



**LONDON BOROUGH OF ENFIELD**

**AGENDA FOR THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY,  
1ST APRIL, 2009 AT 7.00 PM**



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

**Please  
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**My Ref:** DST/SA

**Date:** 24 March 2009

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, 1st April, 2009 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

Assistant Director, Corporate Governance

**1. ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING**

**2. MAYOR'S CHAPLAIN TO GIVE A BLESSING**

The Mayor's Chaplain to give a blessing.

**3. MAYOR'S ANNOUNCEMENTS (15 MINUTES APPROXIMATELY)**

**4. MINUTES** (Pages 1 - 14)

To approve, as a correct record, the minutes of the Council meeting held on 25 February 2009.

**5. APOLOGIES**

**6. DECLARATION OF INTERESTS** (Pages 15 - 16)

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

**7. DISTRICT AUDITOR'S ANNUAL AUDIT AND INSPECTION LETTER - AUDIT 2007/08** (Pages 17 - 36)

To receive the report of the Chief Executive (No. 211) summarising the more important matters arising from the Relationship Manager and District Auditor's audit and inspection programme for 2007/8 and commenting on current issues.

The attached report is to be considered at the Cabinet meeting on 25 March and the Audit Committee on 31 March 2009.

**8. CHILDREN AND YOUNG PEOPLE'S PLAN 2009-2012** (Pages 37 - 44)

To receive the joint report of the Interim Directors of Education, Children's Services and Leisure (No. 232). This summary report seeks Council's approval to the Plan previously circulated to all Members.

The detailed report (No. 214) setting out the Children and Young People's Plan for 2009 – 2012 was circulated with the agenda for the Cabinet meeting to be held on 25 March 2009. Further copies are available in the Members Library and on request from the Democratic Services Team.

**9. EMPTY PROPERTY COMPULSORY PURCHASE ORDERS (CPOIII)** (Pages 45 - 96)

To receive the report of the Director of Health and Adult Social Care (No. 213) seeking Council approval to make Compulsory Purchase Orders (CPOs) on five empty residential properties whose owners have proved unresponsive to attempts by Officers to bring them back into residential use.

The attached report is to be considered at the Cabinet meeting on 25 March 2009.

**10. RISK MANAGEMENT STRATEGY** (Pages 97 - 114)

To receive the report of the Director of Finance and Corporate Resources (No. 233) recommending the approval of an updated Risk Management Strategy reflecting current thinking and best practice.

The recommendations set out in the attached report were endorsed at the Cabinet meeting on 4 March and the Audit Committee on 14 January 2009.

**11. CONTRACT PROCEDURE RULES – ANNUAL REVISIONS** (Pages 115 - 160)

To receive the report of the Director of Finance and Corporate Resources (No. 234) setting out the significant areas of revision to the Council's contract procedure rules and the benefits to the Council for the proposed changes.

The recommendations set out in the attached report were endorsed at the meetings of the Constitution Review Group on 5 March 2009 and the Audit Committee on 14 January 2009.

**12. RECOMMENDATIONS FROM CONSTITUTION REVIEW GROUP** (Pages 161 - 168)

To receive the report of the Director of Finance & Corporate Resources (No. 236) setting out a number of issues and recommendations from the Constitution Review Group meeting held on 5 March 2009, namely:

- i. Councillor Call For Action – New Procedure
- ii. Changes to the Council Meeting Procedures relating to Opposition Business.

**13. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)**  
(Pages 169 - 180)

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

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

Please note that the Mayor will decide whether a question is urgent or not. The definition of an urgent question is "An issue which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council."

A supplementary question is not permitted.

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

The eighteen questions and responses are attached to the agenda.

## **14. MOTIONS**

14.1 In the name of Councillor Rye

“Enfield Council regrets that the Government chose to raise the Council Housing Guideline Rate by 6.2% and welcomes the proposed reduction in these rents and notes that this reduction is still above the overall council tax increase for Enfield residents of 1.9%.”

14.2 In the name of Councillor Rodin

“This Council is aware of the financial difficulties being faced by many Enfield residents in the current economic situation. It recognises that its decision to increase the Council Tax for 2009/10 was unwelcome. It is also aware that the Council has substantial financial reserves. It therefore resolves: -

1. to change its decision taken at the Council meeting on 25 February to increase the Council Tax for 2009/10 and instead to set a Council Tax for 2009/10 at the same level as that for 2008/9
2. to declare its intention to set the Enfield element of the Council Tax for 2010/11 at the same level as the Council Tax for 2008/9.”

## **15. MEMBERSHIPS**

To confirm any changes to committee memberships.

## **16. NOMINATIONS TO OUTSIDE BODIES**

To confirm any changes to nominations to outside bodies.

## **17. CALLED IN DECISIONS**

None received.

## **18. DATE OF NEXT MEETING**

The next meeting of the Council will be held on Wednesday 6 May 2009 at 7.00 p.m. at the Civic Centre.

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COUNCIL - 25.2.2009

**MINUTES OF THE MEETING OF THE COUNCIL  
HELD ON WEDNESDAY, 25 FEBRUARY 2009**

**COUNCILLORS****PRESENT**

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

**ABSENT**

Chaudhury Anwar MBE and Andrew Stafford

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

The Mayor's Chaplain The Reverend Stephen Leader gave a blessing on the Council.

**103****MAYOR'S ANNOUNCEMENTS**

The Mayor made the following announcements:

## 1. Welcome

I would like to welcome Council members and members of the public to the chamber this evening.

I would like also to extend a welcome to Councillor Rohini Simbodyal as this is her first time in the chamber as the new councillor for Jubilee Ward. Welcome Councillor.

At this point as is my custom, I would like to remind Councillors, that they should be careful to address their speech to myself rather than other Council members. I hope that does not make things too difficult for some of you.

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Councillors should also remember that if they wish to make a point of order during the meeting they need to quote the constitutional reference, which gives them the grounds to do so.

It's been a little under a month since the last council, so with such a short gap between council meetings my announcements will also be brief but I hope noteworthy.

2. Naval Events

I've spliced the main brace a few times with the Royal and Merchant Navy Association representatives, attending their annual meal and with Naval veterans laying a wreath at the Baltic memorial in memory of those who gave there lives in the Arctic campaign and on the convoys.

My thanks to former Mayor Stan Carter who has for some years organised this event. I understand from Stan that this may well be the last year he is able to organise such a ceremony, I hope that someone can be found, perhaps the Sea Cadets, to take the baton and continue this commemoration.

3. Awards and Competitions

Talking of arctic conditions, while the Mayor's awards for Debating were stopped by the weather with only one school being able to field participants, I am pleased to report the following weeks activities for Enfield's young scientists and Enterprise went ahead unhindered and I was pleased to present awards to youths of all ages. Some really great kids who do our Borough proud.

The finals of the primary school age Enfield young scientists were very well run, using a high tech wireless voting system that enabled some clever voting stratagems and if any one here knew that starfish don't have brains, don't worry you are not alone. Congratulations to all the participants, especially the winners.

Congratulations must also go to the winners of the Mayor's competition for with their Cool bean coffee enterprise project, having sampled the goods I think they could give Starbucks a run for their money.

4. Openings

I have also been involved in opening new facilities in the Borough.

First was the reopening of the Skate Track on the A10 near Church Street, actually that's by the A10, I think on the A10 would be highly undesirable.

The opening was well attended, I was pleased to see local Councillors present, along with the kids enjoying using the all-new ramps and half pipes, which were, I am told, designed in consultation with the kids.



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While none of the slightly older watchers were brave or foolhardy enough to attempt the course, we could not help but appreciate the acrobatic display arranged, and how much energy was expended.

It was a day of openings, as on the same day I also participated in the opening of the new Fore Street Library. I have to confess I was impressed with its excellent facilities, including a high tech meeting area, which a few of us in the Civic centre might envy.

The opening was well attended and I was pleased to see a number of Councillors attending including Ward Councillors and Councillor Kaye.

5. Community partnership

A Community partnership project I was very happy to support was the official unveiling of mosaics for the buildings in the Ayley Croft Estate.

Each building on the estate is named after a famous artist - Constable, Reynolds etc and following a suggestion from a resident, which I am pleased to say in my capacity as a Councillor I made a special point of supporting.

Very commendably it was taken up and run with by what is now Enfield Homes and working with Kingsmead School and Bush Hill Primary School a mosaic was produced to represent a famous work of each artist and installed gratis by Barclay workers who are currently on site.

Most Council buildings / estates have have names with significant meaning, and often those names have become abstracted and the meaning forgotten.

I think this project in some small way goes towards helping to sustain a greater pride in those buildings by giving back meaning to the names. I really do commend it.

6. Charity Dinner

Finally there are still places left for the charity dinner and dance and we need everyones support . I hope anyone who has not been to a dinner for a while will consider coming or if you can't make it but would like to support my charities then send in a donation.

My thanks to colleagues who have already indicated that they will attend. We are still under-represented by Councillors at this Civic event and it really needs more of you to come. I hope you will, as if we do not support such events they will not continue.

That concludes my announcements.

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**104  
MINUTES**

AGREED that subject to the following amendments, the minutes of the meeting of the Council meeting held on 28 January 2009 be confirmed and signed as a correct record:

i. Minute No. 87 be amended to read:

“AGREED that the minutes of the Council meeting held on 12 November 2008 be confirmed and signed as a correct record.”

ii. Attendance

Councillor Robinson was present at the meeting.

**105  
APOLOGIES**

Apologies for absence were received from Councillors Anwar and Stafford. Apologies for lateness were received from Councillor Prescott.

**106  
DECLARATION OF INTERESTS**

Councillors Buckland, Fallart, Lamprecht, Oykenner, E Smith and Taylor declared personal interests in Item No. 8 – Housing Revenue Account Estimates 2009/10 and Medium Term Financial Plan (Rent Setting HRA), as they are Directors of Enfield Homes.

**107  
MEDIUM TERM FINANCIAL PLAN (GENERAL FUND) AND 2009/10  
BUDGET**

Councillor Rye moved and Councillor Hurer seconded the report of the Director of Finance and Corporate Resources (No. 183A) informing the Council of:

1. the outcome of the recent budget consultation process;
2. An update on the local government financial settlement announced in February 2008;
3. a summary of the Council’s Medium Term Financial Plan over the next five years;
4. proposals regarding the level of the 2009/10 Council Tax
5. the Council’s revenue budget requirement for 2009/10;
6. the Council Tax to be levied for the year ahead for each property band, including the Greater London Authority precept for 2009/10.
7. recommendations regarding investment in the ICT and capital programmes.

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NOTED

1. that Councillors Rye and Hurer thanked James Rolfe and the team of officers from across the Council who had been involved in preparing this years budget.
2. that the recommendations set out in the report were endorsed at the Cabinet meeting held on 11 February 2009.
3. the addendum to Report No. 183A circulated to Members of the Council on 20 February 2009.

During the debate Councillor Charalambous, moved and Councillor Simbodyal seconded the following amendment to the recommendations:

“In (i) replace the figure £238.515m with £235.604m.

In (iii) replace the figure of £1,100.34 with a figure of £1,073.70 and delete the words “an increase of 2.48%”

Therefore 2.2 will now read:

“With regard to the revenue budget for 2009/10  
It is recommended that:

- i. the net budget requirement for Enfield be set at £235.604m in 2009/10.
- ii. subject to final pupil count data, approval is given to expenditure of £216.651m on the schools’ budget, funded from the Dedicated Schools’ Grant.
- iii. the Council Tax at Band D for Enfield’s services be set at £1,073.70 (paragraph 10.1).
- iv. the statutory calculations and resolutions set out in Appendix 7 are approved.
- v. it be noted that the recommended budget adequately funds the Council’s financial obligations relating to the achievement of Local Area Agreement targets.”

Following a lengthy debate, a roll call was requested and the amendment was put to the vote with the following result:

For : 25

Councillors Anolue, Bond, Brett, Brown, Buckland, Charalambous, Cole, Constantinides, During, Georgiou, Giladi, Goddard, Hasan, Lappage, Lemonides, McGowan, Murphy, Orhan, Oykenner, Robinson, Rodin, G Savva, Simodyal, Simon and Taylor.

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Against: 32

Councillors Adams, Antoniou, Barker, Boast, Crowshaw, Delman, Dey, Dreblow, Fallart, Ford, Hall, E Hayward, R Hayward, Hones, Hurer, Joannides, Jukes, Kaye, Laban, Lamprecht, Lavender, McCannah, Neville, Pearce, Pipe, Prescott, Rye, E Savva, E Smith, T Smith, Vince and Zinkin.

Abstained: 3

Councillors Chamberlain, McGregor and Wilkinson.

After further debate the recommendations set out in the report were put to the vote with the following result:

For: 33

Against: 26

Abstained: 1

**AGREED**

1. With regard to the Revenue Budget for 2009/10;
  - (i) that the net budget requirement for Enfield be set at £238.515m in 2009/10;
  - (ii) that subject to final pupil count data, approval is given to expenditure of £216.651m on the schools budget, funded from the Dedicated Schools Grant;
  - (iii) that the Council Tax at Band D for Enfield's services be set at £1,100.34 (paragraph 10.1), an increase of 2.48%;
  - (iv) that the statutory calculations and resolutions as amended and set out in resolution 7 below be approved.
  - (v) that it be noted that the recommended budget adequately funds the Councils financial obligations relating to the achievement of Local Area Agreement targets.
  
2. With regard to the Prudential Code and the Capital Programme
  - (i) that Council notes the information regarding the requirements of the Prudential Code (section 11 of the report);
  - (ii) the proposals for allocating resources to capital projects as set out in paragraph 11.28 and Appendix 10 of the report;
  - (iii) that the recommendations regarding the additions to the capital programme, as set out in Appendix 10;
  - (iv) that the Prudential Indicators, the Treasury Management Strategy, the Minimum Revenue Position statement and the criteria for investments, set out in section 11 and Appendix 9.
  
3. With regard to the ICT Work programme  
the recommendations regarding additions to the ICT work programme set out in section 9 and Appendix 12 of the report.

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4. With regard to the Medium Term Financial Plan:
  - (i) It is recommended that Council notes the forecast for the medium term as set out in section 12 of the report and that efficiency and other savings of £6.5m on average per annum will need to be found over the period 2010/11 to 2013/14.
  - (ii) That the Council adopts the Fees and Charges Strategy set out in Appendix 17 when setting the level of future charges for services.
  
5. With regard to the robustness of the 2009/10 budget and the adequacy of the Councils reserves and balances:
  - (i) to notes the risks and uncertainties inherent in the 2009/10 budget and the Medium Term Financial Plan (section 13 of the report);
  - (ii) to note the comments of the Director of Finance & Corporate Resources regarding the recommended levels of contingencies, balances and reserves (section 14) and has regard to the Directors statement (section 17 of the report) when making final decisions on the 2009/10 budget;
  - (iii) the recommended levels of central contingency (paragraph 14.10 of the report) and general balances (paragraph 14.13 of the report);
  - (iv) the reallocation of the specific earmarked reserves set out in paragraph 14.14 of the report.
  
6. to note that at its meeting on 14th January 2009, the Audit Committee agreed the number of 109,240 as its Council Tax base for 2009/10, in accordance with the Local Authorities (Calculation of Tax base) Regulations.
  
7. the following amounts be now calculated by the Council for the year 2009/10 in accordance with Section 32 of the Local Government Finance Act 1992:
  - (i) £985,451,000 being the aggregate of the amounts which the Council estimates for gross expenditure, calculated in accordance with Section 32(2) of the Act;
  - (ii) £746,936,000 being the aggregate of the amounts, which the Council estimates for income, calculated in accordance with Section 32(3) of the Act.
  - (iii) £238,515,000 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above (net expenditure), calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
  - (iv) £118,314,043 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed non-domestic rates and Revenue Support Grant, adjusted by the amount which the Council estimates will be transferred in the year from its General Fund to its Collection Fund.
  - (v) £ 120,200,957 being (the sum of c-d) the residual amount required to be collected from the Council Tax payers.

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(vi) £ 1,100.34 being the residual amount at (e) above, divided by the Council Tax base of 109,240 be the Enfield precept on the Collection Fund for 2009/10 at the level of Band D.

(vii)

Valuation Band	Proportion in relation to Band D	Enfield £
A	6/9	733.56
B	7/9	855.82
C	8/9	978.08
D	1	1100.34
E	11/9	1344.86
F	13/9	1589.38
G	15/9	1833.90
H	2	2200.68

being the amounts given by multiplying the amount at (f) above by the number which, in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

8. to note that, for the year 2009/10, the Greater London Authority (GLA) has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:

Valuation Band	Proportion in relation to Band D	Enfield £
A	6/9	206.55
B	7/9	240.97
C	8/9	275.40
D	1	309.82
E	11/9	378.67
F	13/9	447.52
G	15/9	516.37
H	2	619.64

9. that having calculated the aggregate amount in each case of the amounts at 7 (vii) and 8 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, sets the following amounts as the amounts of Council Tax for the year 2009/10 for each of the categories of dwellings shown below:

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Valuation Band	Proportion in relation to Band D	Enfield £
A	6/9	940.11
B	7/9	1096.79
C	8/9	1253.48
D	1	1410.16
E	11/9	1723.53
F	13/9	2036.90
G	15/9	2350.27
H	2	2820.32

**108****HOUSING REVENUE ACCOUNT ESTIMATES 2009/10 AND MEDIUM TERM FINANCIAL PLAN (RENT SETTING - HRA)**

Councillor Laban moved and Councillor E Smith seconded the joint report of the Directors of Place Shaping and Enterprise and Finance and Corporate Resources (No. 184A).

NOTED that the report presented for approval:

1. the detailed revenue estimates of the Housing Revenue Account (HRA) for 2009/10 following consultation with residents on the HRA budget position.
2. the level of rents and service charges to be operative with effect from 6th April 2009 for Council tenants.
3. HRA projections over the medium term to 2013/14.

**AGREED**

1. that the detailed revenue estimates of the Housing Revenue Account for 2009/10 be approved and the forecast for the medium term be noted (table 1 of the report).
2. that the formula rents be increased by 6.2% in line with Government guidance. This will result in an average increase of 5.74% for Enfield tenants.
3. the level of service charges as set out in paragraph 13.2 of the report, for those properties receiving the services be agreed for 2009/10.
4. that the proposals for increases in other income as detailed in Appendices 2 and 3 of the report be agreed for 2009/10.

Members of the Labour and Save Chase Farm Groups abstained from voting on the above resolutions.

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**109**

**COUNCILLORS' QUESTION TIME**

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

None received.

2. Questions by Councillors

NOTED

i. The fourteen questions, on the Council's agenda, which received a written reply by the relevant Cabinet Member.

ii. The following supplementary questions received for the questions indicated below:

**Question 1 from Councillor Georgiou to Councillor Vince, Cabinet Member for Education and Children's Services:**

"Will Councillor Vince confirm:

1. All of the sites considered for the new school;
2. Why each of these sites was rejected;
3. Which of these sites are:
  - a. commercially sensitive
  - b. green field
  - c. not in the Council's ownership.
4. Will she respond to this supplementary question in the prescribed 12 working days?
5. If she does not do so, will I have to resort to using the Freedom of Information Act to obtain this information/?"

**Reply from Councillor Vince:**

"I hope that Councillor Rodin, who has been provided with a copy of the report on this matter, will share it with you."

**Question 2 from Councillor Boast to Councillor Rye, Leader of the Council:**

"Would Councillor Rye agree with me that it beggars belief that the party sitting opposite, who have just been arguing, not that we should be more efficient, but that we should raid funds that have been set aside to meet specific liabilities such as repairing our housing stock or meeting insurance claims, in order to avoid any increase in council tax when they had 8 years in



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which to practice what they now preach? Eight years in which they increased council tax by an average of 8% each year? Would he also agree that this plumbs new depths of hypocrisy and illustrates how, had they been in power now, they would have been incapable of affecting anything other than a large rise in our tax?

**Reply from Councillor Rye:**

"I agree with the points raised, we have heard from the Labour Party about what they would do on the Council's budget, but the Labour Party pursued completely different policies when they were last in power, they had no money for social services or to repair the Borough's roads and left this Conservative administration to rebuild the Council's finances. I am sure the public won't make the same mistake again."

**Question 3 from Councillor Taylor to Councillor Vince, Cabinet Member for Education and Children's Services:**

"In view of the ridiculously inadequate level of consultation on this issue, especially given this administrations decision to challenge in the Courts the consultation processes relating to the Chase Farm proposals, will she join me in challenging this decision on the basis of the inadequate consultation that has been undertaken?"

**Reply from Councillor Vince:**

"No."

**Question 5 from Councillor Taylor to Councillor Vince, Cabinet Member for Education and Children's Services:**

"Was Councillor Vince involved in the Jubilee by-election and was she unaware that some of the streets that received the consultation document were not in the Ponders End ward?"

**Reply from Councillor Vince:**

"I was involved in the the by-election and the streets in Jubilee were included in the consultation exercise because children in those streets would go to that school."

**Question 7 from Councillor Constantinides to Councillor Lavender, Deputy Leader & Cabinet Member for Sustainable Communities, Employment and Place Shaping:**

"Does Councillor Lavender think it is reasonable to increase rents on council owned commercial property by up to 70%in the current economic climate?"

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**Reply from Councillor Lavender:**

“As a landlord the Council must maintain rack rent levels, however we need to have a debate about how and when we act as a landlord and also as a Council looking to support business. In doing this we should not destroy the value of the Council’s commercial portfolio by reducing rents. Officers have been asked to investigate this matter and it is a good question to ask at the current time.”

**Question 13 from Councillor G Savva to Councillor E Smith, Cabinet Member for Adult Social Services:**

“Will Councillor E Smith explain why he is leaving it so late to advertise these posts?”

