedestrian behaviour related factors. **In sharp contrast, only 1% of the casualties are associated with all the road environment related contributory factors.** As shown, the 12 most significant behaviour-related contributory factors (out of the 57) are associated with a total of over 85 percent of the accidents with the other 45 behaviour related factors associated with a further 10 percent of accidents. This pattern of association has been observed over a long period of past decades and, clearly brings into relief the importance of addressing the issues of road user behaviour.

ACCIDENT CONTRIBUTORY FACTOR	PROPORTION of ASSOCIATED ACCIDENTS (%)
1. ROAD USER BEHAVIOUR RELATED CONTRIBUTORY FACTORS	
THE TWELVE MOST SIGNIFICANT ROAD USER BEHAVIOUR RELATED CONTRIBUTORY FACTORS	
405 Driver/Rider Failed To Look Properly	21
602 Careless/Reckless/In A Hurry	15
307 Travelling Too Fast For Conditions	10
406 Failed To Judge Other Person's Path Or Speed	9
308 Following Too Close	6
403 Poor Turn Or Manoeuvre	5
802 Pedestrian Failed To Look Properly	4
410 Loss Of Control	4
808 Careless/Reckless/In A Hurry	3
302 Disobeyed Give Way Or Stop Sign Or Markings	3
601 Aggressive Driving	3
408 Sudden Braking	2
<i>TOTAL CORRESPONDING TO THE ABOVE TWELVE ROAD USER BEHAVIOUR RELATED CONTRIBUTORY FACTORS</i>	<i>85</i>
<i>ALL OTHER (45) ROAD USER BEHAVIOUR RELATED CONTRIBUTORY FACTORS (Note 1)</i>	<i>10</i>
ALL (57) ROAD USER BEHAVIOUR RELATED CONTRIBUTORY FACTORS	95
2. ALL (15) ROAD ENVIRONMENT & VEHICLE DEFECT RELATED FACTORS (Note 2)	1
3. ALL OTHER (5) CONTRIBUTORY FACTORS (Note 3)	4

Notes:

- (1) - These 45 include disobeyed traffic signals, driving under influence of alcohol and drugs etc.
- (2) - These 15 include defective traffic signals, defective road surfaces, poor road layout and inadequate markings and signs etc.
- (3) - These 5 include Emergency vehicle on call etc.”

Question 6 from Councillor Bond to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Downs Road and Fotheringham Road in Southbury Ward are having the traffic flow changed presumably because of the 192 bus route. Can the Cabinet Member for Environment tell the Council why no consultation is taking place on this change of traffic flow, especially given that in another place his Party are

calling for referendums on all sorts of things, why can he not let the Southbury residents affected by this change have a voice?"

Response from Councillor Neville:

"The one way system currently being implemented in the Downs Road and Fotheringham Road area was in fact the subject of a comprehensive public consultation exercise. A consultation leaflet was distributed to all the homes in this area and 71% of respondents were in favour of this proposal. Objections were received from residents of Downs Road and these were also voiced at a public meeting attended by 50 - 60 Downs Road and Lincoln Road residents that was hosted by the Council. However, I have a responsibility to all road users and in October 2005 I approved a report that recommended the implementation of this scheme. This administration has a commitment to keep traffic moving and this one-way scheme will assist with this aim. It will aid the movement of all traffic and not just the 192 bus service.

Residents had a further opportunity to make their views known when the traffic management order for this scheme was advertised in December 2005. The same objections that were raised during the first consultation were sent in by residents of Downs Road and Lincoln Road in response to this. However, in line with my original decision I approved the report that considered these objections in August 2006.

While consultation is an important factor when considering scheme proposals it is not a referendum and is only undertaken to assist the Council in reaching its decision. There should be no assumption in any consultation that if the majority of those consulted are against a proposal that the Council would then automatically reject the proposal, as it has to take a wider view of benefits not just for the local community but for the wider community and the environment.

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

"Given that for the last 6 years the fence around Brimsdown Sports Ground has been deteriorating at an alarming rate and the pre cast concrete fencing has been repaired with driveway wire, chicken wire and barbed wire in places, would the Cabinet Member for Environment agree with me that this fence has been left in a dangerous and unacceptable state of repair. Would he also give an undertaking to the people of Enfield to repair the fence to the standard seen in the west side of the Borough as soon as possible".