**Reply from Councillor E Smith:**

“We are going to advertise these posts.”

**Question 13 from Councillor Rodin to Councillor Rye, Leader of the Council:**

“Can Councillor Rye inform the Council where the 35 apprentices will be taken on and can he ask officers if more can be taken on?”

**Reply from Councillor Rye:**

“We are employing more than 35 across the Council in a number of areas including contractors and I will provide more detail in a written answer, I hope to role out this programme across the Council.”

**110  
MOTIONS**

None received.

**111  
MEMBERSHIPS**

NOTED that there were no changes to committee memberships.

**112  
NOMINATIONS TO OUTSIDE BODIES**

AGREED the following change to nominations to outside bodies:

1. Enfield Strategic Partnership - Councillor Zinkin to replace Councillor Lavender.

**113  
CALLED IN DECISIONS**

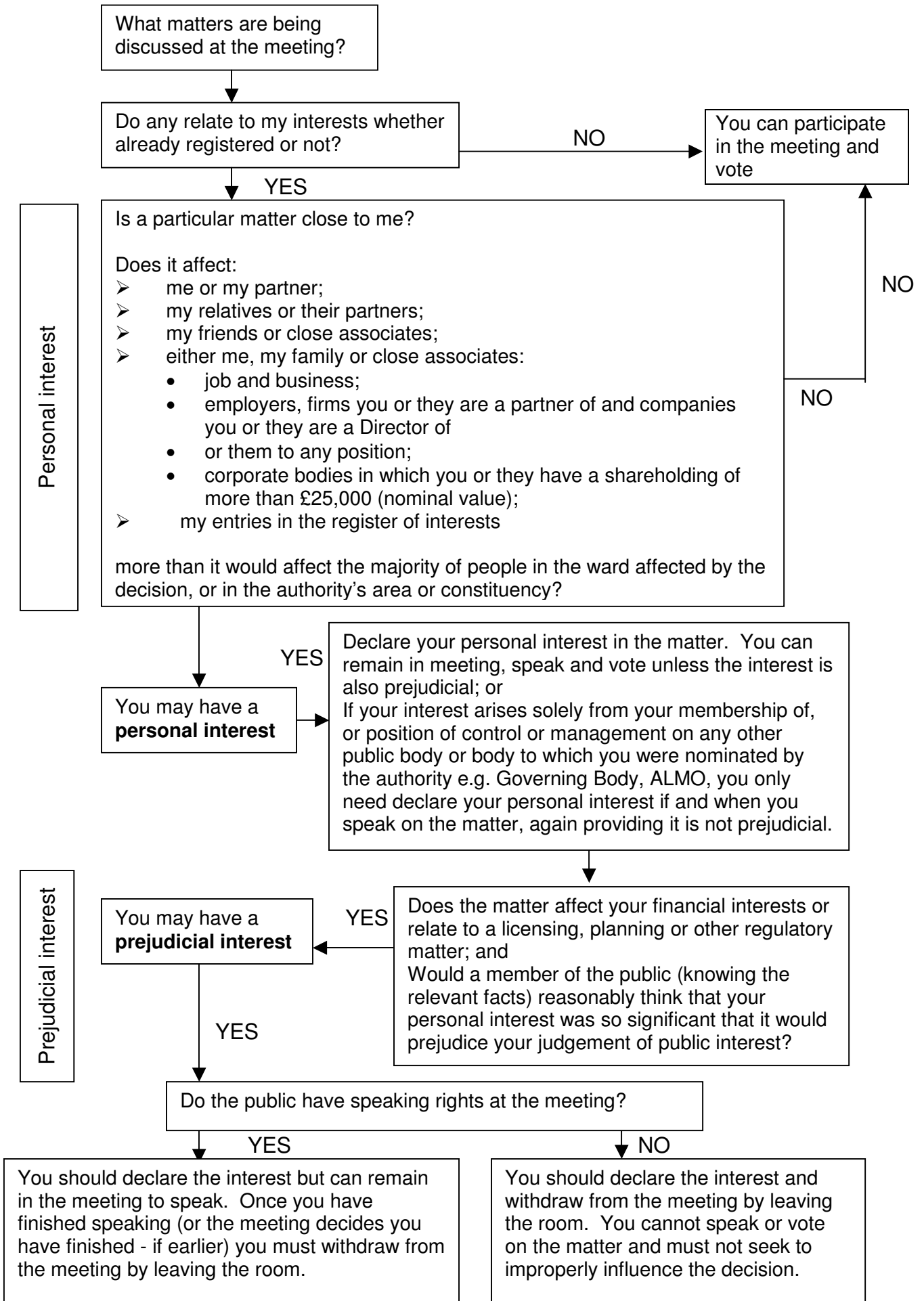
None.

**114  
DATE OF NEXT MEETING**

NOTED that the next meeting of the Council was to be held on Wednesday 1 April 2009 at 7.00 p.m. at the Civic Centre.

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**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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## MUNICIPAL YEAR 2008/2009 REPORT NO. 211

### MEETING TITLE AND DATE:

Cabinet – 25 March 2009  
 Audit Committee – 31 March 2009  
 Council – 1 April 2009

### REPORT OF:

Chief Executive

<b>Agenda – Part: 1</b>	<b>Item: 7</b>
<b>Subject:</b> District Auditor's Annual Audit and Inspection Letter – Audit 2007/08 <b>Wards:</b> All	
<b>Cabinet Member consulted:</b> Councillor Rye, Leader of the Council	

Contact officer and telephone number: Rob Leak 020 8379 3901

E mail: [Rob.Leak@Enfield.Gov.UK](mailto:Rob.Leak@Enfield.Gov.UK)

### 1. EXECUTIVE SUMMARY

The Annual Letter summarises the more important matters arising from the Relationship Manager and District Auditor's audit and inspection programme for 2007/8 and comments on current issues.

Overall, the letter shows that Enfield has been assessed as a 4 star authority, delivering excellent services to the Borough's citizens, and continuing to improve well.

### 2. RECOMMENDATIONS

Members note the contents of the Annual Letter. Councillors can raise any issues, arising from the Letter, with the District Auditor who has been invited to the meeting.

### 3. BACKGROUND

3.1 As in previous years, the Annual Letter comments on performance and financial aspects of the audit and inspection programme. The Letter's key messages are concerned with both council performance, and accounts and governance (summarised on page 3 of the Letter).

- The letter states that the Council is improving well and assessed as a four-star authority under the CPA framework. Other comments about the Council's performance should be seen in that context.

- Improvements have been delivered in priority areas such as educational attainment, tackling crime and dealing with fly tipping
  - The Council continues to identify and meet the needs of its diverse communities
  - Outcomes have improved in adult social care and remain good for children and young people
  - The Council continues to improve its performance management
  - The Council received an unqualified opinion on its 2007/08 financial statements; and
  - The Council received an unqualified conclusion on its arrangements for securing value for money during 2007/08.
- 3.2 The section on 'Action needed by the Council' on page 3 is dealt with in greater depth in the body of the Letter but the key points are as follows.
- The Council now needs to:
- Maintain its focus on improving and aligning costs and performance
  - Ensure that arrangements are established on a timely basis to maintain the operation of leisure services beyond the current contract expiry date
  - Continue to focus on improving the refuse and recycling service
  - Work effectively with public sector partners to tackle the current level of teenage pregnancies in the area: and
  - Ensure required improvements in the arrangements for asset management and Internal Audit are delivered
- 3.3 The remainder of the Letter expands on these key messages and those areas that the District Auditor considers most relevant for Members.
- 3.4 Members will receive reports throughout the next 12 months on the progress made to implement the key recommendations in the Annual Letter. A copy of the Letter has been provided to each Councillor in accordance with the Code of Audit Practice.



**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Not applicable. The District Auditor is required to issue an Annual Letter and it is essential that the Letter is considered by Council.

**5. REASONS FOR RECOMMENDATIONS**

5.1 Members should be aware of the important issues arising from Inspections and the audit of accounts.

5.2 The Letter assists in demonstrating to the Council that its financial arrangements are sound.

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

**6.1 Financial Implications**

There are no financial implications arising specifically from the issuing of the Letter.

The key action points raised by the Auditor (paragraph 3.2 above), particularly those relating to the links between cost and performance and the Council's asset management arrangements and Internal Audit are significant in the context of the Use of Resources assessment. Work is already underway to ensure that the necessary improvements are in place for 2009 so that the Council is well placed to maintain and, where possible, improve on its current score.

**6.2 Legal Implications**

The Audit and Inspection Annual Letter is prepared as part of the key responsibilities of Audit Commission Inspectors' contained in the Audit Commission Act 1998 and Section 10 of the Local Government Act 1999.

The Council is required to consider the Letter and take action as appropriate in response to the various recommendations.

**6.3 Risk Management**

The opinion of the District Auditor is important to the reputation to the Council. The positive comments will maintain the Council reputation for sound management and keep reputational risk to a minimum.

**7. PERFORMANCE MANAGEMENT IMPLICATIONS**

7.1 The Annual Letter is a fundamental complement to the detailed work carried out by the Audit Commission and other Inspectors. Its focus is

on driving improvements in the Council's services by focusing on key elements of our performance management arrangements.

## **8. PUTTING ENFIELD FIRST**

- 8.1 The Annual Letter, and future plans, consider the significant financial and operational risks to the Council and so contribute generally and specifically to the Council objectives.

### **Background Papers**

The Annual Letter is attached and has been sent to all Members.

# Annual Audit and Inspection Letter

London Borough of Enfield

Audit 2007/08

March 2009



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# Contents

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## Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
  - any third party.
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# Key messages

- 1 This letter provides an overall summary of the Audit Commission's assessment of the Council. It draws on the findings and conclusions from:
  - the audit of the Council; and
  - an analysis of the Council's performance and its improvement over the last year, as measured through the comprehensive performance assessment (CPA) framework.
- 2 The letter's main messages are:
  - the Council is improving well and is assessed as a four-star authority under the CPA framework;
  - improvements have been delivered in priority areas such as educational attainment, tackling crime and dealing with fly tipping;
  - the Council continues to identify and meet the needs of its diverse communities;
  - outcomes have improved in adult social care and remain good for children and young people;
  - the Council continues to improve its performance management;
  - the Council received an unqualified opinion on its 2007/08 financial statements; and
  - the Council received an unqualified conclusion on its arrangements for securing value for money during 2007/08.

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## Action needed by the Council

- 3 The Council now needs to:
  - maintain its focus on improving and aligning costs and performance;
  - ensure that arrangements are established on a timely basis to maintain the operation of leisure services beyond the current contract expiry date;
  - continue to focus on improving the refuse and recycling service;
  - work effectively with public sector partners to tackle the current level of teenage pregnancies in the area; and
  - ensure required improvements in the arrangements for asset management and Internal Audit are delivered.

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# Purpose, responsibilities and scope

- 4 This letter provides an overall summary of the Audit Commission's assessment of the Council. It draws on the most recent CPA, the findings and conclusions from the audit of the Council for 2007/08 and from inspections undertaken since the last Annual Audit and Inspection Letter.
- 5 This letter is addressed to members as it is the responsibility of the Council to ensure that proper arrangements are in place for the conduct of its business and that it safeguards and properly accounts for public money. Recommendations have been made to assist the Council in meeting its responsibilities.
- 6 This letter also communicates significant audit and inspection issues to key external stakeholders, including members of the public.
- 7 Your appointed auditor - Grant Thornton from 2008/09 - is responsible for planning and carrying out an audit that meets the requirements of the Audit Commission's Code of Audit Practice (the Code). Under the Code, the auditor reviews and reports on:
  - the Council's accounts; and
  - whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources (value for money conclusion).
- 8 The Comprehensive Area Assessment Lead (CAAL) is responsible for reporting inspection work carried out in accordance with the Audit Commission's duty under section 13 of the 1999 Act. This work includes the latest assessment on the Council's performance under the CPA framework, including the Direction of Travel report and the results of any inspections carried out by the Audit Commission under section 10 of the Local Government Act 1999.
- 9 The reports issued to the Council relating to 2007/08 audit and inspection work are listed at the end of this letter.

## How is the Council performing?

# How is the Council performing?

- 10 The Audit Commission's overall judgement is that the Council is improving well and the Council has been classified as four stars in its current level of performance under the CPA. These assessments have been completed in all single tier and county councils with the following results.

**Figure 1 Overall performance of upper-tier authorities in CPA**



Source: Audit Commission (percentage figures may not add up to 100 per cent due to rounding)

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**Our overall assessment - the CPA scorecard**


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**Table 1 CPA scorecard**

Element	Assessment 2008	Assessment 2007
Direction of Travel judgement	Improving well	Improving well
Overall	4 stars	3 stars
Corporate assessment/capacity to improve	3 out of 4	3 out of 4
Current performance		
Children and young people*	3 out of 4	3 out of 4
Social care (adults)*	3 out of 4	2 out of 4
Use of resources*	3 out of 4	3 out of 4
Housing	4 out of 4	4 out of 4
Environment	3 out of 4	3 out of 4
Culture	3 out of 4	3 out of 4
Benefits	4 out of 4	4 out of 4

Note: \* these aspects have a greater influence on the overall CPA score)  
(1 = lowest, 4 = highest)

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**The improvement since last year - our Direction of Travel report**

- 11** The Council is improving well. The Council has delivered good improvements in priority areas such as educational attainment, tackling crime and dealing with fly tipping. Performance indicators have improved above the national average. Overall resident satisfaction has increased. The Council continues to identify and meet the needs of its diverse communities. Outcomes have improved in adult social care and remain good for children and young people. However, some services such as recycling and refuse collection need further improvement. The Council is working well with partners with a positive impact on some community outcomes such as job creation and fear of crime. However, challenges remain in addressing teenage pregnancies. The Council continues to make good use of its resources and deliver good value for money. It has worked well to further develop its performance management. It has maintained its focus on corporate priorities and continues to develop plans to address the needs of its communities. It has invested in its capacity by recruiting to senior positions. The Council is well placed to continue to deliver improvements for the local area.



## How is the Council performing?

- 12** The Council is improving well. Sixty-five per cent of Performance Indicators (PIs) improved in the past 12 months which is above the national average. Seventy-six per cent of PIs improved during the past three years which is also above the national average. Twenty-five per cent of the Council's PIs were in best quartile compared with the average for councils of 30 per cent.
- 13** The Council is making good progress in delivering its key priorities including:
- raising educational attainment for BME pupils;
  - through the Improving Schools Programme, the Council has 14 per cent of schools judged as outstanding, with all special schools judged as good or outstanding by Ofsted; and
  - dealing with fly tipping.
- 14** Improving street cleaning and tackling litter remains a key priority for the Council. A comprehensive review of refuse, recycling and street cleansing is taking place to generate new working practices to deliver service performance improvement. Wheelie bins are to be rolled out across the borough to houses with the aim of contributing to improved recycling rates and further reductions in litter.
- 15** Educational attainment has improved, although attainment at Key Stages 2 and 3 is generally below that of similar councils and the national average. There is still variability in performance in schools across the area and despite the overall downward trend, the proportion of young people who are not in education, employment or training is higher than those in similar councils.
- 16** Overall crime is reducing. Enfield is now the 11th safest London borough, based on crime per 1,000 residents. Further, there has been a 20.7 per cent drop in violence against the person in 2007/08. Forty-three per cent of residents perceive anti social behaviour as a problem in their local area as compared to 52 per cent in 2005. The Youth Offending Service has been judged as making positive progress in the last year and the Management Board is fit for purpose.
- 17** The Council is contributing to wider community outcomes through improvements in addressing worklessness, one of its major priorities. The Council has secured additional funding of £1.2 million for 2009/10 and £1.6 million for 2010/11 to deal with the worklessness issues in the borough. In the past year, working with its partners the Council has helped create over 300 jobs. The Job Brokerage scheme involving the Council, Job Centre Plus and the Learning and Skills Council, has helped 550 people. The team has recently moved to premises in Edmonton Green shopping centre to make it easier for local people to apply for jobs, particularly 500 at the new ASDA store.
- 18** Tackling teenage pregnancies remains a challenge, with an increase of 18.6 per cent in the rate of teenage conceptions against a target of a 50 per cent reduction. Working with the PCT, the Council has targeted actions to deal with this challenge and has also engaged with the National Support Team for Teenage Pregnancy.

- 19 The Council continues to perform well in meeting the needs of its diverse communities and uses its good understanding of local needs to inform service planning and delivery. Extended office opening hours and the introduction of freephone across Enfield Homes has resulted in improved customer satisfaction. However, the provision of affordable housing remains a challenge, despite leveraging in £24.8m of Government funding.
- 20 The Council has improved its managerial capacity through a number of recent appointments including the Deputy Chief Executive, Director of Finance and Corporate Resources, Assistant Director of Finance, Director of Corporate Improvement and Assistant Director of Corporate Governance. The Council has also improved its workforce development programme.
- 21 The Council has embarked on an ambitious transformation programme. Its recently published Place Shaping Strategy brings together many of the existing priorities and strategies of the Council and its partners. The development of the strategy is designed to ensure that resources and energy are focused on the things that will make the biggest difference to Enfield's communities and the people who want to invest in them.

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### Service inspections

- 22 There have been no Audit Commission inspections during the last year.
- 23 An important aspect of the role of the CAAL is to work with other inspectorates and regulators who also review and report on the Council's performance. CAALs share information and seek to provide 'joined up' regulation to the Council. During the last year, the Council has received the following inspectorate assessments.
- An annual performance assessment of children's services.
  - An annual performance assessment of adult social care services.
  - An annual performance assessment of the benefits service.
- 24 A summary of the overall judgements for each assessment are detailed in the paragraphs that follow.
- 25 The annual performance assessment of the Council's services for children and young people judged their overall effectiveness at a grade 3 (out of a possible 4). The assessment found that the Council consistently delivers services well above minimum requirements for its children and young people. The Council's contribution to improving outcomes in the areas of staying safe and making a positive contribution were 'excellent' and 'good' for being healthy, enjoying and achieving and achieving economic wellbeing. The council had 'excellent' capacity to improve its services for children and young people, and its management of these services is 'excellent'. The full assessment can be accessed via the inspectorate's website at [www.ofsted.gov.uk](http://www.ofsted.gov.uk).
- 26 The Commission for Social Care Inspection's annual performance assessment of adult social care services judged there to be 'good' delivery of outcomes, with 'promising' capacity to improve services. The service improved in its overall star rating from 1 to 2 (out of a possible three stars). The full assessment can be accessed via the inspectorate's website, [www.csci.gov.uk](http://www.csci.gov.uk).

## How is the Council performing?

- 27 The assessment of the benefits service concluded that the Council achieved a rating of 4 (out of a possible 4). The full assessment can be accessed via the inspectorate's website, [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk).

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# The audit of the accounts and value for money

- 28** Your appointed auditor presented his Annual Governance Report to the Council's Audit Committee in September 2008, highlighting:
- unqualified opinions on your accounts and those of the pension fund for the year ended 31 March 2008; and
  - an unqualified conclusion on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2008.
- 29** Your appointed auditor has also issued closing certificates on his audits for 2004/05 and 2005/06. The accounts for the years 2006/07 and 2007/08 remain open pending the consideration of outstanding correspondence concerning the Green Belt. Your external auditor is currently undertaking a review of the Council's arrangements in this area.

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## Use of Resources

- 30** The Use of Resources score is a component of the CPA framework, and is derived from assessments made by the auditor across the following five themes.
- Financial reporting (including the preparation of the accounts of the Council and the way these are presented to the public).
  - Financial management (including how financial management is integrated with strategy to support Council priorities).
  - Financial standing (including the strength of the Council's financial position).
  - Internal control (including how effectively the Council maintains proper stewardship and control of its finances).
  - Value for money (including an assessment of how well the Council balances the costs and quality of its services).
- 31** For the purposes of the CPA, the Council's arrangements for use of resources have been assessed in these five areas as follows.

## The audit of the accounts and value for money

### Table 2

Element	Assessment 2008 (out of 4)	Assessment 2007 (out of 4)
Financial reporting	3	3
Financial management	3	3
Financial standing	3	3
Internal control	3	3
Value for money	3	3
<b>Overall assessment of the Audit Commission</b>	<b>3</b>	<b>3</b>

Note: 1 = lowest, 4 = highest

- 32 The key issues arising from this work are highlighted in the use of resources auditor judgements report. The Council continues to perform well. Whilst the Council has demonstrated improved arrangements and notable practice in respect of financial management, particularly its arrangements for grants to voluntary organisations, the Council needs to ensure changes to its arrangements for asset management and Internal Audit deliver required improvements.
- 33 The slowdown in the national economy is beginning to be reflected locally. The Council will need to retain its focus on strong financial management, in the context of its ongoing review of its reserves policy, to facilitate its response and to manage any threats to its financial position. The Council will also need to enhance its focus on its risk management arrangements, and those of its major partners, in response.
- 34 The Council should also maintain focus on improving its understanding of its costs and their relationship with the Council's priorities and service performance, and in particular on ensuring that costs are commensurate with performance levels.

#### Data quality

- 35 Your appointed auditor reviewed the Council's management arrangements for securing data quality. Whilst the Council's overall arrangements were found to be adequate, testing of a risk-based sample of performance indicators identified errors in the compilation of the indicator recording the speed of processing changes to HB/CTB claims. As a result, a reservation was issued on that indicator.

### Leisure

- 36** The Council's leisure services are operated by Enfield Leisure Trust, which entered into administration in 2006. The Audit and Inspection Plan recognised that these circumstances presented a risk to the Council in delivering leisure services for both the short and medium-to-longer term. Your appointed auditor has therefore reviewed the Council's arrangements for managing current delivery and planning for the longer-term provision of leisure services and reported the key findings in the Annual Governance Report to Audit Committee in September 2008.
- 37** Whilst arrangements are in place in the immediate short term up to the date of expiry of the original contract with the Leisure Trust, arrangements have yet to be approved for the future operation of the services. The Council needs to ensure that arrangements are established on a timely basis to maintain the operation of services beyond the current contract expiry date.

### Procurement

- 38** A survey of key Council staff has been undertaken to assess officers' understanding of the Council's new procurement processes and identify areas for the Council to focus additional training and support. A range of improvement opportunities have been identified from this work which management is considering.

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### Grant claims

- 39** Our last letter referred to weaknesses in the Council's arrangements for the preparation of its housing benefit claims and the resulting higher than expected audit fees. Since our last letter, all outstanding queries from the DWP in respect of claims between 2004/05 and 2005/06 have been responded to. The Council is now awaiting settlement of those claims, although it continues to be exposed to the risk of loss of subsidy entitlement. Whilst there have been improvements in responses to audit queries as part of 2007/08 certification work, officers will need to work with Grant Thornton to deliver further improvements in future years.

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# Looking ahead

- 40 The public service inspectorates have developed a new performance assessment framework, the Comprehensive Area Assessment (CAA). CAA will provide the first holistic independent assessment of the prospects for local areas and the quality of life for people living there. It will put the experience of citizens, people who use services and local tax payers at the centre of the new local assessment framework, with a particular focus on the needs of those whose circumstances make them vulnerable. It will recognise the importance of effective local partnership working, the enhanced role of Sustainable Communities Strategies and Local Area Agreements and the importance of councils in leading and shaping the communities they serve.
- 41 CAA will result in reduced levels of inspection and better coordination of inspection activity. The key components of CAA will be a joint inspectorate area assessment and reporting performance on the new national indicator set, together with an organisational assessment which will combine the external auditor's assessment of value for money in the use of resources with a joint inspectorate assessment of service performance.
- 42 The first results of our work on CAA will be published in the autumn of 2009. This will include the performance data from 2008/09, the first year of the new National Indicator Set and key aspects of each area's Local Area Agreement.

# Closing remarks

- 43 This letter has been discussed and agreed with the Leader, Chief Executive and Director of Finance and Corporate Resources. A copy of the letter will be presented to the Audit Committee on 24 March 2009 and the Executive on 25 March 2009. The Council should arrange to provide copies to all Council members.
- 44 Further detailed findings, conclusions and recommendations on the areas covered by audit and inspection work are included in the reports issued to the Council during the year.

**Table 3 Reports issued**

Report	Date of issue
Audit and inspection plan	May 2007
Annual Governance Report	September 2008
Opinion on financial statements	September 2008
Value for money conclusion	September 2008
Leisure management	October 2008
Final accounts memorandum	January 2009
Data quality report	January 2009
Procurement	February 2009
Use of Resources report	March 2009

- 45 The Council has taken a positive and constructive approach to both audit and inspection work, and I wish to thank the Council's staff for their support and cooperation.

## Availability of this letter

- 46 This letter will be published on the Audit Commission's website at [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk), and also on the Council's website.

**Jackie Barry-Purssell**  
**Comprehensive Area Assessment Lead**

March 2009



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# The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

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## MUNICIPAL YEAR 2008/2009 REPORT NO. **232**

**MEETING TITLE AND DATE:**

Council  
1 April 2009

**REPORT OF:**

Director of Education,  
Children's Services and  
Leisure

Contact officer and telephone number:

Tracy Jenkins (Children's Trust Manager)

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<b>Agenda – Part:</b>	<b>Item:8</b>
<b>Subject: Children and Young People's Plan 2009 – 2012</b>	
<b>Wards: All</b>	
<b>Cabinet Member consulted: Cllr Vince</b>	

### 1. EXECUTIVE SUMMARY

1.1 The purpose of this report is:

- a. To outline the progress of work, the contents and timescale for the production of Enfield's Children and Young People's Plan 2009 – 2012 (CYPP);
- b. To consider and agree the Draft Plan

### 2. RECOMMENDATIONS

2.1 Members of Council are asked to:

- a. Consider and agree the Children & Young People's Plan 2009 - 2012
- b. Delegate the final approval of the Children & Young People's Plan 2009 – 2012 to the Cabinet Member for Education and Children's Services

### 3. BACKGROUND

3.1 Enfield's first CYPP was produced in 2006, and is due to end in March 2009. Enfield Children's Trust is developing a new plan for the period 2009 to 2012. This plan should be published no later than six weeks after the end of the previous plan, in Enfield's case, by 13 May 2009.

3.2. The CYPP covers services for children and young people aged 0 to 19, young people aged 20 and over leaving care, and young people up to the age of 25 with disabilities. It is the single, strategic and overarching

plan for all services affecting children and young people in the local area. All council and partners' work to improve outcomes for children and young people, including operational objectives, should be aligned with, and flow from, the CYPP. It sets out the priorities to improve outcomes for children, young people and families for each of the Every Child Matters outcomes:

- Being healthy – physical and mental and emotional wellbeing
- Staying safe – protection from harm and neglect
- Enjoy and achieve – education, training and recreation
- Make a positive contribution – the contribution made by them to society
- Achieve economic wellbeing – social and economic wellbeing.

- 3.3 Under the Children Act 2004, all English Children's Services Authorities (excluding four-star authorities, such as Enfield) are required to publish a CYPP. This is done in consultation with children and young people, parents, carers and partners. The duty to prepare a CYPP falls within the remit of the Director of Children's Services working with the Lead Member for Children's Services. To date, all authorities (including four-star authorities) have produced a plan to underpin strategic planning for their children's services, as it is seen as best practice in helping to deliver excellent outcomes for children and young people. As a four-star authority, there are clear benefits in publishing a plan for Enfield, albeit that we now have the freedom not to do so.
- 3.4 The CYPP should be taken forward through clear and committed leadership and strong partnership working. The Children's Trust Board has a central role in implementing, monitoring and refreshing the CYPP and ensuring that children and young people's issues are fully integrated into the concerns of the wider community through the Local Strategic Partnership. The CYPP will feed into, and help deliver, the overarching Sustainable Community Strategy. The Enfield Strategic Partnership Board considered the draft CYPP at its meeting on 11 March 2009.
- 3.5 Under proposed legislative changes all partners will have a statutory duty to have regard to and deliver the CYPP. Children's Trust partners' plans should be drawn up explicitly with the CYPP in mind. The Children's Trust Board will need to ensure that the CYPP is strategically aligned with partners' planning cycles and that robust commissioning arrangements are in place.
- 3.6 The new Comprehensive Area Assessment will assess outcomes the Council is delivering in partnership with other public, voluntary, community or business organisations. It will seek to answer the question: How good is the well-being of children and young people? The CYPP will provide evidence of how partners contribute to the delivery of outcomes for children and young people in Enfield.

*Publication of CYPP*

- 3.7 Cabinet is considering the CYPP at their meeting on 25 March 2009. Any comments made by Cabinet will be conveyed to Council
- 3.8 A number of minor changes to the draft submitted to members have been proposed. These have been listed in Appendix 3 of this report.
- 3.9 Enfield's CYPP will be published by the required deadline in the following formats:
- i. A comprehensive Children & Young People's Plan:
    - a. Draft Plan attached at Appendix 1 of this report,
    - b. List of contents required by government regulations attached in Appendix 2 of this report;
  - ii. A summarised version of the CYPP;
  - iii. A parent and carers summary leaflet covering each of the CAP areas. This will include a map of key services, and a response to our consultation exercise (in the form of "You told us ..., we are doing ...");
  - iv. A summary of the key points of the plan in language that is appropriate for children and young people. This will be published in a magazine format, similar to the recently published "Youth Matters" and "Enfield Children Matter" magazines;
  - v. Branded data sticks containing electronic copies of the plan and other documents;
  - vi. Posters and leaflets promoting interest in the CYPP and its messages.
- 3.10 All versions of the plans will be available for download from Council websites.
- 3.11 Arrangements have been put into place to ensure that the new CYPP is being developed in close consultation with children and young people, and with relevant partners, groups and organisations. These arrangements are outlined in Appendix 2.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Four star local authorities such as Enfield need not publish a CYPP. Paragraph 3.3 above sets out the reasons for publishing a plan despite this freedom.
- 4.2 Local authorities have the flexibility to review and roll forward their existing plans, rather than creating entirely new plans. However, government guidance states that it would not be good practice to regularly extend the end date of CYPPs.

- 4.3 Consideration has been given to extending Enfield's current three-year CYPP, which expires on 31 March 2009. However, with major changes having taken place in the children's agenda over the life of the previous plan, it is considered more appropriate to prepare a completely new plan to help Enfield face the challenges of future years.

## 5. REASONS FOR RECOMMENDATIONS

- 5.1 The CYPP is the defining statement of strategic planning and priorities for children, young people and families in Enfield, and is a statutory local authority plan.

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

- 6.1 **Financial Implications** – The Children's and Young People's Plan will be funded from within existing financial resources for 2009/10. Funding provision is included within the Medium Term Financial Plan for future years, but this will be subject to annual reviews of the budget, in the same way as all council services.

- 6.2 **Risk Management Implications** – No significant risks have been identified in production of the Children & Young People's Plan.

- 6.3 **Legal Implications** – The Council has a duty under the Children Act 2004 to co-operate with the local children's trust arrangements and to have regard to the need to safeguard and promote the welfare of children and vulnerable young people. Part 2 Children's Act 2004 places on the Council a duty to prepare and publish a Children and Young People's plan which must set out its strategy for children and relevant young people in the Borough.

- 6.3 **Property Implications** – There are no property implications.

## 7. PERFORMANCE MANAGEMENT IMPLICATIONS

- 7.1 The new plan has been developed through a review of feedback and of performance achieved through the activities carried out against the existing CYPP (2006 – 2009). The new plan draws on existing good practice and seeks to respond to current and future needs for children and young people in the borough. It will be used as a tool with partners to continue to improve on the quality of life and young people by addressing the five Every Child Matters priorities.

## 8. COMMUNITY IMPLICATIONS

- 8.1 Positive impacts:

- i) Enfield's CYPP seeks to ensure that children and young people's individual needs are met through the provision of a wide range of universal, targeted and specialist services.
- ii) The Plan seeks to ensure that high quality and effective services provide all Enfield's children and young people with positive and enduring life chances.
- iii) The Plan seeks to improve joint working between partners to achieve the best outcomes for all Enfield's children and young people.

8.2 Negative impacts: none

## **9. PUTTING ENFIELD FIRST**

9.1 The CYPP has links with all aims of Putting Enfield First 2009, with a particular relevance to the following:

- i. Aim 2 – Ensure every child matters and provide high quality education for all
- ii. Aim 3 – A safer Enfield
- iii. Aim 5 – Provide high quality and efficient services
- iv. Aim 6 – Build prosperous, sustainable communities

## **10. LIST OF APPENDICES**

Appendix 1 – Draft Children & Young People's Plan 2009-2012

Appendix 2 – Content and consultation arrangements of the Children and Young People's Plan

Appendix 3 – Addendum to Children and Young People's Plan

## **APPENDIX 2 – Content and consultation arrangements of the Children and Young People’s Plan**

### *The content of the Children and Young People’s Plan*

A2.1 Government regulations set out the content of the CYPP. The Plan must include the following:

- i. An overarching vision and strategic priorities for children and young people, demonstrating how local services will help to reduce inequality;
- ii. Priorities set out against key actions and timescales showing what needs to be done to achieve them and the milestones and targets against which they can be measured;
- iii. A statement on how the local authority intends to achieve improvements in the integration of services, early intervention and prevention, and safeguarding;
- iv. A needs assessment against outcomes for children and young people. This is a strategic activity and the first step to ensuring that the required range and capacity of services is available and accessible to children and young people – an essential component of the strategic commissioning process;
- v. A statement of how the local authority’s resources will contribute to the improvement in outcomes. A central focus for the CYPP should be on how partners are accountable for resources with regards to services for children and young people;
- vi. The arrangements for co-operation with local partners. This should set out how the plan will be managed and led and what the arrangements are for delivering the plan through the Children’s Trust;
- vii. An outline of performance management and review arrangements. The CYPP should include all LAA targets relevant to children and young people, as well as statutory DCSF education and early years targets. The CYPP should also include local targets for improving outcomes for CYP that do not appear in the LAA.

### *Consultation arrangements for the CYPP*

A2.2 Arrangements have been put into place to ensure that the new CYPP is being developed in close consultation with children and young people, and with relevant partners, groups and organisations. To date, work has been undertaken as follows:

- i. An inter-agency CYPP working group has been established to oversee the development of the new plan (September 2008)
- ii. Analysis of data from the TellUs3 survey of children and young people in Enfield (September 2008)



- iii. On-going detailed needs analysis at borough and CAP levels
- iv. Analysis of a range of consultation exercises with children and young people undertaken by the council and its partners over the past two years, seeking to identify gaps in consultation (September 2008)
- v. An ECEN themed forum with 25 members from a range of voluntary and community organisations. This shared ideas on how best to ensure voluntary sector representation in the development of the plan (September 2008)
- vi. Vision and priorities consultation sessions with each of the four CAP Boards (September 2008)
- vii. A workshop session with members of the BME Forum. Around 30 member organisations shared their views on issues relating to the needs of BME communities (October 2008)
- viii. Two questionnaires (aimed at children & young people and at parents & carers) have been designed to capture views on a range of issues across the five ECM outcomes, seeking views on what is important for children and young people. The young people's questionnaire was live on the Enfield Youth Observatory (October 2008)
- ix. A workshop with managers in the council's Education, Children's Services & Leisure Department. This sought views on CYPP priorities (October 2008)
- x. School Councils have been asked to hold themed discussions around the topics of healthy eating; information, advice and guidance; and volunteering opportunities (Autumn 2008)
- xi. "Have Your Say", a meeting with over 40 young people to discuss service priorities (January 2009)

### **APPENDIX 3 – Addendum to Children and Young People’s Plan**

Page 7 – added 6th key theme - Participation and Involvement of service Users

Page 9 – relocation of paragraphs previously located on pages 13/14 to explain the new key theme listed above

Page 13 – new sentence added regarding our commitment to participatory working

Page 42 – re-instated section on the voluntary sectors contribution omitted in error from previous version.

Page 45 - Insert Paragraph 3: "the police, schools and the local authority are also working on programmes and activities aimed at Preventing Violent Extremism amongst young people in the borough"

Page 46 - Insert Paragraph 3: "as well as supporting the Joint Strategic Needs Assessment process".

Page 62 - Resources

The published plan will contain updated resources information that is currently being validated.

**MUNICIPAL YEAR 2008/2009 REPORT NO.213****MEETING TITLE AND DATE:**

Cabinet 25/03/09 (for referral to Council on 01/04/09)

**REPORT OF:**

Director of Health & Adult Social Care

Contact officer and telephone number:  
David Legg, 020 8379 3723

email: david.legg@enfield.gov.uk

**Agenda – Part: 1****Item: 7****Subject:**

**EMPTY PROPERTY COMPULSORY PURCHASE ORDERS (CPO III)**

**Wards: ALL**

**Cabinet Members consulted:**

Cllr Rye, Leader

Cllr Lavender, Deputy Leader

Cllr Laban, Housing Lead Member

**1. EXECUTIVE SUMMARY**

This report invites Cabinet to recommend that Council resolves to authorise Officers to make Compulsory Purchase Orders (CPOs) on five empty residential properties whose owners have proved un-responsive to attempts by Officers to bring them back into residential use. This is in accordance with Enfield's *Empty Property Strategy* adopted in March 1997, the *Use Of Compulsory Powers* report approved by Cabinet on 15 October 2003 and the *Enfield Council Housing Strategy 2005-2010*.

**2. RECOMMENDATIONS**

Cabinet are asked to recommend that Council on 1 April 2009 **authorise:**

- 2.1 the making of five separate Compulsory Purchase Orders (Orders) in respect of the following properties under Section 17 of the *Housing Act 1985* and the *Acquisition of Land Act 1981* (as amended by the *Planning and Compulsory Purchase Act 2004*): 16 South Street, EN3 4JZ, 112 Woodberry Avenue, N21 3LB, 121 Empire Avenue, N18 1AP, 63 Osborne Road, N13 5PU, and 11 Harrington Terrace, N18 1JX, as shown on the plans (appendices 1-5) attached to the report;
- 2.2 the Directors of Health and Adult Social Care and Finance and Corporate Resources to undertake all necessary steps to prepare the Orders, and all associated documentation and thereafter take all necessary procedural steps (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the Orders by the Secretary of State;
- 2.3 the Director of Health and Adult Social Care and the Director of Finance & Corporate Resources to take all necessary action following confirmation of the Orders to acquire the properties subject to the Orders either compulsorily or by agreement, and to deal with all matters relating to the payment of compensation and statutory interest, including instituting or defending proceedings as necessary;
- 2.4 the disposal of the properties in accordance with the Property Procedure Rules; and
- 2.5 the Directors of Health and Adult Social Care and Finance and Corporate Resources to continue to identify and prioritise resources in order to maintain an ongoing CPO programme that is proportionate and appropriate to address the needs of the Borough.

### 3.0 BACKGROUND: MAINTAINING THE ENFORCEMENT CLIMATE AND UPDATE ON PREVIOUS CPO CASES

- 3.1. The Borough implements its *Empty Property Strategy* to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when the number of households on the housing needs currently stands at 6,378 (excluding council transfers which number 1,828). This includes 3,507 households classified as being in a reasonable preference category. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the *Use of Compulsory Powers* report, envisages that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered. In addition, the Private Sector Housing Renewal Strategy within Enfield's corporate *Housing Strategy 2005-2010* contains a target to reduce the number of empty properties by encouragement and **enforcement**.
- 3.2. By mid-2007, the number of empty properties in the borough where attempts to encourage owners to return them to housing use had been exhausted had grown to well over 30 cases. The next step was to consider enforcement with the assistance of an experienced Empty Property Enforcement Officer employed and funded by the North London Sub-Region. Consequently, on 23 January 2008 Council resolved to authorise Officers to make CPOs on the first three of these empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. On 17 September 2008 Council resolved to authorise Officers to make CPOs on a further five empty residential properties. It is in line with aforementioned strategy, policy framework and practice to date that the authority is seeking to compulsory purchase the properties referred to in this report.
- 3.3. The three CPOs authorised by Council on 23 January 2008 (Pilot CPO report) were submitted to the Government Office of London (GoL) in August 2008 seeking the Secretary of State's confirmation of the Orders. On 19 February 2009, GoL issued notification that the Secretary of State has empowered the Council to confirm the Order relating to 4 Broomfield Cottages, N13. The owner of this address and 199 St Mary's Road, N9, have both signed cross-undertakings agreeing to complete works and return the properties to full housing use (see 6.11 for more information about undertakings). After lodging an objection, the owner of 9 Lancaster Road, N11, opted to proceed by Written Representations rather than by Public Local Inquiry. The Secretary of State's decision is currently awaited on this property.
- 3.4. Only four out of the five CPOs endorsed by Council on 17 September 2008 (CPO II report) needed to be submitted to GoL in January 2009 because 35 Cecil Road, EN2, was renovated and reoccupied at the end of 2008. On 19 February 2009, GoL issued notification that the Secretary of State has empowered the Council to confirm the Orders relating to 26 Cavendish Road, N18, (in the same ownership as 4 Broomfield Cottages in the pilot CPO) and

28 Brettenham Road, N18. The owners of both these addresses have entered into cross-undertaking agreements with the Council. The owner of 24 Sutherland Road, N9, belatedly expressed an interest in pursuing a cross-undertaking and was sent a copy of the agreement to sign at the beginning of March 2009. The owner of 1 Brookside, N21, is in the process of selling and upon confirmation of sale, the Empty Property Officer will seek proposals and early timescales from the new owner for returning the premises to use.

- 3.5. Work is already underway on the next two reports (CPOs IV and V) asking Members to make CPOs on a further 10 to 12 empty properties as the next two phases in an ongoing CPO programme. The CPO IV report is scheduled for submission to Cabinet and Council in mid-2009. Cases in the fifth phase (CPO V) were identified by a comprehensive empty property audit of over 2000 properties carried out in 2007 funded by the North London Sub-Region to update and improve Enfield's empty property database. It is anticipated that future cases requiring enforcement action will result from this audit.
- 3.6. The initiation of compulsory purchase proceedings where owners are unwilling and/or unable to return empty properties to housing use is helping to create a climate of enforcement in the borough, and there are ongoing signs that a real threat of CPO is motivating some previously intractable owners into action. Continuance of the CPO programme together with ongoing publicity is expected to maintain this enforcement climate.

**4. THE PROPERTIES RECOMMENDED FOR CPO: 16 SOUTH STREET, EN3, 112 WOODBERRY AVENUE, N21, 121 EMPIRE AVENUE, N18, 63 OSBORNE ROAD, N13, AND 11 HARRINGTON TERRACE, N18**

- 4.1 Details of each property, including a case history, valuation and plan, are contained in appendices 1-5.
- 4.2 Officers have already served a number of relevant statutory notices in respect of the properties that are still substantive. The purpose of these statutory notices is to identify the works necessary to make the properties free of category 1 hazards (what used to be described as "fit for habitation") and in reasonable repair, and, where appropriate, highlight steps to remedy conditions that adversely affect the amenity of the area. It is recognised that though these works are unlikely to be carried out by the current owners, after compulsory acquisition and disposal, future owners, be they social or private sector, will be expected to address the specified works as part of their refurbishment schemes.
- 4.3 In the event that an owner belatedly starts work, CPO action will continue until such time that works have been fully completed and the properties returned to full residential use to the satisfaction of the Council. In addition, each owner has the opportunity to enter into a cross-undertaking with the Council to achieve a mutually satisfactory outcome (see 6.11 for more information about undertakings). Where owners enter into a cross-undertakings with the Council, they will be expected to address all the works specified in the statutory notices described in 4.2 and such other works necessary to meet the

Decent Homes Standard (as defined in paragraph 5 of the Department for Communities and Local Government's guidance update *A Decent Home: Definition and Guidance for Implementation* of June 2006).