Response from Councillor Neville:

"I can report that the condition of the fence has nothing to do with its geographical location in the borough. The area is currently leased to Brimsdown Football Club who are at an advanced stage of renewing their lease on a joint basis with Enfield Town FC.

Parks staff have attended the sports ground at Brimsdown to assess the extent of works that need to be undertaken, and confirm that the fencing is in various

stages of disrepair around the circumference of both the grounds known locally as the "Downs" and the Brimsdown FC ground.

The condition of the fencing is being discussed with the club and a meeting is being set up between Officers of the Parks Department, Corporate Assets together with Brimsdown and Enfield Town Football Clubs to resolve the matter.

The Authority is seeking to resolve the lease negotiations as soon as possible which will enable the resolution of the condition of the fencing which clearly needs to be improved."

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

"On the Aley Croft Estate in Southbury Ward, the local residents since before May 2006 have been trying to have recycling bins placed on the estate so they could join in the recycling regime in Enfield.

First, they did a survey themselves. They were told that it was no good. Then Housing did a survey, which was just as good as the residents one, only to be told that the placement of bins had to be planned and that would take time. The residents only wanted six bins but were told they were to have twelve.

Months later, Housing Officers then met with Environment Officers to discuss the way forward. The Environment Officer has now left and the whole process of meetings has to start again.

Given that on one of his rare appearances at an Environment Scrutiny Panel the Cabinet Member went on at length (you can imagine) as to how he was going to involve the Council Estates in recycling in Enfield, what is he going to do so that this calamitous list of events does not repeat itself again? Other than blaming Housing Officers, of course?"

Response from Councillor Neville:

"Recycling officers are keen to provide recycling facilities to the Aley Croft Estates as soon as possible. Unfortunately with this site there have been difficulties in finding agreeable locations for the bins and this has delayed the implementation. The procedure for requesting recycling bins for estates is via the managing agent or for council housing via the Estate Manager. Part of this process identifies that a ratio of 1 x 1280 litre recycling bin should be provided for every 20 households. Recycling officers estimate that there are approximately 264 properties covered by the 6 blocks of flats on the Aley Croft Estate and therefore would provide each block with two recycling bins.

Recycling Officers are due to meet, on site, with the Estate Manager on the 9th November 2007 and the bins will be available from early December once the final locations are agreed with housing.

Whilst there have been some regrettable delays on this matter due to staff changes, our commitment to recycling on private or council estates is being pursued by officers from Environment and Housing.”

Question 9 from Councillor Georgiou to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Can Councillor Neville tell the Council if it is the policy of the Council's Environment Department to paint fresh double yellow lines in roads that are shortly to be resurfaced?”

Response from Councillor Neville:

“Clearly it is not.

I have assumed that Councillor Georgiou is referring to Hereward Gardens, N13, although there is no trace of him raising this matter as a Members Enquiry. Following complaints and requests from residents in the road to undertake parking enforcement action the Head of Parking Services undertook a review of the level of illegal parking within the road and took the decision that enforcement action was required to protect residents in terms of access for emergency services. To enable the parking enforcement contract to take action against illegally parked cars which could not be challenged it was necessary for the double yellow to be repainted although officers were aware that the road was to be resurfaced in the near future. The cost of the exercise was £108 and it was the view of officers that it was necessary to protect residents.

Although roads are built into programmes, as Councillor Georgiou is well aware there can be delays related to statutory works, weather and re-programming which can always delay works.

In the circumstances of this case I support the officers view that £108 should be spent short term in the interest of public safety.”

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

“Since early 2007, this side has been asking when the lights are being restored on the water fountain in Enfield Town. We have been told that the cable was lost, now that LBE has to fund a new cable. When is this to be done?”

Response from Councillor Neville:

“This matter was raised on numerous occasions during the construction phase of the Palace Exchange development at the Council's regular Progress Meetings with the developer and contractor.

A query, which remained unanswered, was whether or not the lights on the fountain were operational immediately prior to works commencing in this area in mid/late 2005. The considered opinion was that they were not.