## **5. CPO PROPERTIES AND INCREASING HOUSING SUPPLY**

- 5.1 Compulsory purchase provides the only realistic possibility of these properties being brought back into residential use in the foreseeable future. The best contribution to the Council's quantitative and qualitative housing need would be achieved if these currently empty properties were returned to use for the purpose of low cost social housing. For that reason, it is recommended that the properties are offered, in the first instance, to a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishing the properties, then the properties will be offered for disposal to the private sector at auction or through other acceptable disposal. Sale will be subject to a covenant to ensure the properties are fully renovated and occupied within a defined timescale.

## **6. BUDGET IMPLICATIONS OF CPO ACTIVITY**

### **Capital**

- 6.1 The total cost of purchasing these five properties is estimated at £1,555k based on current indicative valuations (assuming a state of reasonable condition, that is to say, current values as if works had been carried out in each case). Once the CPOs are confirmed, title can be obtained after three months under a General Vesting Declaration. Properties are re-valued at the time the Council takes possession. At this point the properties will be sold on to an RSL, or at auction, or through other acceptable disposal.
- 6.2 Under *The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003* the disposal of housing land would be subject to pooling regulations and 50% of the receipt would be paid over to the government. However, an authority may reduce the amount payable by its capital allowance (this is its planned expenditure on affordable housing). The Council has sufficient capital allowance to utilise the whole of the receipts in question, there would be no requirement to pool the monies received in this case, so the whole receipt would be usable.
- 6.3 In practice, most properties subject to CPO are sold on prior to compensation being claimed. However, a capital budget is required to cover any deficit incurred (see financial implications at paragraph 9.1 below).
- 6.4 Where an owner is unidentified, or has proved to be un-contactable, there is a statutory process that provides for compensation monies and costs to be paid into court. In certain limited circumstances and after a period of time, the Council may apply to the Courts for such monies to be returned to it in the event that the former owner has not claimed them.

## **Associated Non-Recoverable Revenue Costs and Impact of Successful Enforcement Action on Corporate Resources**

- 6.5 An Empty Property Enforcement Officer employed and funded by the North London Sub-Region has been progressing the borough's empty property enforcement work on a two and half days a week basis since July 2007 and is working in partnership with the Empty Property Officer and Private Sector Housing section to develop the necessary in-house procedures, future enforcement programme and review strategy.
- 6.6 The in-house legal cost for the processing the Orders are estimated at £3,750 per property (subject to review). If there are objections and a Public Local Inquiry is required, a further cost in the region of £10,000 per property would be incurred.
- 6.7 In-house property disposal costs (including inspection, valuation, liaison with legal services, negotiations with the owner and liaison with the purchaser throughout the CPO / disposal process) are estimated at £3,500 per property (£2,000 for the above services plus £1,500 for security and maintenance as needed). This estimate does not allow for the possibility of a contested valuation that cannot be negotiated to a settlement, which could go to the Lands Tribunal. If sale to the private sector via auction is chosen, the auctioneer's fees are estimated at 1% per property inclusive.
- 6.8 The acquisition and immediate disposal of these properties via an RSL may result in nomination rights for the Council to meet the needs of accepted homeless families. Officers propose to offset the revenue costs of CPO and disposal in these cases against existing funding available for the implementation of the Homelessness Strategy.
- 6.9 While enforcement engenders the aforementioned revenue costs, once the properties in question are returned to use, they will no longer generate a demand for Council resources, enabling these to be focused on other priorities. For instance, there will be a reduction in service requests as empty properties attract a disproportionate number of complaints to Members and Council services such as Environmental Health.

### **Basic Loss Payments**

- 6.10 It should be noted that the *Planning And Compulsory Purchase Act 2004* introduced an entitlement for former owners to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. The Act provides that the entitlement to basic loss payment is lost if certain criteria are all met. The criteria are as follows:
- a specified statutory notice/order has been served on the owner;
  - at the time the CPO is confirmed the statutory notice/order has effect or is operative; and
  - the owner has failed to comply with any requirement of the statutory notice/order.

A consequence of the actions described at 4.2 above will mean that basic loss payments will not be payable in any of these cases provided that the owners do not comply with the notices before the CPOs are confirmed.

## **Undertakings**

- 6.11 Experience of the use of compulsory purchase powers has demonstrated that once CPO action has been initiated, an owner may belatedly come forward with proposals. In such instances, the local authority can accept an undertaking (in the form of a legally enforceable agreement) from the owner to bring the property back into use within an agreed reasonable time-scale. This would mean that the Council cross-undertakes not to implement the CPO within the agreed time period, but if the owner fails to carry out works, then the CPO is confirmed without objection. This negates the need for an Inquiry and all the costs involved in the Inquiry process.

## **7. RISK MANAGEMENT ISSUES AND ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 As all attempts to secure the consent and co-operation of the owners to return the properties referred to in this report to housing use have been exhausted, an assessment of the most appropriate course of enforcement action was carried out. Of the available options considered, namely, service of legal notices, enforced sale, empty dwelling management orders and compulsory acquisition, the latter most appropriately addresses the circumstances of the properties in question.
- 7.2 By taking the action proposed, the Council incurs the following risks:
- Refusal by the Secretary of State to confirm any CPO submitted (but the number of properties actually CPO'd compared with the number skilfully resolved informally without submission to the Secretary of State are relatively few).
  - Where a CPO is confirmed, there could be a possible shortfall between the sale value and compensation payable to the owner. (The compensation payable [the market value of the property] is normally offset by the revenue received from the sale of the property, thus minimising the risk to the Council).
  - Although only likely to happen in the event of a sudden collapse in the property market, it is possible that a valuation may be higher than the resale value of the property. Any resulting shortfall would have to be funded from Council resources. (To reduce the risk, it is essential that disposal occurs as soon as possible - see capital implications under 9.3.)
- 7.3 The other option the Council might pursue is do nothing, which will avoid the potential budget implications but this is not recommended in the light of the priorities especially in terms of social, economic and environmental welfare.



- 7.4 By failing to take the proposed action, empty and eyesore properties remain untouched and residences with category 1 hazards remain. Enfield's regeneration strategy is impaired and the Council:
- ceases to recover any outstanding money it is owed on the properties;
  - sends out a signal to the community that if they ignore the Council, it will "go away";
  - will not attract the investment on building works that accompanies this programme; and
  - will not be able to achieve irreversible change on these properties.

- 7.5 As part of their strategic housing role when looking at the need to increase housing supply, the Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, published in July 2007, expects Councils:

*"to do more to bring long term empty homes back into use" and "to reduce the number of homes that are left empty for long periods of time."*

- 7.6 On 8 July 2008 the Mayor of London announced a £60million package to tackle the capital's empty homes problem to help deliver his manifesto commitment to reduce long term empty homes to 1% of London's total housing stock. The Mayor's press release quotes him as saying:

*"It is an absurdity that so many properties are empty in London when families are languishing on council housing waiting lists desperately hoping for a home. Empty properties cannot be left to rot and blight local neighbourhoods."*

- 7.7 With regard to increasing supply in London, *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies* of November 2008 aims:

*"To deliver and maintain a reduction in the number of long term empty and derelict buildings – transforming these into homes for Londoners."*

The draft *London Housing Strategy* recognises that *"local authorities play the key role in tackling empty homes"* and where encouragement measures fail to bring empty properties into use, *"there are opportunities for enforcement through the use of Compulsory Purchase Orders and Empty Dwelling Management Orders and a range of other legal sanctions and powers"*.

The draft *London Housing Strategy* sets the following policy objectives:

*"No more than 1% of homes should stand empty and unused for over six months" and "Long term empty homes, derelict empty homes and listed buildings at risk should be brought back into residential use."*

To put these policies into action, the Mayor resolves to work with the Homes and Communities Agency, London boroughs and other partners to *"use £60million of the Targeted Funding Stream to bring empty homes back into*

use" as well as undertake and audit of derelict homes (Enfield conducted its own audit in 2007 - see 3.5) and use discretionary powers to remove Council Tax discounts on long term empty homes.

## **8. REASON FOR RECOMMENDATIONS**

To secure the bringing back into use of vacant and derelict properties, thus addressing the Council's strategic regeneration and supply objectives together with Central Government and the Mayor of London's expectations cited above.

## **9. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

### **9.1 Financial Implications**

This report seeks agreement to proceed with five Compulsory Purchase Orders. This has both revenue and capital implications.

9.2 These orders will initially be processed consecutively and acquisition and disposal should be almost simultaneous.

### **9.3 Capital Implications**

9.3.1 Title can be obtained under a General Vesting Declaration.

9.3.2 On acquisition it is anticipated that a pre-selected RSL will purchase the property from LBE immediately. However, if no such RSL is available there may be a time delay between acquisition and disposal, possibly at auction. If the property market falls between these two points in time there may be some loss of capital. This will be funded by a contribution from revenue.

9.3.3 An allocation of £600k capital funding was agreed in the CPO II report. This will fund the acquisition of each property and be replaced on disposal. The capital funding will be reviewed in the light of experience to date and the properties in this report.

9.3.4 If a delay results in favourable movement in the property market, and thus a surplus on disposal, this may be retained and used to contribute towards any future CPO deficits (as detailed in 9.3.2 above).

### **9.4 Revenue Implications**

9.4.1 Legal costs for processing these Orders are estimated at £3,750 per property (subject to review).

9.4.2 If there are objections and a Public Local Inquiry is required further legal costs of approximately £10,000 would be incurred.

9.4.3 In-house property disposal costs are estimated at £3,500 per property. This estimate does not allow for the possibility of a contested valuation that cannot be negotiated to a settlement, which would go to a Lands Tribunal. The costs associated with a Lands Tribunal are as yet unknown.

9.4.4 Bringing these properties back into use where nomination rights for the authority will assist with Homelessness in the Borough. All of the above revenue costs would then be funded from within existing Homelessness budgets.

## 9.5 Legal Implications

The Council has the power under Section 17 of the *Housing Act 1985* to compulsorily acquire land, houses or other properties for the provision of housing accommodation.

In exercising this power, the Council would need to demonstrate clearly that the acquisition of these properties achieves a quantitative or qualitative housing gain. It would also have to confirm its proposals for the future disposal of the properties to prove that such proposals will secure the return of the properties to a habitable standard and back into use. Current practice is to dispose of such properties to the private sector, Housing Associations or owner-occupiers with a contractual obligation to bring the premises up to a habitable standard within a defined time-sale.

In order to acquire legal title to the properties to facilitate their early disposal, the General Vesting Declaration procedure is recommended as the appropriate process to be adopted following confirmation of the Orders rather than the Notice to Treat procedure.

Once the properties have been vested in the Council, the onward disposal of them would need to be in accordance with the Council's Property Procedure Rules

In disposing of the properties on the open market, it is unlikely that the full costs of the initiation and implementation of the entire CPO process will be recouped and therefore a budget will have to be identified to meet these additional costs.

In respect of Human Rights, the Convention rights applicable to making of the Order are Article 1: Protection of Property, Article 6: Right to a Fair Trial and Article 8: Right to Respect Private Life and Family. It is not anticipated that issues relating to Human Rights will be successfully raised in the context of these proposals.

## 9.6 Property Implications

It cannot be guaranteed that the capital funding for acquisition will be replaced entirely on disposal. As stated, the costs of the CPO process will be met out of revenue and in-house costs have been estimated. However, claimants are entitled to seek payment of their own legal and surveyor's fees as part of the compensation. It should be noted that in the event of the necessity of a referral to the Lands Tribunal to determine CPO compensation, additional costs may be substantial. It will be important if the disposal is to a RSL, to ensure that the pre-selection of the RSL complies with the Council's Property Procedure Rules.

If a sale to the private sector by auction is chosen, then the auctioneer's fees will have to be taken into account, together with other relevant costs.

## 10. PERFORMANCE MANAGEMENT IMPLICATIONS INCLUDE:

- Building sustainable communities through direct action to tackle poor privately owned housing.
- Earmarking properties acquired under confirmed CPOs for social housing.
- Delivering the CPO activity by partnership working between Private Sector Housing, the Empty Property Officer and other Council services, notably Legal, Finance, Valuation and Planning, and a Registered Social Landlord.

## 11. COMMUNITY IMPLICATIONS

Empty property can have a serious negative effect on the local community. Typical complaints associated with empty properties include accumulations of rubbish, rodent infestations, overgrown gardens and unsecured premises (attracting anti-social behaviour such as vandalism, drug taking and arson), all issues that mar the street scene and impact on saleability and property value. Bringing these properties back into use will inspire confidence in the locality and be a positive step in regeneration.

## 12. PUTTING ENFIELD FIRST

The adoption of the practice, process and policy encompassed within this report is considered to contribute towards the six key aims of *Putting Enfield First 2007/2010* and most particularly: "*Cleaner, Greener Enfield*"; "*Safer Enfield to live, work, study and do business*"; and "*Economically successful and socially inclusive*".

## 13. CONCLUSION AND SUMMARY OF RISKS

- 13.1 The compulsory purchase of the above properties, and their subsequent onward sale, will produce a quantitative and qualitative gain to the borough's housing supply, will assist in the achievement of the Council's *Empty Property Strategy* and corporate *Housing Strategy 2005-2010* and will return existing eyesores into much needed homes.

- 13.2 There are two main areas of risk associated with compulsory purchase: financial and perception of performance. If the resale value of a property, once acquired, is less than the compensation paid at the time of possession. This is most likely in a declining housing market. To reduce the risk, it is essential that disposal happens as soon as possible after acquisition. The corollary is that the Council would benefit from any increase in value in an appreciating market, which could be used to offset the costs of acquisition. Any shortfall would have to be funded from Council resources. Secondly, if the Council fails to deal with empty properties, it risks both a negative assessment of its strategic housing performance by Central Government and the Mayor of London and negative perception by residents of its ability to tackle the problems besetting them.

#### **14. Background Papers**

Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

*Putting Enfield First 2007/2010*.

*Enfield Council Housing Strategy 2005-2010*.

Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

Mayor's Press Release, 8 July 2008.

*The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.

*Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.

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**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
16 SOUTH STREET, EN3 4JZ**

**Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS  
(Addressing the requirements of *ODPM Circular 06/2004*)**

**1.0 Description Of The Order Land, Summary Of History And Valuation**

- 1.1 The Order area comprises of 16 South Street, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over two years. It has in that time proved to be a detriment to the amenity of the area, with a history of badly overgrown gardens, fly tipping, accumulations of rubbish, damaged boundary fencing, vandalism and use as a urinal.
- 1.2 The property is a three-bedroom, mid-terrace house with a back addition built between 1897 and 1914.
- 1.3 The Empty Property Officer initially became involved in 2007. Despite repeated attempts to encourage the owners to renovate and reoccupy the property, to date they have failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £215k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other

acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 52 Unity Road.

### 3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 16 South Street is a three-bedroom, mid-terrace house house that has been vacant for over two years. There is a record of involvement by Environmental Health in 1999 to treat an infestation of mice. Complaints were made in January 2007 about men seen urinating on the property and Environmental Health again became involved between May to October 2007 in connection with an accumulation of rubbish to the front garden, a tree overhanging the public footway, overgrown vegetation to the rear garden and an alleged un-secured back door. The Empty Property Officer became involved in June 2007 and the following key events ensued:

Case History

- 3.2.2 14 June 2007: The Empty Property Officer referred a complaint from a resident of a neighbouring property to Environmental Health about damaged boundary railings/fencing to 16 South Street. The department subsequently arranged repairs.
- 3.2.3 06 July 2007: After conducting Land Registry and Electoral Roll searches, the Empty Property Officer identified the male co-owner and informed an Environmental Crime Officer, who then wrote to the said co-owner (a postal address was not available for the female co-owner at the time) advising that she had received complaints that trees to the front garden were overhanging the public footway and obstructing the free passage of pedestrians. She added that there were accumulations to the front and rear gardens, which could provide harbourage for vermin, and warned that if the situation should deteriorate, formal action may be necessary. The letter concluded by requesting the owner to carry out the necessary works within 14 days.
- 3.2.4 16 July 2007: After telephone contact was established with the male co-owner, he faxed signed authorisation to the Empty Property Officer to obtain independent valuations for the sale of the property.
- 3.2.5 15 August 2007: The Empty Property Officer wrote to the male co-owner enclosing valuations from two local estate agents and advised of a further local company interested in purchasing the house.
- 3.2.6 17 August 2007: The female co-owner collected copies of the above mentioned valuations in person from the office of the Empty Property Officer.
- 3.2.7 10 September 2007: The Empty Property Officer wrote to the male co-owner enclosing a letter from a property developer offering to purchase the property.
- 3.2.8 16 October 2007: Environmental Health caused an Abatement Notice under section 80 of the *Environmental Protection Act 1990* to be served on the male co-owner requiring the removal and correct disposal of an accumulation of rubbish to the front garden within 14 days. As the notice was not complied with, the work was carried in his default. Action was also taken by the Council to cut back overhanging branches to the boundary of the property.
- 3.2.9 01 November 2007: The Empty Property Officer received a complaint from a neighbouring resident that the outer pane to the double-glazing to the middle ground floor bay window had been smashed.
- 3.2.10 02 November 2007: The Empty Property Officer received a telephone call from the male co-owner to advise that he had decided to sell his interest to the female co-owner.
- 3.2.11 19 November 2007: Property lawyers acting on behalf of the female co-owner wrote to Environmental Health advising that she had an interest in the property. The case officer's reply dated 21 November 2007 explained that as



the female co-owner had a history of not disclosing her contact details to the Council, it had not been possible to directly communicate with her about enforcement action. The letter pointed out that if the owners checked their property intermittently, the recent enforcement action by the Council could have been avoided.

- 3.2.12 12 March 2008: The Empty Property Officer wrote separately to both co-owners (via lawyers in the case of the female co-owner) reminding them that he had spoken to them on many occasions during the previous year in an attempt to facilitate an easy disposal mechanism. Firstly by enabling negotiations to sell to the female co-owner and secondly via introductions to agents and developers. The Empty Property Officer highlighted the history of complaints to the Council and recent complaints about accumulating rubbish to the front garden and overgrown nature of the rear garden occupied by a family of foxes. He added that the back door of the premises was open, thus increasing the risk of vandalism or squatting. It was evident that the house had become a long-term empty property as well as an eyesore and blight to many in the local community. The letter advised that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist them with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 11 April 2008.
- 3.2.13 13 May 2008: The Empty Property Officer alerted the Environmental Crime case officer of further rubbish accumulated to the front of the property.
- 3.2.14 19 May 2008: The Empty Property Officer wrote to the joint owners enclosing a requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* and warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase long term vacant property. The letter reminded the joint owners that the Empty Property Officer had spoken to them on many occasions during the previous year to discuss various options for returning the property to use, but it appeared that they had failed to act upon any of the advice and/or schemes offered by the Council. The Empty Property Officer pointed out that he was continuing to deal with neighbour complaints and had requested Enviro Crime to investigate an accumulation of rubbish to the front garden and overgrown condition of the rear garden, which was still occupied by a family of foxes. The letter concluded by urging the owner to get in contact before 18 June 2008.
- 3.2.15 17 June 2008: A completed questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was received from the second co-owner.
- 3.2.16 12 September 2008: Following further complaints from neighbours, the Empty Property Officer requested the Environmental Crime case officer to investigate

rubbish accumulations to the front garden and state of the back garden and arrange clearance as necessary. It is understood that a representative of the male co-owner subsequently cleared the front garden and removed a broken outer layer of glass to the double glazed ground floor bay window.

3.2.17 08 October 2008: Improvement Notices under sections 11 and 12 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 and 2 hazards identified at the property. The joint owners have to date failed to comply with these notices.

3.2.18 September 2008 to December 2008: An exchange of various items of correspondence and a number of telephone conversations between the joint owners, their representatives and the Empty Property Officer regarding the future of the property proved inconclusive.

3.2.19 12 January 2009: In his reply to a letter from the female co-owner's dated 22 December 2008, the Empty Property Officer reminded her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite detailed negotiations and communication between the owners and the Empty Property Officer and other Council officers over a period of more than 18 months, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 11 February 2009.

3.2.20 12 January 2009: The Empty Property Officer wrote to the co-owners reminding them of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite detailed negotiations and communication between the owners and the Empty Property Officer and other Council officers over a period of more than 18 months, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The co-owners were urged make contact as soon as possible, but certainly no later than 11 February 2009.

### 3.3 **Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

**4.0 Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

**5.0 Statement Of Planning Position**

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

**6.0 Information Required In The Light Of Government Policy Statements**

6.1 Not applicable.

**7.0 Any Special Considerations Affecting The Order Site**

7.1 None are known.

**8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

8.1 No obstacle or required prior consent applicable.

**9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

9.1 No obstacle or required prior consent applicable.

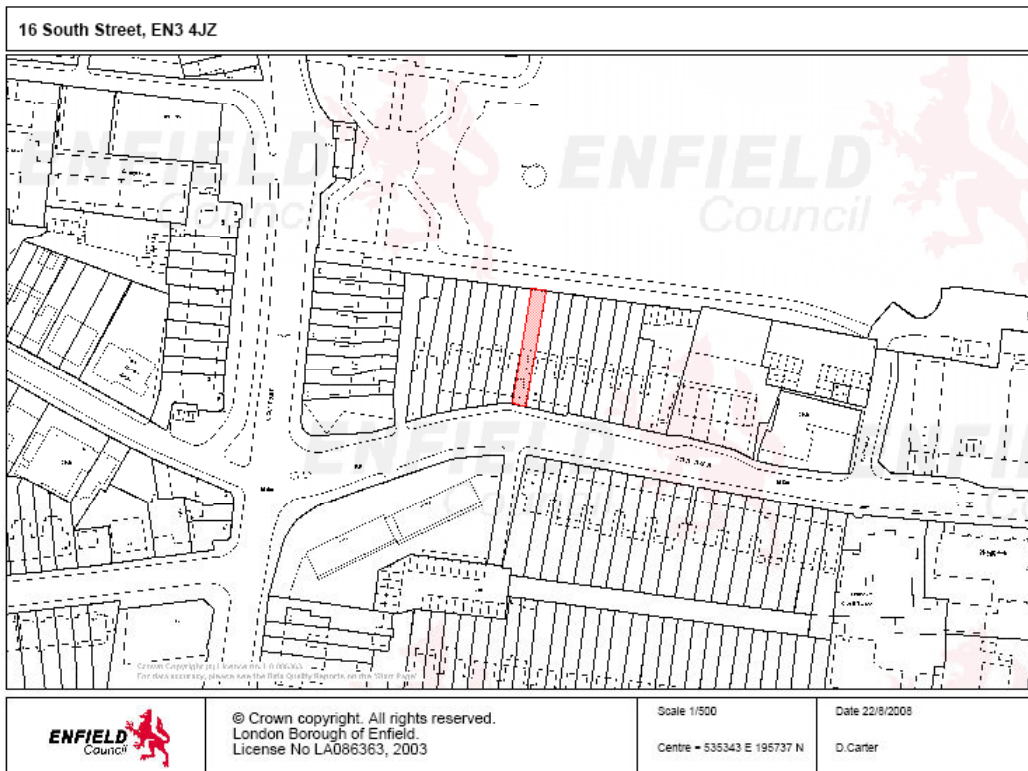
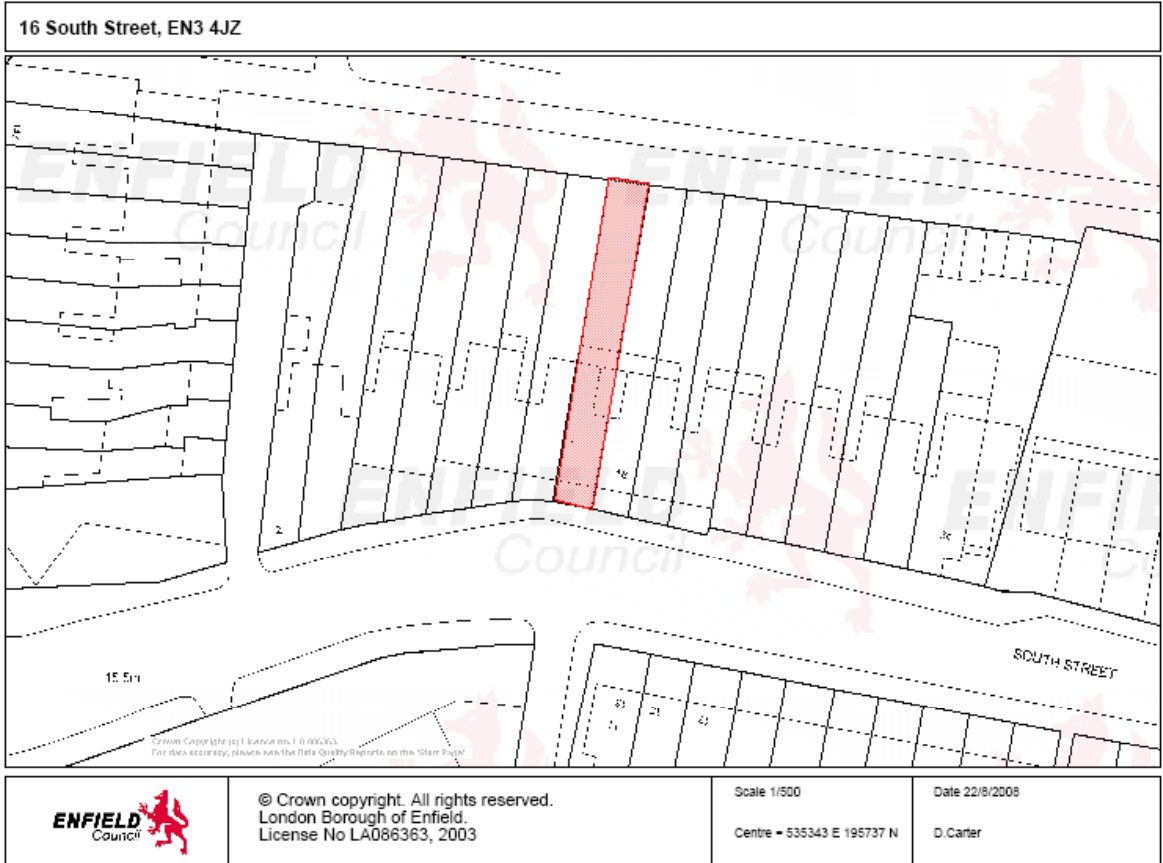
**10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**

10.0 Not applicable.

**11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order**

- 11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, from whom further information can be obtained.
- 12.0 **Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**
- 12.1 There are no current related orders, applications or appeals.
- 13.0 **List Of Documents Likely To Be Used In An Inquiry**
- 13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.
- 13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.
- 13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.
- 13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.
- 13.5 Enfield's *Corporate Housing Strategy*.
- 13.6 *Putting Enfield First 2007/2010*.
- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 16 South Street, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
112 WOODBERRY AVENUE, N21 3LB**

**Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS  
(Addressing the requirements of *ODPM Circular 06/2004*)**

**1.0 Description Of The Order Land, Summary Of History And Valuation**

- 1.1 The Order area comprises of 112 Woodberry Avenue, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over 15 years. It has in that time proved to be a detriment to the amenity of the area, with a history of complaints about its dilapidated condition, overgrown garden, rubbish accumulations and rodent sightings associated with the property.
- 1.2 The property is a three-bedroom, end of terrace house built between 1897 and 1914.
- 1.3 The Empty Property Officer initially became involved in 1997. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.

A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £420k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property

is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 112 Woodberry Avenue.

### 3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 112 Woodberry Avenue is a three-bedroom, end of terrace house that has been vacant for over 15 years. The Empty Property Officer became involved in June 1997 and the following key events ensued:

#### Case History

- 3.2.1 19 June 1997: The Empty Property Officer wrote to the owner advising that the Council is trying to encourage owners to consider the advantages of returning empty homes to use. The letter informed the owner of a current initiative by the Council and a local housing association to improve and reoccupy empty homes. The Empty Property Officer invited the owner to contact him to discuss the scheme and other options available. No reply was received.

- 3.2.2 01 June 2000: Environmental Health investigated a complaint about rats seen running from the garden of 112 Woodberry Avenue.
- 3.2.3 27 July 2000: A follow-up visit by Environmental Health noted that the garden was overgrown.
- 3.2.4 18 May 2000: A complaint was received by Environmental Health about the poor state of the property, overgrown garden and sighting of rats.
- 3.2.5 06 June 2001: A complaint was referred to Environmental Health from an MP about rats and derelict condition of the property.
- 3.2.6 07 February 2002: A complaint was received by Environmental Health about the poor state of the property, broken fencing and sighting of rats.
- 3.2.7 18 September 2002: Environmental Health received a complaint about four dumped bags of refuse, which the Council cleared.
- 3.2.8 14 June 2004: The Empty Property Officer wrote to the owner to advise that he had received several enquiries about ownership of the property and whether he was aware of the owner's plans for the premises. The letter requested the owner to contact him to discuss the aforementioned issues and any assistance the Council may be able to give to make the property habitable.
- 3.2.9 18 August 2004: The Empty Property Officer telephoned the owner, who said she had relatives abroad that may move into the house. She stated that she did not want the hassle of renting and was not interested in the Council's Grants and Nomination Scheme (GANS).
- 3.2.10 22 February 2006: The Environmental Crime Unit received a complaint about a partially collapsed garden wall. The investigating officer closed the case on 06 March 2006 because the wall appeared secure.
- 3.2.11 29 January 2007: The Environmental Crime Unit received a complaint about rats and accumulated rubbish. Upon investigation, no evidence of rats was found.
- 3.2.12 06 February 2007: An Environmental Crime Officer sent a letter to the owner advising that accumulations of rubbish at the property could easily provide harborage for rodents and other vermin and give rise to nuisance. The letter warned of the enforcement implications should vermin or a nuisance be established.
- 3.2.13 12 May 2008: The Empty Property Officer wrote to the owner to remind her that he had been in contact with her on several occasions over the previous few years as well as contacted by the Environmental Crime Unit about the state of the gardens and outside wall. The letter advised that the Council (as part of the North London Sub-Region) was working with the Government



Office for London to bring empty properties back into use and again outlined various schemes to assist her with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 09 June 2008 with a full and concise plan with a realistic timescale for bringing the property back into use. No reply was received.

- 3.2.14 06 June 2008: The owner reported that the house had been squatted. Vandalism and graffiti had been observed internally.
- 3.2.15 01 July 2008: The Environmental Crime Unit received a complaint about overhanging branches and bushes making it difficult to walk on the pavement. The Environmental Crime case officer reported to the Empty Property Officer at the beginning of December 2008 that an insufficient attempt had been made to cut back the foliage.
- 3.2.16 13 August 2008: During a visit to the property by a Principle Environmental Health Officer and an Empty Property Enforcement Officer employed by the North London Sub-Region, the owner claimed that she was living between her two properties, but would not be drawn on how much time she spends in 112 Woodberry Avenue or whether she slept there for security purposes (or if not for this reason, to enable her to maintain that the property is “occupied”). She said that she planned to sell one of the two properties, but would not be drawn on which one or when. She made repeated references to family from abroad that she alleged occasionally stayed in the house, but would not clarify whether she meant she intended to sell to them or on the open market.
- 3.2.17 19 August 2008: The police visited the owner’s home address in response to her earlier complaints about squatters in 112 Woodberry Avenue. They were concerned enough about the state of both her properties to make a referral to social services. They, in turn, requested her GP to visit as soon as possible.
- 3.2.18 30 September 2008: The Empty Property Officer wrote to the owner to remind her that he had written to her on 12 May 2008 expressing concern about 112 Woodberry Avenue and outlining the various options available to assist with returning the property to full time residential use. The letter confirmed the Council’s intention to serve an Improvement Notice under the *Housing Act 2004* and continue with its action to obtain a CPO. The letter noted the owner’s contention that the property had once again been squatted and locks changed such that she no longer had access. The Empty Property Officer strongly advised the owner to seek help from her solicitor and offered to assist her in any way that she might feel was suitable. The letter requested confirmation of the owner’s future plans for the property and the submission of detailed written proposals and timescales for renovating and reoccupying the property. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase

property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 30 October 2008.

3.2.19 14 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. To date, the owner has not taken steps to comply with this notice.

3.2.20 07 January 2009: The owner's solicitor advised the Empty Property Officer that an eviction order had been executed against the squatter on 17 December 2008 and the locks changed. However the squatter re-occupied between 20 to 23 December. Before taking further eviction proceedings, the solicitor proposed to consider the use of a "guardian" organisation to occupy the premises.

3.2.21 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner over a period of more three and a half years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

### 3.3 **Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

### 4.0 **Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

### 5.0 **Statement Of Planning Position**

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

**6.0 Information Required In The Light Of Government Policy Statements**

6.1 Not applicable.

**7.0 Any Special Considerations Affecting The Order Site**

7.1 None are known.

**8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

8.1 No obstacle or required prior consent applicable.

**9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

9.1 No obstacle or required prior consent applicable.

**10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**

10.0 Not applicable.

**11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order**

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, from whom further information can be obtained.

**12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**

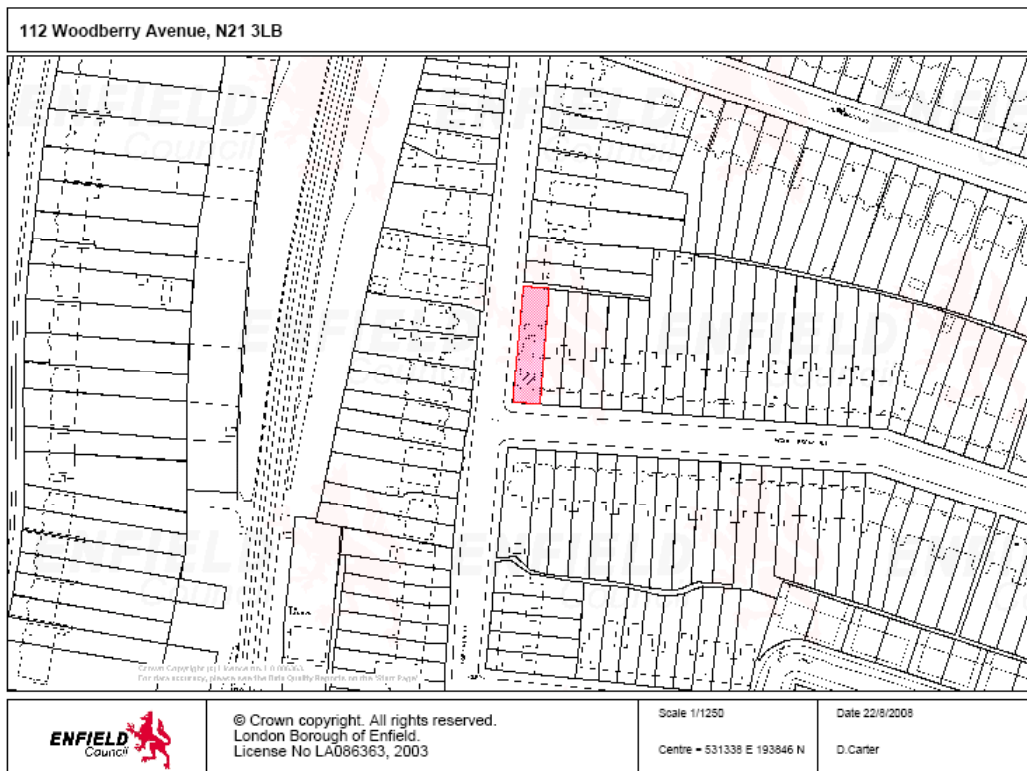
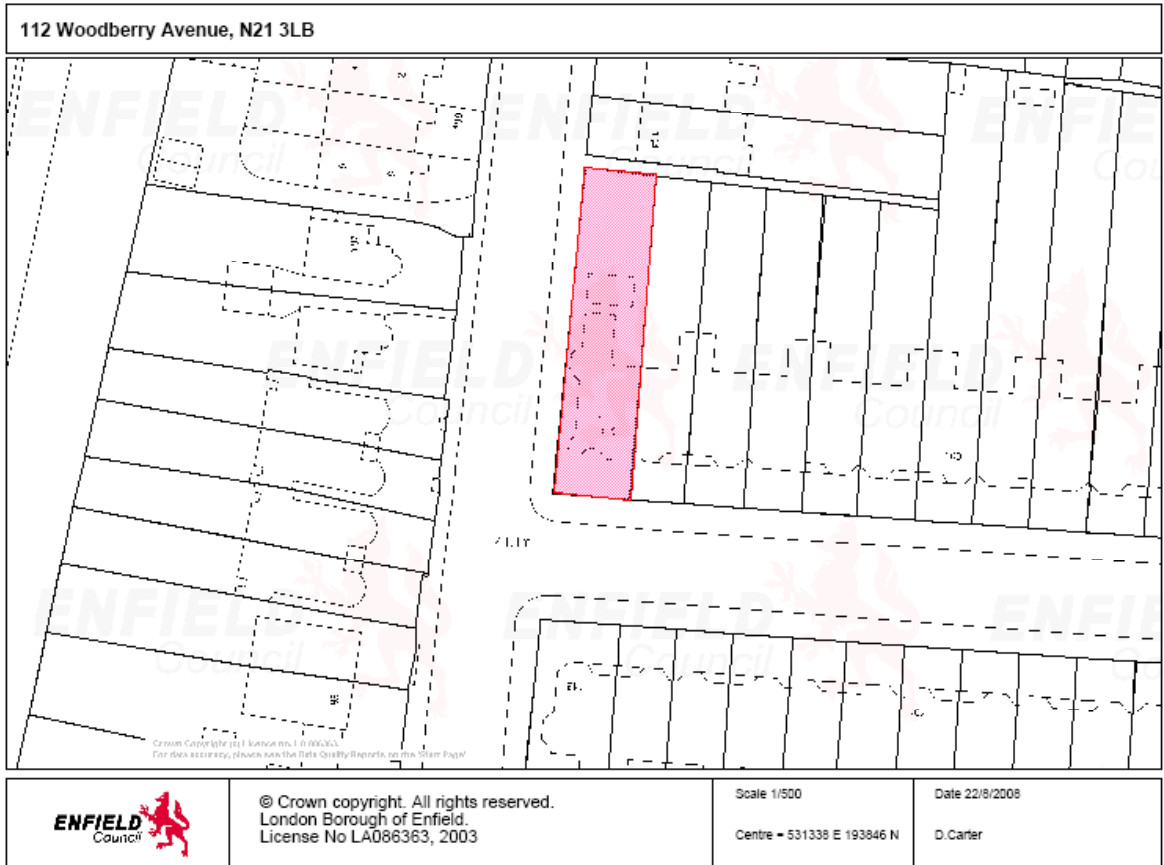
12.1 There are no current related orders, applications or appeals.

**13.0 List Of Documents Likely To Be Used In An Inquiry**

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

- 13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.
- 13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.
- 13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.
- 13.5 Enfield's *Corporate Housing Strategy*.
- 13.6 *Putting Enfield First 2007/2010*.
- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 112 Woodberry Avenue, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
121 EMPIRE AVENUE, N18 1AP**

**Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS  
(Addressing the requirements of *ODPM Circular 06/2004*)**

**1.0 Description Of The Order Land, Summary Of History And Valuation**

- 1.1 The Order area comprises of 121 Empire Avenue, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for approximately 12 years. It has in that time proved to be a detriment to the amenity of the area, with a history of badly overgrown gardens, accumulations of household refuse and lumber, occupation by squatters, break-ins and unwanted attention from local youths.
- 1.2 The property is a three-bedroom, end of terrace house built in the late 1930s. The property became vacant in the mid-1990s.
- 1.3 The Empty Property Officer initially became involved in 2006 after receiving complaints from members of the Weir Hall Ratepayers Association about the condition of the property and it acting as a magnet for local youths and occasional squatters in previous years. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £250k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide

nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 6,986 applicants are on the housing waiting list. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 121 Empire Avenue.

### 3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 121 Empire Avenue is a three-bedroom, end of terrace house that has been vacant for approximately 12 years. The Empty Property Officer became involved on 10 February 2006 after receiving telephone calls from members of the Weir Hall Ratepayers Association complaining about the condition of the property and it acting as a magnet for local youths and occasional squatters in previous years. The following key events ensued:

### Case History

- 3.2.1 23 February 2006: After investigating a complaint from a neighbouring property, Environmental Health served a Notice to Remedy the Condition of Filthy or Verminous Premises or Articles under Section 83 of the *Public Health Act 1936* on 23 February 2006 requiring the removal of domestic lumber, cleansing, disinfecting and the eradication of fleas.
- 3.2.2 24 February 2006: The Empty Property Officer wrote to the owner advising that he understood that the property had been vacant for some time and that the Council had recently served a notice requiring steps to be taken to clear the house and garden. The letter requested the owner to confirm what plans, if any, she might have had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if she wished to arrange a meeting to discuss her various options.
- 3.2.3 06 July 2006: The Empty Property Officer wrote to the owner reminding her that he had written on 24 February 2006 and not received a reply. The letter requested the owner to contact the Empty Property Officer as soon as possible to advise him of any plans for the future of the house. The Empty Property Officer added that the house had been unoccupied for many years and had been attracting unwanted attention from local youths, had been squatted in the previous 12 months and the gardens were badly overgrown.
- 3.2.4 23 November 2006: The Planning service served a notice under section 215 of the *Town and Country Planning Act 1990* requiring a reduction in height of all mature trees, shrubs, bushes and other vegetation and the permanent removal of all cut vegetation, household rubbish and discarded household items within three months of the notice taking effect (which was 05 January 2007).
- 3.2.5 17 April 2007: Environmental Health received a complaint about overgrown trees, shrubs and foliage and a rat infestation at the property. The complainant advised that the owner used to visit the property every month or so, but residents had not seen her for a number of years. A visit by an officer two days later confirmed that the front and rear gardens were very overgrown, but no evidence of rats was detected.
- 3.2.6 08 May 2007: The Empty Property Officer wrote to the owner stating that as he had not received a reply to his previous correspondence of 24 February and 06 July 2006, he had been obliged to pass his findings to the Council Tax department, who had removed the owner's claims for council tax single person discount and council tax benefit. The letter invited the owner to either confirm any plans she had for the property or contact the Empty Property Officer to discuss the various options available to bring the property back into use.