Notwithstanding this, the developer/contractor were requested to investigate and see if a cable to operate the lights could be found in the immediate vicinity of the fountain. One was but it was not live. At the time of these investigations the fountain island was being paved and any provision of a live cable would have disrupted the programme further. It was therefore agreed that the work should not be undertaken, as it would be deemed a variation to the contract, which would have resulted in a claim from the contractor for a possible extension of contract as well as the cost of the works themselves.

The Authority is reviewing the lighting of the fountain alongside how the surrounding area can be utilised to enhance activity in the Town Centre. I would point out that had the previous Labour Administration ensured a better Section 106 agreement I would not be left to pick up the pieces of Enfield Town Phase II. However with the improvements and finalisation of the work we have achieved I am pleased at the level of shopper activity in the Town, attested to by the traders, and wonder why the Opposition have failed to celebrate this instead of making minor carping criticisms.”

Question 11 from Councillor Bond to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Can Councillor Neville explain why wheelie bins are not being tested anywhere within the boundary of the Enfield North Parliamentary Constituency after so many requests for them to be tested there?”

Response from Councillor Neville:

“Firstly Wheelie bins are not currently being tested anywhere in the borough although it is a matter I am considering. We are reviewing our entire approach to waste and street cleansing services across the borough to ensure that services are properly targeted and delivering value for money. The Waste Strategy introduces tough new targets for recycling and waste diversion that will be challenging even to a borough like Enfield, which in recent years has had an excellent track record. We also have to review the recent proposals of the North London Waste Authority (NLWA) and how we and the six other Boroughs concerned respond to these. This may involve all seven boroughs reviewing their collection systems to ensure a degree of compatibility to reduce or contain costs.

In addition the council needs to respond to the new challenges created by a thriving night time economy, the introduction of new legislation and ensure that the current in-house services are 'fit to compete' ahead of any Best Value or future market testing arrangements.

I can confirm once again however, that we will not be introducing alternate weekly collections and that we do not believe that the mooted 'pay as you throw' schemes are either reasonable or workable.

In respect of any trial schemes, which may be introduced, I can assure Councillor Bond that these will be decided upon the grounds of appropriateness and practicality not east/west or Parliamentary boundaries.”

Question 12 from Councillor Rodin to Councillor Rye, Leader of the Council:

“Can Councillor Rye tell the Council whether he considers that the private expenditure of Councillors is a matter that the public have a right to know about?”

Response from Councillor Rye:

“I assume Councillor Rodin is referring to my comments in the press on how Labour Councillors are using their Councillors allowances. When you go into public life we all know we lose privacy. If, as was alleged, Labour Councillors are following a directive from their party leadership to contribute part of their members allowance to prop up the ailing finances of the Labour Party nationally and at a time when the Prime Minister was trying to make his mind up to call a General Election, this is a matter of legitimate public interest. As Councillor Rodin knows, members’ allowances are paid to recognise the hours members put into their council work, to recognise the skills they bring to the role and to cover any expenses incurred in discharging their duties. In my view if any party is directing Councillors to contribute from their allowances to party coffers, it brings into question the purpose of allowances and raises the suspicion that when members approve an increase in allowances they are doing so only to subsidise their political party.”

Question 13 from Councillor George Savva to Councillor Barker, Cabinet Member for Adult Social Services:

“At the last Cabinet meeting it was reported that the site has not been identified to build the new residential home. When are you likely to report to Cabinet the location of the new site?”

Response from Councillor Barker:

“When I introduced the report to Cabinet, I did mention that I had asked officers to ensure that recommendations about the location of the site of the new purpose dual registered care facility were brought to Cabinet within three months of the decision of this Council meeting. That remains my intention.”

Question 14 from Councillor Buckland to Councillor Neville, Cabinet Member for Environment and Street Scene:

“Will the Cabinet Member give assurances that the skate park on the A10 in Edmonton will be brought up to Health and Safety standards and be reopened shortly, given the plans for the cemetery are now on hold.”

Response from Councillor Neville:

“I can assure Councillor Buckland that we are urgently reviewing the condition of the equipment at the skate park on the A10. The current equipment is at the end of its life and needs extensive repairs. I have instructed officers to replace the existing equipment with more robust skate park facilities that will have a long life. We are also, through the Bury Street working party, deciding what new facilities

will be provided there for young people. In addition, we are looking at other parks in the borough as part of an overall Parks Strategy on facilities for young people in the parks.”

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