- 3.2.7 08 May 2007: A report prepared by a Planning Enforcement Officer highlighted that the overgrown appearance of the property had led to a history of break-ins and fear expressed by local residents that serious damage would be caused to the house and neighbouring properties. The report pointed out that residents were concerned about being disturbed by police officers carrying out investigations and property developers interested in purchasing the property. The Planning Enforcement Officer commented that trees on site were so tall that they interfered with telephone lines and the rear garden was so overgrown that it was impossible to gain access to the rear of the house. Furthermore, some fence panels had collapsed allowing access to the rear garden and garage. The Planning Enforcement Officer reported that he had spoken to the elderly and infirm owner, who said that she had neither the funds nor ability to carry out works despite the service of a notice under section 215 of the *Town and Country Planning Act 1990*, but had recently persuaded a friend to assist with tidying the front garden and reducing the height of trees.
- 3.2.8 24 May 2007: The Planning Enforcement Officer referred the complaint about the overgrown and untidy state of the front and rear gardens and accumulated household rubbish and old garden furniture to the rear garden to Environmental Health for action.
- 3.2.9 30 January 2008: The Empty Property Officer wrote to the owner reminding her that he had written on several occasions over the previous two years expressing concern about 121 Empire Avenue. The letter emphasised that it was now evident that not only is the house a long-term empty property, but it has also become an eyesore and blight for many in the local community. The Empty Property Officer advised that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and again outlined various schemes to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 27 February 2008.
- 3.2.10 12 February 2008: Environmental Health investigated a complaint about an oil drum dumped in the alley to the side of 121 Empire Avenue. A person or persons unknown subsequently removed the item.
- 3.2.11 01 May 2008: Environmental Health was contacted by a solicitor acting for the owner, informing them that property was once again believed to have been squatted and they were in process of taking proceedings against the trespassers.
- 3.2.12 16 May 2008: The Empty Property Officer wrote to the owner to remind them that he had still had no response to his previous letters and that he was aware that squatters were believed to be in occupation of the premises. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the

owner was warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 18 June 2008.

- 3.2.13 15 June 2008: The Empty Property Officer received a letter from the owner stating that she considered her property to be a “second home” and that she was suffering unwarranted harassment from the Council. The owner also enclosed a completed questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976*.
- 3.2.14 10 July 2008: The Empty Property Officer responded to the owner stating that he disagreed with her contention that the property should be classified as a “second home”. He was of the opinion that any reasonable person would concur that the property was unoccupied and empty.
- 3.2.15 08 August 2008: The Empty Property Officer accompanied by an Environmental Health Officer and Empty Property Enforcement Officer (employed by the North London Sub-Region) visited the property and observed that the property did seem to be occupied by squatter(s). The Empty Property Officer spoke with a neighbour who confirmed that they had not seen the owner for nearly 12 months and she very rarely visited the house. The neighbour also confirmed that a single man had been residing in the house for approximately two months.
- 3.2.16 08 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. The owner appealed to the Residential Property Tribunal (RPT), objecting to the short time period to complete works, which she alleges are cosmetic. Her application to the Tribunal Service dated 29 October 2008 states that the property is “used mainly for storage, and being not rented, leased, or let, has no legal occupants, apart from occasional visits by myself.”
- 3.2.17 16 December 2008: The Council’s Legal department wrote to the appellant (owner) offering an extension of 16 weeks to undertake and complete the section 11 works (which also allowed the owner time to take action against the squatters in the property). By the first week of January 2009, neither the Council’s lawyer nor the RPT had been contacted by the appellant. Despite the owner’s stated desire to proceed by written representations, the RPT set a hearing date for 15 January 2009, which it subsequently postponed because of the appellant’s failure to respond and incapacitation of the Environmental Health Officer who served the section 11 notice.
- 3.2.18 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council’s use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner for almost two years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently,

the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

- 3.2.19 29 January 2009: A representative of Weir Hall Ratepayers Association called the Empty Property Officer to advise that local residents were concerned about 20-30 black bags dumped in the alleyway to the side of 121 Empire Avenue and indicated that she intended to contact Enfield's Enviro Crime Unit about the matter.

### **3.3 Human Rights Considerations**

- 3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

### **4.0 Proposals For The Use Of The Land**

- 4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

### **5.0 Statement Of Planning Position**

- 5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.
- 5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.
- 5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

### **6.0 Information Required In The Light Of Government Policy Statements**

- 6.1 Not applicable.

### **7.0 Any Special Considerations Affecting The Order Site**

- 7.1 None are known.

**8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

8.1 No obstacle or required prior consent applicable.

**9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

9.1 No obstacle or required prior consent applicable.

**10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**

10.0 Not applicable.

**11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order**

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, from whom further information can be obtained.

**12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**

12.1 There are no current related orders, applications or appeals.

**13.0 List Of Documents Likely To Be Used In An Inquiry**

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

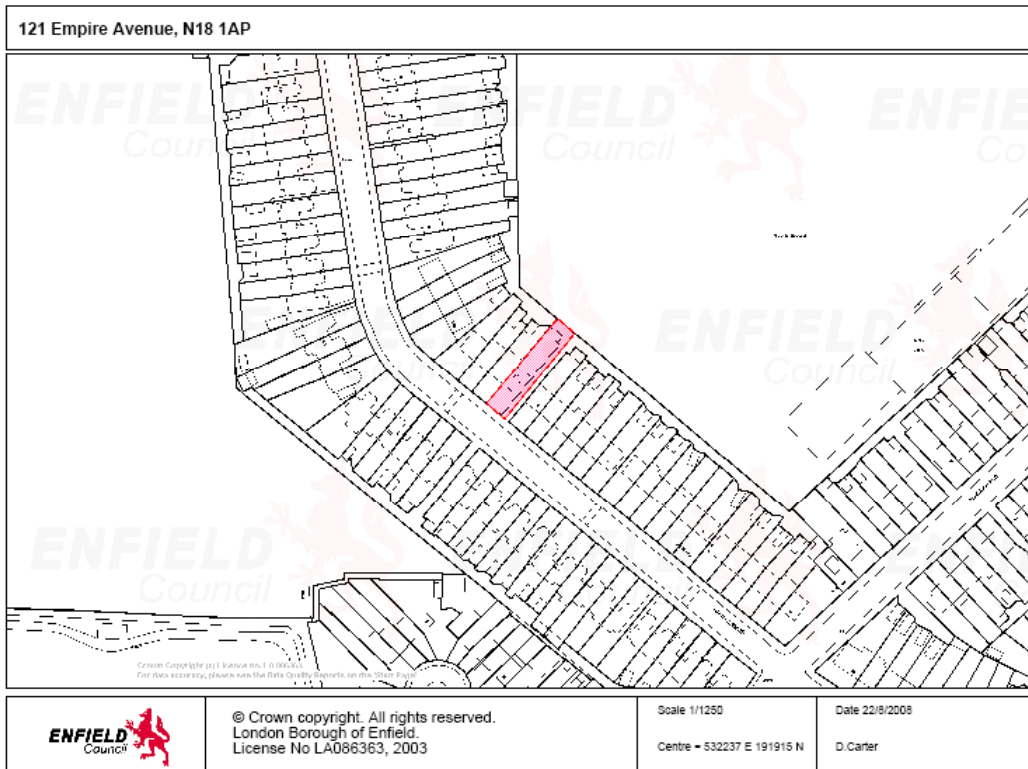
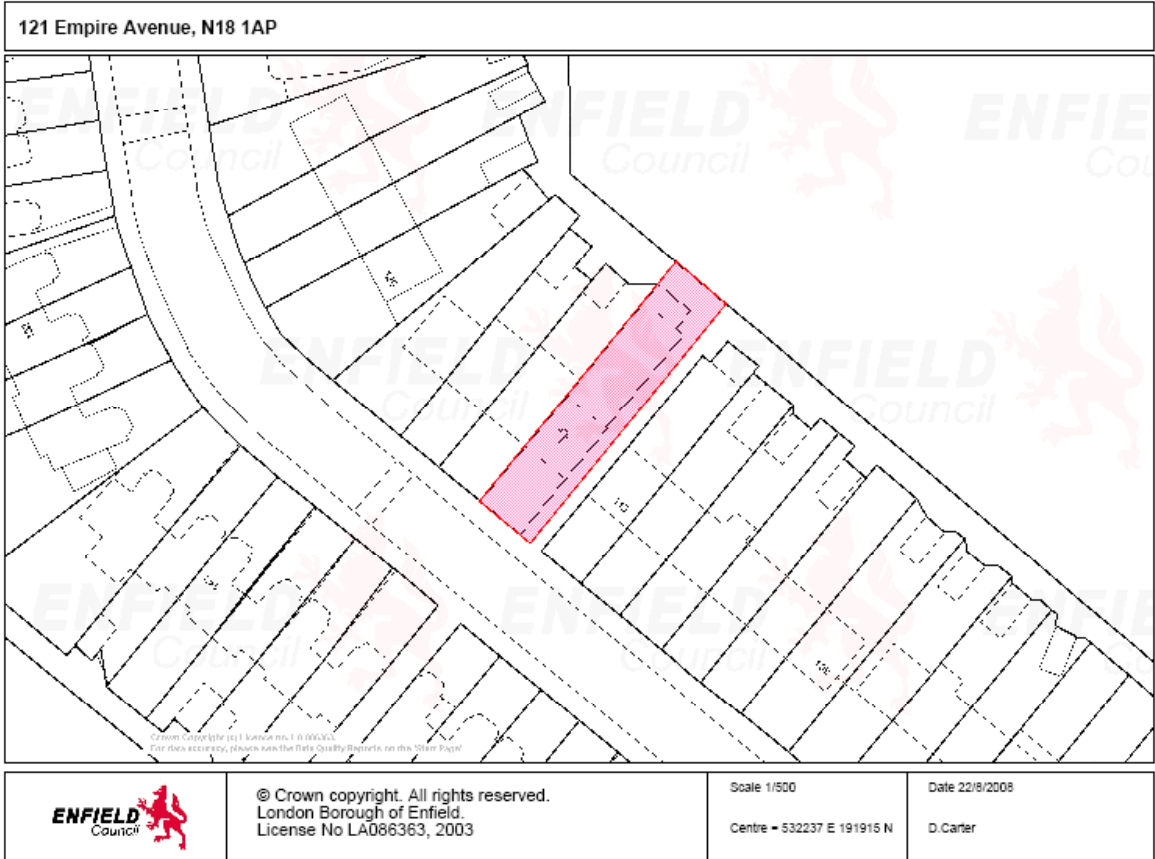
13.5 Enfield's *Corporate Housing Strategy*.

13.6 *Putting Enfield First 2007/2010*.

13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 121 Empire Avenue, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
63 OSBORNE ROAD, N13 5PU**

**Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS  
(Addressing the requirements of *ODPM Circular 06/2004*)**

**1.0 Description Of The Order Land, Summary Of History And Valuation**

- 1.1 The Order area comprises of 63 Osborne Road, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over 10 years. It has in that time proved to be a detriment to the amenity of the area, with a history of enforcement action in relation to pest control, harbourage for rodents and vermin and overgrown vegetation.
- 1.2 The property is a four-bedroom, end of terrace house built circa 1900.
- 1.3 The Empty Property Officer initially became involved in 2002 after noticing the property was vacant when visiting neighbouring premises. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date she has failed to do so.
- 1.4 A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £430k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property

is fully renovated and occupied within a defined timescale. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 63 Osborne Road.

### 3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 63 Osborne Road is a four-bedroom, end of terrace house that has been vacant for over 10 years. In February 2002, Environmental Health received a complaint about the premises being empty and unsecured, but after investigation the property was found to be secure. The Empty Property Officer became involved the following month and the following key events ensued:

#### Case History

- 3.2.1 21 March 2002: After conducting a Council Tax database search, the Empty Property Officer wrote to the owner outlining various options for renovating and returning the property to use, including grant aid and the Council's leasing



scheme. The owner was requested to confirm what plans, if any, she had for returning the property to use. No reply was received.

- 3.2.2 27 May 2002: The Empty Property Officer wrote again to the owner outlining various options for renovating and returning the property to use, including grant aid and the Council's leasing scheme. The owner was requested to confirm what plans, if any, she had for returning the property to use. No reply was received.
- 3.2.3 04 January 2003: The Empty Property Officer managed to make telephone contact with the owner, who stated she did not want to let the property to tenants who might trash the accommodation. Though she expressed an interest in letting to "professional" tenants, she indicated that she would be more likely to sell the property.
- 3.2.4 22 February 2003: The Empty Property Officer sent a letter to the owner (erroneously dated 22 February 2002) providing advice on the Council's Responsible Letting Scheme intended to assist owners with letting accommodation. The letter also pointed out that she could contact local estate agents if she proposed to sell the house. The letter concluded by stating that she had lost out on up to £30,000 in potential rent income over the previous two years.
- 3.2.5 16 May 2003: The owner failed to attend a pre-agreed meeting at the property with the Empty Property Officer. Although the owner later agreed to call and rearrange a new meeting time, she failed to respond to further attempts to meet.
- 3.2.6 07 August 2006: Pursuant to a complaint about rats and mice, Environmental Health served a Notice under Section 4 of the *Prevention of Damage by Pest Act 1949* requiring pest control treatment for rats or mice and clearance of all overgrown vegetation that could offer harborage within 21 days.
- 3.2.7 30 August 2006: The Environmental Health case officer wrote to the owner advising that he had visited on 29 August 2006 and noted that no action had been taken.
- 3.2.8 02 October 2006: The Environmental Health case officer wrote to the owner warning that as works were still outstanding, he would take steps to arrange work in default and recharge the owner for the costs. The Council's records indicate that the owner eventually complied with the Notice at the end of October 2006.
- 3.2.9 04 July 2008: The Empty Property Officer wrote to the owner reminding her that he had spoken and written to her on several previous occasions. The letter pointed out the history of complaints about the overgrown vegetation, which was once again encroaching over the pavement, and emphasised that the house was now not only a long term vacant property, but had become an eyesore and a blight for many in the local community. The Empty Property Officer advised that the Council (as part of the North London Sub-Region)

was working with the Government Office for London to bring empty properties back into use and once again outlined various schemes to assist the owner with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 04 August 2008 with a full and concise plan with a realistic timescale for bringing the property back into use.

- 3.2.10 04 August 2008: The owner called the Empty Property Officer and stated that she intended to clear the house and gardens in preparation for selling the property. It was agreed that the Empty Property Officer would contact the owner in one month to discuss progress with the plans.
- 3.2.11 07 August 2008: The Empty Property Officer wrote to the owner to confirm the conversation which had taken place on 04 August 2008. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owner was warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owner to get in contact before 04 September 2008.
- 3.2.12 26 November 2008: The Empty Property Officer wrote to confirm the details of his visit to the property with an Empty Property Enforcement Officer (employed by the North London Sub-Region) on 04 November 2008. The letter confirmed the owner's explanation that she did not wish to sell the property because she had owned it for so long and always hoped that she would somehow manage to undertake all the necessary renovations. The owner advised that although her son had occasionally occupied the property on a part time basis in the past and undertaken some emergency repairs (especially to the roof), she did not anticipate being in a position to move into the property herself. The reason being the amount of money that would be required for renovations before anyone could realistically occupy the property on a full time basis. She ruled-out the option of making the property available for private renting for the same reason. The letter confirmed that the various options available to assist with returning the property to full time residential occupation were discussed, including grant aid, raising the addition funds to cover the cost of works and a leasing scheme with a managing housing association, and advised that she would receive information about the items of disrepair requiring attention. The Empty Property Officer urged the owner to contact him as soon as possible with her intentions, but in no circumstances later than 10 December 2008. No response was received.
- 3.2.13 09 December 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health requiring works to remedy category 1 hazards identified at the property. To date, the owner has not taken steps to comply with this notice.

3.2.14 15 January 2009: The Empty Property Officer wrote to the owner reminding her of the Council's use of compulsory purchase powers with regard empty properties. The letter highlighted that despite the Empty Property Officer and other Council officers being in communication with the owner for almost six years, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

3.2.15 13 February 2009: After the owner's son made contact to express an interest in the Council's Grants And Nominations Scheme (GANS), the Empty Property Officer wrote to a Housing Assistance Surveyor to request a visit as soon as possible.

### **3.3 Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

### **4.0 Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

### **5.0 Statement Of Planning Position**

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

### **6.0 Information Required In The Light Of Government Policy Statements**

6.1 Not applicable.

**7.0 Any Special Considerations Affecting The Order Site**

7.1 None are known.

**8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

8.1 No obstacle or required prior consent applicable.

**9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

9.1 No obstacle or required prior consent applicable.

**10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**

10.0 Not applicable.

**11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order**

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, from whom further information can be obtained.

**12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**

12.1 There are no current related orders, applications or appeals.

**13.0 List Of Documents Likely To Be Used In An Inquiry**

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

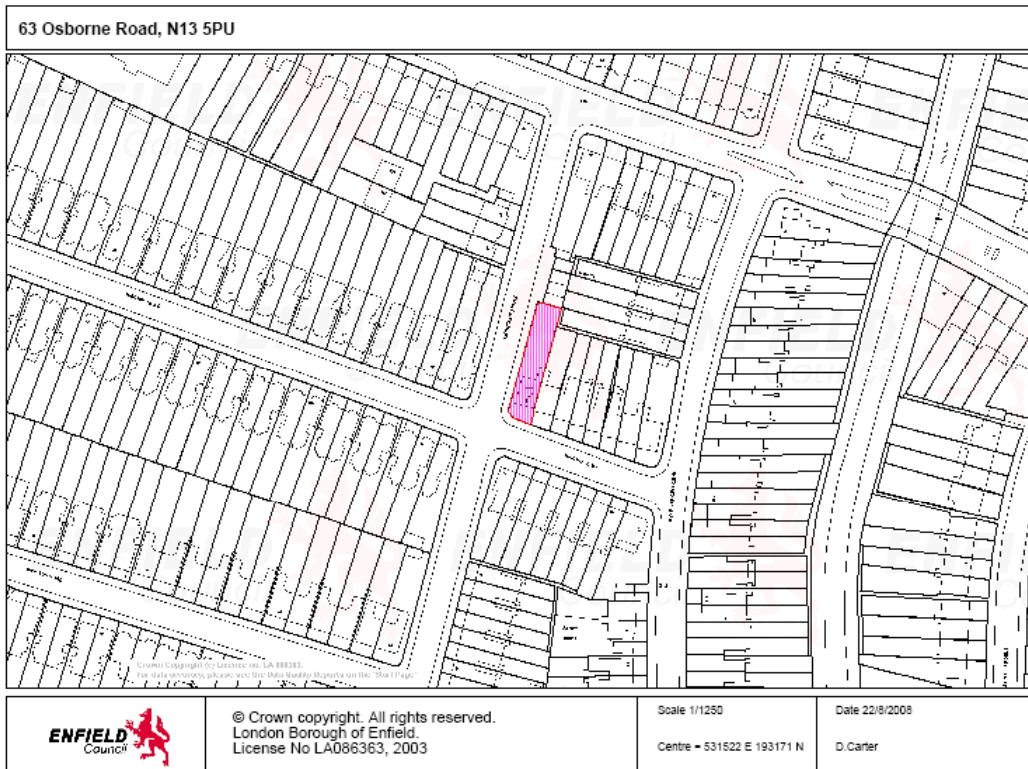
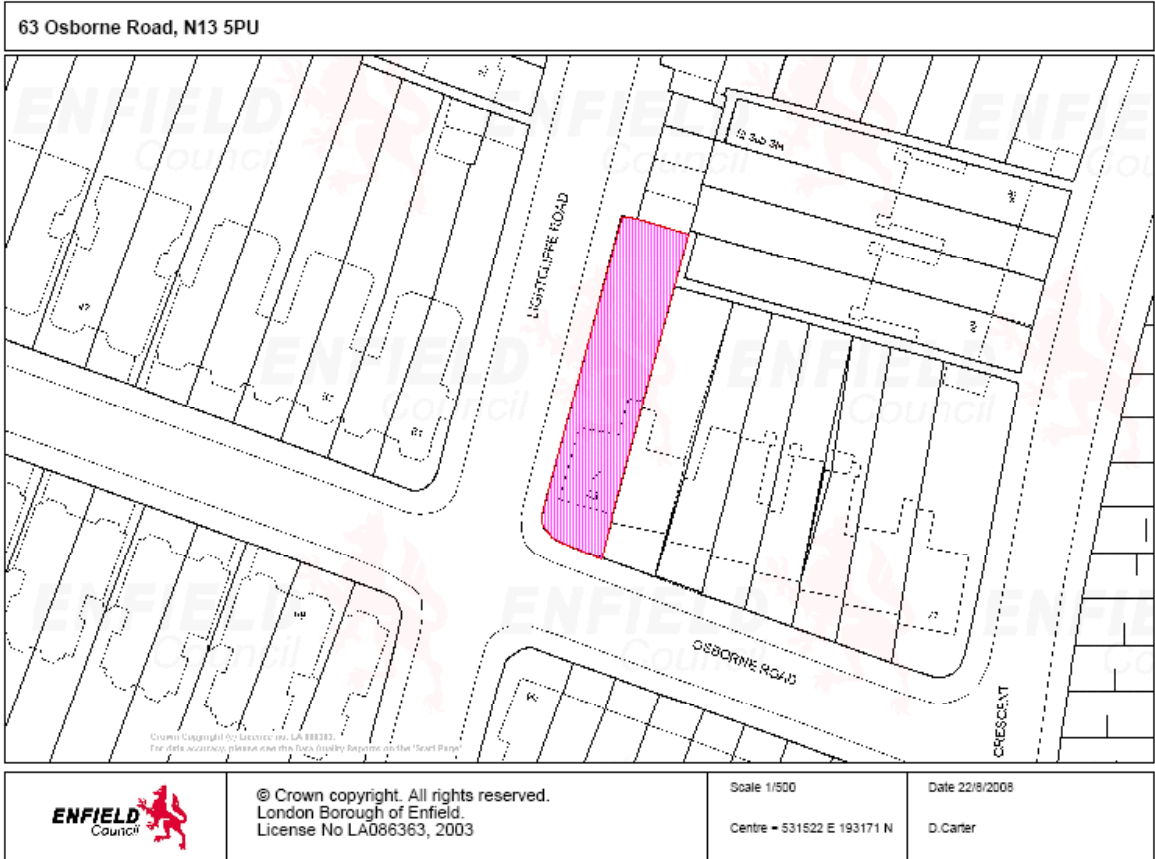
13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

13.5 Enfield's *Corporate Housing Strategy*.

13.6 *Putting Enfield First 2007/2010*.

- 13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.
- 13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.
- 13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.
- 13.10 Empty Property Officer's case file on 63 Osborne Road, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.



**LONDON BOROUGH OF ENFIELD  
COMPULSORY PURCHASE ORDER 2007  
11 HARINGTON TERRACE, N18 1JX**

**Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

**STATEMENT OF REASONS  
(Addressing the requirements of *ODPM Circular 06/2004*)**

**1.0 Description Of The Order Land, Summary Of History And Valuation**

- 1.1 The Order area comprises of 11 Harington Terrace, a vacant mid-terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for four years. It has in that time proved to be a detriment to the amenity of the area with a history of Council involvement to investigate complaints about rodents, rubbish, overgrown vegetation and a bonfire.
- 1.2 The property is a three-bedroom, mid-terrace house built in the 1930s.
- 1.3 The Empty Property Officer initially became involved in 2006 following a referral from Environmental Health. Despite repeated attempts to encourage the owner to renovate and reoccupy the property, to date he has failed to do so.

A valuation of the property has been undertaken by Property Services, on the 16th February 2009, who have advised that the market value as at this date and subject to the caveats below is £240k. The valuations provided have been undertaken on a purely desk top basis, based on the photographic schedule's provided, as we have been unable to gain access to establish the conditions. In arriving at the values it has been assumed that all the properties will require general renovation works to bring them up to a habitable standard. Should there be any major structural works required the valuations will have to be adjusted accordingly and it is recommended that such surveys are undertaken before the Council enter into any agreements to purchase.

**2.0 Purpose For Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**

- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority by onward sale to, in the first instance, a Registered Social Landlord (RSL), who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The local authority

believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale.

- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. Its aim is to tackle the challenge of over 2,700 privately owned properties standing empty and wasted at a time when 8,356 applicants are on the housing waiting list. The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use Of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.
- 2.3 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use Of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Council resolved to authorise Officers to make CPOs on a further five empty residential properties on 17 September 2008. It is in line with aforementioned strategy, policy framework and practice that the authority is seeking to compulsory purchase 11 Harington Terrace.

### 3.0 **The Authority's Justification For Compulsory Purchase**

- 3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,737 private sector dwellings, of which 2,748 are vacant; 2.8% of the private sector rented sector. 1,535 of these private empty properties have been vacant for longer than six months. Concurrently there are 6,378 households (excluding council transfers) on the housing waiting list (housing needs register). This includes 3,507 households classified as being in a reasonable preference category. In addition, the total number of homeless families living in temporary accommodation at the end of March 2008 stood at 3196.
- 3.2 Justification for the compulsory acquisition of an empty property for housing use: 11 Harington Terrace is a three-bedroom, mid-terrace house that has been vacant for four years. In September 2006, Environmental Health received a complaint about rats, rubbish and overgrown front and rear gardens. The investigating officer found that the property had been vacant for at least a year following the death of the owner and referred the case to the Empty Property Officer. The following key events ensued:

#### Case History

- 3.2.1 17 October 2006: An Environmental Health Officer wrote to a son of the late owner to advise him of the overgrown garden and possible harbourage for vermin and requested him to contact her to arrange an inspection.



- 3.2.2 17 November 2006: As the late owner's son had failed to make contact with the Council, an Environmental Crime Officer sent a chaser letter to the owner attaching a copy of the previous letter dated 17 October 2006. The letter pointed out that the property was registered in the name of his late mother and requested him to make contact to enable an inspection for possible harbourage of vermin to be carried out. The Environmental Crime Officer warned that failure to assist the Council might result in enforcement action. No reply was received.
- 3.2.3 13 December 2006: The Empty Property Officer wrote to the late owner's son to advise that he had received a report that the property had been unoccupied for some time and requested him to confirm what plans, if any, he had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if he wished to arrange a meeting to discuss her various options. No reply was received.
- 3.2.4 19 January 2007: According to the Environmental Crime Officer's records, the neighbour who had complained about rats, rubbish and overgrown gardens confirmed that the late owner's son had cleaned up at the property and was happy for his complaint to be closed.
- 3.2.5 12 June 2007: The Empty Property Officer wrote again to the late owner's son to advise that he had received a report that the property had been unoccupied for some time and requested him to confirm what plans, if any, he had for renovating and returning the premises to housing use. To further assist, the Empty Property Officer outlined the various options available, including grant aid and the Council's leasing scheme, and invited the owner to contact him if he wished to arrange a meeting to discuss her various options. No reply was received.
- 3.2.6 22 June 2007: The Empty Property Officer wrote to the District Probate Registry requesting a search and copy of the Grant of Representation and Will for the owner, who was believed to have died in November 2004.
- 3.2.7 14 July 2008: The Empty Property Officer wrote to the late owner's son stating that he had failed to reply to his previous letters dated 13 December 2006 and 12 June 2007. The letter pointed out that it had now become clear that the house was not only a long term vacant property, but had become an eyesore and a blight for many in the local community. Adding that a recent visit to the house had elicited the following: evidence of likely squatting, an apparently broken window to the rear kitchen and gardens so overgrown that they provided possible harbourage for vermin. The Empty Property Officer advised that the Council (as part of the North London Sub-Region) was working with the Government Office for London to bring empty properties back into use and once again outlined various schemes to assist the owner with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter

concluded by urging the owner to get in contact before 19 August 2008 with a full and concise plan with a realistic timescale for bringing the property back into use. The Empty Property Officer further warned that if the late owner's son failed to make contact by 19 August 2008, he would refer the matter to the Treasury Solicitor (Bona Vacantia department), who deals with cases where a person is suspected of dying intestate.

- 3.2.8 30 July 2008: A Council Tax Enquiry Officer attended the Probate Office in The Strand and could find no evidence of any Will having been registered by the late owner's son.
- 3.2.9 04 August 2008: Following service of a notice of entry on late owner's son, an Environmental Health Officer, accompanied by the Empty Property Officer and an Empty Property Enforcement Officer from the North London Sub-Region, attended the property to conduct a survey, but failed to gain access. The Empty Property Officer noted signs that the lock to the front door had been changed, clearance of the gardens (to both 11 and 12 Harington Terrace) and evidence of a recent bonfire to the rear garden. A refrigerator containing decomposing food products had also been dumped on the pavement outside the house.
- 3.2.10 05 August 2008: The Environmental Crime Unit investigated a complaint of a bonfire at the property. The investigating officer, who could not gain access, did not witness any smoke or smell, noting that this was probably due to the rainy weather at the time of his visit.
- 3.2.11 09 September 2008: The Empty Property Officer wrote to the late owner's son stating that he had failed to reply to his previous letters dated 13 December 2006, 12 June 2007 and 14 July 2008 and despite having been alerted to the various options available to bring the house back into full time residential occupation, it appeared that he had not acted upon any of the advice and/or schemes offered by the Council, and consequently the property continued to be in a vacant and dilapidated condition. The letter pointed out that when the property was visited on 04 August 2008, the Empty Property Officer noticed that the locks to the front door may have been changed and carpets and furniture seemed to have been cleared out of the ground floor of the property. The rear garden had been cleared, but there was still a broken pane of glass to the ground floor rear of the house. The Empty Property Officer commented that it was uncertain whether this activity was related to any work the late owner's son may have undertaken or if it was related to the reports of squatting mentioned in previous correspondence. Given the lack of any response to his letters, the Empty Property Officer advised that he was in the process of referring the property to the Treasury Solicitor, who would then make attempts to locate persons who may have a claim against the estate of the late owner. A requisition of information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the late owner's son was warned that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time.

The letter concluded by urging the owner to get in contact before 10 October 2008. No response was received.

3.2.12 21 October 2008: An Improvement Notice under section 11 of the *Housing Act 2004* was served by Environmental Health on “the personal representative” of the late owner and the late owner’s son requiring works to remedy category 1 hazards identified at the property. To date, no steps have been taken to comply with this notice.

3.2.13 12 December 2008: As the Treasury Solicitor was unable to assist, the Empty Property Officer instructed the Council’s Legal department to investigate the matter. The outcome was confirmation from the Probate Registry that there is no grant of administration/will registered together with the advice that in the meantime notices and other correspondence could be addressed to “the personal representative” of the late owner at the property.

3.2.14 15 January 2009: The Empty Property Officer wrote to the “personal representative” of the late owner and the late owner’s son reminding them of the Council’s use of compulsory purchase powers with regard empty properties. The letter highlighted that despite attempts for over 18 months by the Empty Property Officer and other Council officers to enter into communication and negotiation, it seemed that reaching a satisfactory conclusion to remedy the condition of the property and return it to use was no nearer. Consequently, the Empty Property Officer was left with no alternative other than to refer the property to a forthcoming Cabinet meeting with a recommendation that the Council resolve to make a CPO. The owner was urged make contact as soon as possible, but certainly no later than 13 February 2009.

### 3.3 **Human Rights Considerations**

3.3.1 In recommending the compulsory purchase of this property, regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights, namely, no one should be deprived of his possessions except in the public interest, and Article 8 relating to the right to full and proper compensation.

### 4.0 **Proposals For The Use Of The Land**

4.1 It is proposed that the property is offered, in the first instance, to a RSL, who will provide nomination rights to the authority. If they cannot meet the requirements of paying the full market price and refurbishment, then the property will be offered for disposal to the private sector at auction, or through other acceptable disposal. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

**5.0 Statement Of Planning Position**

5.1 Prior to it becoming vacant, the property was in residential use. In this instance, no change of use is anticipated. The premises, once returned to residential use, will remain in residential use.

5.2 It is inappropriate for the authority to submit a planning application prior to disposal of the premises, however the onward purchaser will be expected to make such an application as necessary.

5.3 There are no specific proposals in the Borough's Unitary Development Plan, adopted by the Council in March 1994, which affects this property.

**6.0 Information Required In The Light Of Government Policy Statements**

6.1 Not applicable.

**7.0 Any Special Considerations Affecting The Order Site**

7.1 None are known.

**8.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

8.1 No obstacle or required prior consent applicable.

**9.0 Details Of How The Acquiring Authority Seeks To Overcome Any Obstacle Or Prior Consent Needed Before The Order Scheme Can Be Implemented**

9.1 No obstacle or required prior consent applicable.

**10.0 Details Of Any Views That May Have Been Expressed By A Government Department About The Proposed Development Of The Order Site**

10.0 Not applicable.

**11.0 Any Other Information That Would Be Of Interest To Persons Affected By The Order**

11.1 The officer leading on this case is the Empty Property Officer, Dave Carter, Health and Adult Social Services, London Borough of Enfield, PO Box 59, Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL; email: [dave.carter@enfield.gov.uk](mailto:dave.carter@enfield.gov.uk); phone: 020 8379 4314, from whom further information can be obtained.

**12.0 Details Of Any Related Order, Application Or Appeal Which May Require A Coordinated Decision When Confirming The Order**

12.1 There are no current related orders, applications or appeals.

**13.0 List Of Documents Likely To Be Used In An Inquiry**

13.1 Enfield's *Empty Property Strategy*, agreed by Council on 26 March 1997.

13.2 Enfield's *Use Of Compulsory Powers* report, 15 October 2003.

13.3 Enfield's *Pilot Compulsory Purchase Orders* report, agreed by Cabinet on 21 November 2007 and Council on 23 January 2008.

13.4 Enfield's *Empty Property Compulsory Purchase Orders (CPO II)* report, agreed by Cabinet on 16 July 2008 and Council on 17 September 2008.

13.5 Enfield's *Corporate Housing Strategy*.

13.6 *Putting Enfield First 2007/2010*.

13.7 Department for Communities and Local Government green paper *Homes for the future: more affordable, more sustainable*, July 2007.

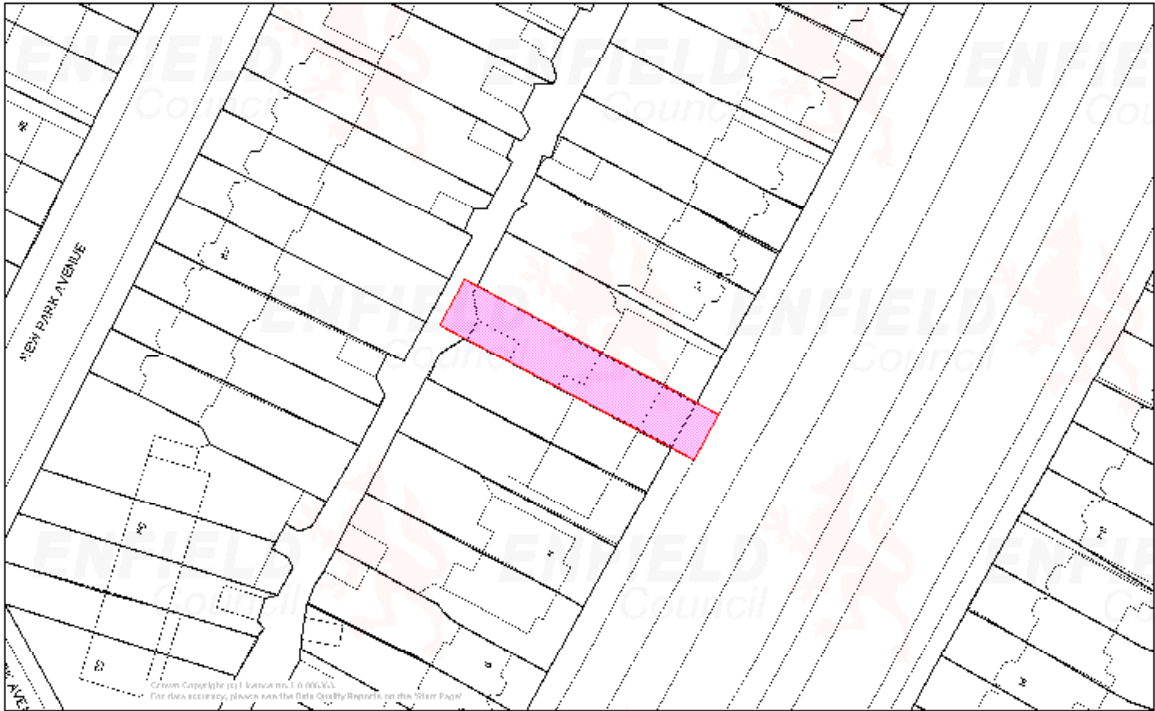
13.8 *The London Housing Strategy: Draft for consultation with the London Assembly and functional bodies*, November 2008.

13.9 *Compulsory Purchase Orders For Empty Properties*, North London Sub-Region, 11 February 2006.

13.10 Empty Property Officer's case file on 11 Harington Terrace, including letters to owner, etc.

The office copies of the above documents are all available for inspection at any reasonable time at the Civic Centre, Silver Street, Enfield, Middlesex, EN1 3XL.

11 Harington Terrace, Great Cambridge Road, N18 1JX



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## MUNICIPAL YEAR 2008/2009 REPORT NO. **233**

**MEETING TITLE AND DATE:**

Council  
1 April 2009

**REPORT OF:**

Director of Finance and  
Corporate Resources

<b>Agenda – Part: 1</b>	<b>Item No: 10</b>
<b>Subject: Revised Risk Management Strategy</b>	
<b>Wards: All</b>	
<b>Cabinet Member consulted: Ertan Hurer</b>	

Contact officer and telephone number: David Hulme, Risk Manager. Ext. 4654

E mail: David.Hulme@enfield.gov.uk

### 1. EXECUTIVE SUMMARY

1.1 This report contains an updated Risk Management Strategy reflecting current thinking and best practice. In particular it:

- clarifies roles and responsibilities;
- develops and facilitates further embedding across the Council;
- sets out a pathway for stronger risk management assisting the Council in meeting its objectives;
- places greater emphasis on a prudent identification of opportunities so as to enhance performance in the areas of economy, efficiency, and effectiveness.

### 2. RECOMMENDATIONS

2.1 That Council approves the revised Risk Management Strategy as agreed by Cabinet on 4<sup>th</sup> March 2009 and Audit Committee on 14<sup>th</sup> January 2009.

### 3. BACKGROUND

3.1 The aim of the attached Risk Management Strategy is to further enhance the effectiveness of risk management across the Council. It follows best practice to help the Council achieve its aims and objectives – to be Risk Aware not Risk Averse. The Strategy was approved by the Audit Committee on 14<sup>th</sup> January 2009 and agreed by Cabinet on 4<sup>th</sup> March 2009.

3.2 As with all policies there is a need to ensure that they are followed through and implemented in a properly managed and evidenced manner following approval. A risk management Communications and Work Plan was therefore submitted to the Audit Committee meeting on 31<sup>st</sup> March 2009 to underpin the implementation of the strategy.

3.3 The key advances within this Strategy are around:

- the raising the profile of risk management at Member level;
- Members being made aware of instances of “red” category risks and when any significant changes occur within this risk range;
- each Cabinet Member to have ownership of the risks within their own portfolio area together with the relevant Director;
- greater involvement of Service management teams in risk management ;
- more regulated approach to the management of the Corporate Risk Register;
- development of an holistic approach to risk management and achievement of the Council’s objectives.

3.4 As a start on delivery of the communication of the strategy and its embedding within the Council, a range of senior staff briefings has been arranged utilising the risk management services of Zurich Municipal. One of the areas covered was the approach to highlighting and reporting on risks within committee reports.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Not having a Risk Strategy would be contrary to current best practice and to corporate governance requirements.

4.2 Keeping the existing Risk Strategy would not reflect current thinking as best practice.

4.3 As part of the production of the revised Risk Strategy, draft versions were supplied to both the Council's Corporate Management Board and also Grant Thornton the Council's external auditors. Comments received have been taken into account in the attached version.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1 Council are asked to note the revised Risk Management Strategy to reflect current best practice and enhance and further embed risk management across the London Borough of Enfield.

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

##### **6.1 Financial Implications**



There are no financial implications arising directly from the implementation of the Strategy.

## **6.2 Risk Management Implications**

Adoption of the attached Strategy will help the Council to mitigate the following risks:

- objectives not met;
- adverse external inspection;
- potential financial loss;
- non-delivery of the Council's Annual Governance Statement;
- opportunities not identified and delivered.

## **6.3 Legal Implications**

The Corporate Risk Management Strategy has been updated in response to national guidance and codes of best practice.

## **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

There are no additional specific performance management implications.

## **8. COMMUNITY IMPLICATIONS**

The proper maintenance of the Council's corporate risk management strategy brings an assurance to the community as to the integrity, value and robustness of the Council's corporate governance arrangements.

## **9. PUTTING ENFIELD FIRST**

The purpose of the Risk Management Strategy is for the Council to try to achieve its aims and objectives as contained in "Putting Enfield First".

### **Background Papers**

Previous risk management strategy  
CIPFA guidance "A Sign Post to Success"  
Risk Management Standards (ALARM)



# **LONDON BOROUGH OF ENFIELD**

## **PUTTING ENFIELD FIRST**

## **RISK MANAGEMENT STRATEGY**

### **2009-2010**

## FOREWORD

Welcome to the Council's revised Risk Management Strategy. It aims to further enhance the effectiveness of risk management across the Council.

We are all required, in our public and private lives, to manage risks on a daily basis. When we consider our collective responsibility on behalf of the Council, this requires a formal, structured approach, a positive culture, and appropriate standards for the way we behave.

**The responsibility for managing risk is not restricted to any one person or group of specialists. It is the duty of every member of staff and elected Members.**

Effective risk management allows us to:

- Be Risk Aware, Not Risk Averse;
- Have increased confidence in achieving the Council's priorities and desired outcomes;
- Manage threats so that the impact on effective and efficient service delivery is minimised;
- Take informed decisions about seizing opportunities for the Council;
- Ensure that there is a balance between risks and rewards;
- Improve the Council's partnership working arrangements and corporate governance.

**Effective risk management will help ensure that the Council seizes opportunities and minimises the consequences of the risks it faces in delivering priorities and improved outcomes.**



Cllr Ertan Hurer  
Cabinet Member for Finance



Cllr Jonas Hall  
Chair of Audit Committee

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6. Implementing risk management
7. Implementing risk management – risk appetite
8. Monitoring and reporting
9. Risk working group and corporate risk register
10. Relationship to projects and partnerships
11. Further advice and assistance

## RISK MANAGEMENT STRATEGY

### 1. INTRODUCTION

1.1. "Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies". (Source = Audit Commission, "Worth the Risk"). An opportunity can be defined as the opposite of a risk i.e. that an event or action will enhance an organisation's ability to achieve its objectives and to successfully execute its strategies.

1.2. Risk management is both a statutory requirement and an indispensable element of good management. As such, its implementation is crucial to the Council and essential to its ability to discharge its various functions to Stakeholders.

1.3. This Strategy also provides a comprehensive framework designed to support Members and officers in ensuring that the Council is able to discharge its risk management opportunities. It therefore outlines the objectives and benefits of managing risk, and describes the responsibilities for risk management. **(NOTE: Risks and Opportunities need to be considered at the same time. Therefore when this strategy refers to "risk", opportunities should also be considered).**

1.4. Risk management is a key part of corporate governance, which is essentially the way an organisation manages its business. It is essential that risk management is embedded into corporate processes including:

- Strategic planning;
- Financial planning;
- Service delivery;
- Policy making and review;
- Project management;
- Performance management;
- Change management / transformation;
- Business continuity planning.

1.5. In order to ensure that the strategy remains current and responds to changing environments it is reviewed / updated annually and approved by the Risk Management Working Group.

## **2. MISSION STATEMENT**

**The overall objective of this strategy is to set best practice for the Council to actively manage its risks and opportunities.**

### 3. AIMS AND OBJECTIVES

3.1. The aim of this Strategy is to improve the Council's ability to deliver its strategic priorities by managing our threats and opportunities, and creating an environment that adds value to ongoing operational activities. It supports the vision "To make Enfield one of the best places to live, work, study and do business", and also Enfield's six key aims. In particular, this strategy will help focus on Aim 5 where the "Leaner" programme will fundamentally change the way we work and Aim 6 where Place Shaping will draw together activities across all the Aims to build prosperous, sustainable communities.

3.2. The objectives of this Strategy are to:

- Further integrate risk / opportunity management into the culture of the Council and into the Council's strategic planning and decision making processes;
- Ensure the framework for identifying, evaluating, controlling, reviewing and communicating risks is implemented and understood across the Council;
- Communicate to stakeholders the Council's approach to risk and opportunity management;
- Ensure that Members, CMB, and external regulators can obtain the necessary assurance that the Council is mitigating the risks of not achieving its objectives and complying with good corporate governance practice;
- Ensure consistency throughout the Council in the management of risk.

## 4. BENEFITS OF RISK MANAGEMENT

4.1. Benefits of risk management include the following:

- Enhanced service planning and service delivery - prioritised issues;
- Focused financial performance and resource management - the cost-effectiveness of actions;
- Enhanced reputation through the delivery of community outcomes and meeting external standards.
- Assisting managers in their strategic thinking and enhanced service delivery leads to an enhanced reputation.
- Effective Human Resources management.
- Targeted Business Continuity Management (BCM). (Risk management links in with business continuity management by seeking assurance that BCM plans are in place and are up to date).
- Improved corporate governance and compliance issues.
- Consideration of Opportunities. Effective risk management assists in the identification and assessment of opportunities to improve service delivery both via the SWOT analysis and within the risk assessment itself (such as in the action plans).

**Note:** Management must always carry out **due diligence** when considering possible enhancements to service delivery and these would clearly be subject to the Council's financial regulations and to corporate governance procedures including report writing.



## 5. SCOPE OF RISK MANAGEMENT

5.1. Risk management is a key part of the good management of the Council and not simply a compliance exercise.

5.2. To be effective, attention is paid to the Council's risks from the top to the bottom of the organisation. (Source: Solace, "Chance or Choice"). This is because whilst senior managers have a "bird's eye" overview of the Council they cannot have the detailed knowledge and appreciation of individual service areas that other staff will have.

5.3. All known risks are considered and not simply a sub-set such as financial risks. Similarly, it is not only the impact of an incident in financial terms that needs to be evaluated but also the potential damage that such an incident could inflict upon the reputation of the organisation and the adverse effect on service delivery. Simply put, it is anything that could prevent the Council from achieving its aims and objectives.

5.4. Opportunities relating to the service / department / Council are also assessed by management. These need to feed into the overall Council vision "To make Enfield one of the best places to live, work, study, and do business". They also link in to the Council's six key aims, in particular Aim 5 "Provide high quality and efficient services" and Aim 6 "Build prosperous, sustainable communities".

5.5. Risk assessments, undertaken as part of the strategy, will cover all aspects of services including known risk, existing controls and their significance.

## 6. IMPLEMENTING RISK MANAGEMENT (LIKELIHOOD, IMPACT, AND INHERENT / RESIDUAL RISK)

6.1. There are a number of clearly defined steps that managers need to undertake when considering risks and to ensure that a consistent approach is undertaken. At the London Borough of Enfield risks are usually categorised in seven ways:

- Strategic risk – those risks affecting the medium (say next twelve months) to long term goals and objectives;
- Operational risk – those risks that managers and staff will encounter in the daily course of their work;
- People risk – risks associated with employees and management;
- Financial risk – covering budgets and costs. Losing monetary resources or incurring unacceptable liabilities;
- Reputation risk – relating to the image of a service / department or to the whole Council;
- Information risk – relating to loss or inaccuracy of data, systems, or reported information;
- Regulatory risk – relating to the regulatory environment.

6.2. In addition, opportunities need to be considered. These will frequently be ways of dealing with identified risks and therefore often appear in risk management action plans.

6.3. For every decision there is an associated risk that delivery will not take place. This risk is broken down into two components: **Likelihood** and **Impact**. To be effective there must be a culture of risk awareness throughout the Council to engage all members and officers in the process of risk identification and of risk mitigation.

6.4. **Likelihood** represents the statistical chance of an event taking place. Such events are classified at Enfield in a number of statistical ways summarised into these five broad stratified headings: Rare, Unlikely, Moderate, Likely, and Almost Certain.

6.5. **Impact** represents the expected disruption to the Council. Such events are classified in a number of statistical ways, summarised into these five broad stratified headings: Negligible, Minor, Moderate, Major, and Catastrophic.

6.6. The above defines **gross** or **inherent** risk i.e. it takes no account of the controls the Council has in place or can put in place to manage the identified risk.

6.7. To offset this, Council managers apply controls to reduce the gross risk and to obtain the **net** or **residual** risk. The controls come in many forms but the means of prioritising them are as follows: Terminating a risky activity,

Transference of Risk (possibly by insurance), Treating the Risk (such as taking certain action that may reduce the likelihood and/or impact of a future event taking place) and Tolerating the Risk. Tolerating a risk is where a risk cannot be reduced to a tolerable level but is essential to the delivery of an operational objective.

6.8. Another way of expressing this is through the “4 T’s” whereby risks can be:

- Treated (such as by appropriate remedial actions);
- Tolerated (where they fall below the “risk appetite”);
- Transferred (such as for the 20% or so of risks that can be insured);
- Terminated (where it may be possible not to embark on an activity deemed to be very high risk).

## 7. IMPLEMENTING RISK MANAGEMENT – THE RISK MANAGEMENT APPROACH AND RISK APPETITE

7.1. Identification. Across the Council a number of techniques are used for risk identification of which the most common are individual interviews and workshops. The “horizon scanning” technique is also used in accordance with HM Treasury “Management of Risk – Principles and Concepts” to identify new risks and opportunities that the Council is likely to face.

7.2. Analysis. We measure or analyse this in two ways:

- By the likelihood or frequency of the risk occurring;
- By the severity or impact on the Council of the risk event occurring.

7.3. **Risk Mapping** is utilised to plot risks according to the above analysis on a 5 x 5 matrix so that High (Red), Medium (Amber), and Low (Green) categories can be seen at a glance. These are defined as follows:

- High (Red) scoring risks have scores of 16 and over;
- Medium (Amber) scoring risks have scores from 9 to 15 inclusive;
- Low (Green) scoring risks have scores from 1 to 8 inclusive.

7.4. *The Council’s Risk Appetite (i.e. the amount of risk it is willing to accept without further treatment / mitigation) is such that all medium and high scoring risks require management action.*

7.5. Control of risks is effected therefore by management action plans for medium and high scoring risks to determine the best course of action i.e. should the risk be avoided, eliminated, reduced, transferred, or accepted.

7.6. Action plans **must** also identify the individual to deliver the improvements, with key dates and deadlines.

<b><u>LIKELIHOOD</u></b>	5	10	15	20	25
	4	8	12	16	20
	3	6	9	12	15
	2	4	6	8	10
	1	2	3	4	5
	<b><u>IMPACT</u></b>				

## 8. MONITORING AND REPORTING

8.1. Progress in managing risks will be monitored and reported as part of a continuous cycle so that losses are minimised and intended actions are achieved.

8.2. Directors and key staff will review their risks at least quarterly at their DMTs so that the whole management team are aware of the key risks faced by the service / department and the mitigations in place to control them.

8.3. CMB will review the Corporate Risk Register on a quarterly basis.

8.4. The Terms of Reference of the Audit Committee include the words, "To monitor the effective development and operation of risk management and corporate governance in the Council". This duty is exercised through:

- Six monthly review of the Corporate Risk Register;
- On a rolling programme, review of Departmental Risk Registers.

8.5. Each Cabinet Member should have ownership of the risks within their own portfolio area together with the relevant Director. Reports will be made to the Cabinet and Audit Committee as appropriate in reviewing the risks identified.

8.6. The Corporate Risk Register should be considered by the Cabinet on a six monthly basis.

8.7. The Audit Committee will monitor closely those residual risks with a score of 16 and over and where any significant changes occur.

## 9. RISK MANAGEMENT WORKING GROUP AND CORPORATE RISK REGISTER

9.1. Review of the Council's Corporate Risk Register (CRR) is one of the key objectives of the Council's Risk Management Working Group.

9.2. The CRR contains those risks that the Group considers could have a significant impact upon the Council. A risk is included on the CRR if it would have a significant adverse effect on the achievement of corporate aims and objectives, or to the delivery of the Medium Term Financial Strategy and Financial Plan.

9.3. Management of risks is in reality a function of management at all levels under the auspices of CMB. The role of the Group is to professionally advise and facilitate in this process with the assistance of the Risk Manager and to ensure that the Corporate Risk Register is produced, monitored and updated for new risks.

9.4. Each department has one or more **Risk Champions** who attend the Risk Management Working Group. Their role is to act as a liaison between the Risk Management Working Group and their departments and to help identify risks. They also feed back confirmation that mitigations identified within the action plans have been implemented within agreed timescales. They should usually be the Assistant Director (Resources) from each department.

## **10. RELATIONSHIP TO PROJECTS AND PARTNERSHIPS**

10.1. The risk management process will specifically identify risks in relation to significant projects and partnerships and provide for assurances to be obtained about the management of those risks. This will include joint ventures, the “extended enterprise”, and the Comprehensive Area Assessment.

10.2. Officers will provide information and work in a proactive way to ensure that positive risks (opportunities) as well as negative risks (threats) are considered.

10.3. Risk management monitoring will take place on an ongoing basis during the life of both projects and partnerships to ensure that the Council’s interests are safeguarded.

10.4. Enfield’s corporate Risk Manager has been involved in discussions on aligning the risk element of the Council’s future Programme and Project management approach with the current corporate risk management framework.

10.5. Proposals will support alignment through the adoption of Office of Government Commerce (OGC) good practice guidance for Programme and Project management e.g. the Managing Successful Programmes (MSP) methodology for managing Programme level risks and the PRINCE 2 methodology for managing project-level risks.

10.6. The current project will enhance the way the Council manages the links and dependencies between corporate and Programme / Project level risk management.

## **11. FURTHER ADVICE AND ASSISTANCE**

11.1. Further advice and assistance on risk management can be obtained from the Risk Manager on 020-8379 4654.

11.2. An expanded version of this document and detailed guidance on conducting a risk assessment is available on the Enfield Eye.

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## MUNICIPAL YEAR 2008/2009 REPORT NO. **234**

### MEETING TITLE AND DATE:

Council – 1 April 2009

### REPORT OF:

Director of Finance and Corporate Resources.

Contact officer and telephone number:  
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<b>Agenda - Part:</b> 1	<b>Item:</b> 11
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### Subject:

Contract Procedure Rules – Annual Revisions.

### Wards:

### Cabinet Member consulted:

## 1. EXECUTIVE SUMMARY

All Councils are required to have in place a set of rules which govern and control the procurement and contracting policies of the Council. Enfield Council meets this requirement through its Contract Procedure Rules (CPRs) which are contained within the Constitution.

The CPRs were rewritten in 2008 as part of a comprehensive review of the Council's contracting policies and procedures.

Best practice however dictates that the CPRs are kept under review and to this end they are reviewed on annual basis.

The Council's Audit Committee met on 14 January 2009 and approved the revisions.

The CRG met on the 5 March and approved the revisions.

This report sets out the significant areas of revision and the benefits to the Council for the proposed changes.

## 2. RECOMMENDATIONS

2.1 That the Council consider and approve the updated and amended CPRs in the attached document.

### 3. BACKGROUND

- 3.1 Local Authorities are required by the Local Government Act 1972 (S135) to provide Standing Orders with respect to the making of contracts for the supply of goods and services or the execution of works.
- 3.2 This Council meets the requirement by having a set of CPRs included within the Constitution. Best practice also requires that these rules are kept under periodic review and updated and amended to reflect changes in policies and procedures. As well as changes brought about through new and amended existing legislation.
- 3.3 A corporate working group, the Contract Review Group containing representatives from across the Council has been meeting for the purpose of updating and amending the CPRs.
- 3.4 The CRG met to consider the changes to the CPRs. The group identified a number of amendments, all of which have been incorporated within the final version. CRG has recommended that the Council approves the rules.
- 3.5 Attached to this report as Appendix 1 is a draft copy of the updated and amended CPRs, with the amendments highlighted in yellow.
- 3.6 A summary of the main amendments is provided below:

The significant areas that have been revised cover:

- **Addition of a list of mandatory core values (see attached) that officers must follow;**

This list reflects the wider responsibilities of officers in their undertaking of procurement projects and enshrines high level priorities/objectives of the Council as a whole.

- **Addition of sections (see attached) specifically relating to:**
  - Engagement of consultants- necessary to establish roles and responsibilities within a procurement and establishing explicit rules surrounding the use of consultants to undertake procurement activity on behalf of the Council.
  - Debriefing of suppliers- necessary to ensure that officers are complaint with legislation and best practise. Especially important in light of increasing use of challenges to procurement process and decisions to award;
  - Contract management – required to effectively drive value out of contractual arrangements and minimise risks to the Council;

- Risk management- required to reflect the Council's corporate approach to risk management. Also necessary to ensure that's risks are identified, managed and reduced wherever possible;
- Environment /Sustainability – required to ensure that resulting contractual arrangements contribute to our duty to reduce carbon emissions and other environmental legislation in place.
- **Amendment of the lower band threshold for seeking quotes, from £5,000 to £10,000 (££20,000 for works)**

Considered necessary in light of the cost of administration of a paper based competitive process for lower value expenditure and the introduction of a Low value procurement strategy that proposes different procurement tools that provide full auditable visibility of spend.

- **Strengthening of rules around the evaluation process;**

Necessary in light of case law both EU and UK, that directly related to the matter of how a public authority advertises and subsequently applies evaluation criteria within a procurement exercise.

- **Clarification on the use of waivers**

This is required as a direct result of lessons learnt from the application of the current CPRs.

- **Clarification on the use of accreditation companies such as EXOR;**

This is required as a direct result of lessons learnt from the application of the current CPRs.

- **Clarification on the use of letters of intent prior to formal award;**

This is required as a direct result of lessons learnt from the application of the current CPRs.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are no alternative options to consider as the Council is required to maintain such a set of rules. The Council has complete discretion as to the contents of the CPRs.

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 The final approval of these rules by Council is required by legislation. However the terms of reference of the Audit Committee give it responsibility for these rules and the Constitution Review Group has a wide-ranging responsibility for

the Constitution, consequently that group needed to see the CPRs prior to them being submitted to Council.

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

### **6.1 Financial Implications**

There are no specific financial implications arising from this report.

### **6.2 Legal Implications**

6.2.1 Local Authorities are required by the Local Government Act 1972 (S135) to provide Standing Orders with respect to the making of contracts for the supply of goods and services or the execution of works.

6.2.2 This Council meets that requirement by having CPRs within its Constitution.

6.2.3. Legal Services have been consulted throughout the review of the CPRs and have been represented throughout the revision process as a member of the Contract Review Group.

### **6.3 Property Implications**

There are no property implications since there are separate property procedure rules which control the management of Council Property.

### **6.4 Internal Audit**

6.4.1 Internal Audit have been involved in reviewing the draft CPRs as a member of the Contract Review Group.

6.4.2 CPT are leading a number of training initiatives to embed the CPRs within the Council and to ensure that the business community and VCS are fully aware of how we do business.

## **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

7.1 Having such rules will assist the performance management of the Council by ensuring that all procurement and contracting is undertaken in a uniform manner and consequently the procurement performance of the Council can be improved. Furthermore all procurement will be undertaken in a transparent manner which will be sufficiently robust to withstand external scrutiny and challenge.

7.2 The Contract Review Group meets at least on a quarterly basis and will monitor the performance of the revised CPRs, and assist CPT in the development of any further recommendations for changes in future versions of the CPRs.

## **8. PUTTING ENFIELD FIRST**

- 8.1 These Rules ensure that procurement is carried out in a way that complies with all legislation and also ensures that best value is achieved. Consequently this will support the delivery of excellent services by the borough since it will ensure that the goods and services are procured in an effective manner.

### **Background Papers**

Constitution of the London Borough of Enfield.

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**FINAL**

**CONTRACT PROCEDURE RULES**

**November 2008**

**Revised CPRs Final (version 0.7)**

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## SECTION 1 - INTRODUCTION AND PURPOSE

### 1.1 INTRODUCTION

1.1.1 A contract is a legally binding agreement under which the *Council* receives the benefit of, or incurs liability for, a valuable commodity. This could include:

- Payment of money
- Performance of services
- Execution of work
- Supply of goods or materials

1.1.2 These Contract Procedure Rules (CPR) are intended to ensure that a contract is entered into only in circumstances which can demonstrate:

- Certainty in the terms of the contract
- Consistency in the application of the law and *Council* policy
- Probity

1.1.3 To achieve these objectives these Rules must be followed every time the Council enters into a contract

1.1.4. Contract Procedure Rules are made under section 135 of the Local Government Act 1972. They include provision for competition, and regulate the manner in which procurement and tendering take place.

1.1.5 These Rules apply to all Officers involved in the issuing of Orders or the letting of contracts for works, services and supplies necessary for the delivery of the Council's functions, whether funded from Revenue or Capital sources. They provide a basis for true and fair competition by providing transparent and auditable procedures, which if followed will give confidence that a fully accountable and unimpeachable procurement regime exists within the Council. These Rules also protect the legal position of the Council in respect of compliance with EU and UK law and in its contractual dealings with external suppliers and contractors.

1.1.6 All contracts entered into by the Council are subject to the provisions of the Council's Financial Procedure Rules

### 1.2 Primary Objectives

1.2.1. The Contract Procedure Rules set out the regulations that must be followed by *the Council* when it procures goods, services and works.

1.2.2 The rules have 4 primary objectives:

- (a) To ensure that the Council obtains *Value for Money* and fulfils the duty of achieving *Best Value* as defined in Section 3 of the Local Government Act 1999.
- (b) To ensure that the Council complies with English law and European law in force in England that governs the procurement of goods, services and works.
- (c) To establish procurement procedures which, when followed, should protect Members and officers of the Council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement by the Council of goods, services, or works.
- (d) To ensure that any risks associated with entering into the contract are assessed as part of the procurement process.

1.2.3 These Contract Procedure Rules form part of the Council's Constitution.

1.2.4 Officers must follow the 10 Core Values of procurement as listed below.

<b>Core Value 1</b>	Only procure what is necessary to support achievement of the Council's strategic and corporate priorities
<b>Core Value 2</b>	Procure what is most cost effective for the Council as a whole
<b>Core Value 3</b>	Purchase goods, works and services that provide the best combination of value for money and quality outcomes and that meets UK/EU Safety standards.
<b>Core Value 4</b>	Ensure that decisions on procurement are based upon good governance, comprehensive and robust supporting data, analysis of options and assessment of risks
<b>Core Value 5</b>	Treat suppliers fairly and transparently and improve opportunities to do business with the Council
<b>Core Value 6</b>	Take a planned and coordinated approach to procurement and effectively communicate the approach to all stakeholders
<b>Core Value 7</b>	Comply with procurement legislation and best practice
<b>Core Value 8</b>	Minimise costs of buying activities where this is consistent with the achievement of best value for money
<b>Core Value 9</b>	Provide information on what we spend, who spends it and with whom it is spent and ensure that it is routinely available.
<b>Core Value 10</b>	Work in partnership to achieve optimum results, quality outcomes and sustainable delivery of services.

### 1.3 General Principles

1.3.1 Before any contract is made, there must be:

- (a) The proper authority of the Council in accordance with the processes set out in the Constitution or local scheme of delegation.
- (b) Adequate budgetary provision for the purpose.
- (c) Compliance with the procedure for taking key decisions as provided in the Cabinet Procedure Rules (Chapter 4.3 of Constitution) and the Access to Information Procedure Rules (Chapter 4.6 of Constitution).
- (d) Approval from a Director where that service is already provided by in-house staff.

### 1.4 Scope of Contract Procedure Rules

1.4.1 These Rules apply to all procurement by the Council unless any such procurement is expressly excepted under these Rules, or subject to a *Waiver* (see para 1.5 and Appendix A)

1.4.2 The Rules apply to all procurement activity including:

- (a) **Spot/Defined Contracts** that are for a defined requirement for a firm price, normally a single purchase of goods or services;
- (c) **Framework Agreements** where the overall terms and conditions and pricing are agreed but the cost of each call-off will vary dependent upon the requirement via a mini-competition or where the costs and terms have been expressed whereby the most economic provider is chosen;
- (d) **Works Contracts** where contracts are let by public authorities for civil engineering and building works and works concession contracts;
- (e) **Services contracts** where contracts are for the provision of a service, includes maintenance contracts.
- (f) Any **consultants** used by the Council shall be appointed in accordance with these Contract Procedure Rules **and the HR policy on the use of consultants;**

- (g) **Partnering Contracts**, which may be developed for specific activities, will also be subject to these Rules and the Partnering rules within the Constitution
- (h) **Income generating contracts**, where the Council is exploiting its physical and/or intellectual assets, or is involved in the provision of services through a joint venture with other public/private sector organisations;
- (i) **Contracts funded by grants**, where the Council is a named as a party to the contract with the contractor. Subject to other grant funding conditions.

1.4.3 If there is any change to English law or European law in force in England, which affects these Rules, then that change must be observed until these rules can be revised. If these Rules conflict in any way with English law or European law in force in England then that legislation takes precedence.

1.4.4 All contracts must be managed in accordance with the *Financial Regulations* relating to contracts, which may be found in the Constitution.

## 1.5 Exemptions and Exceptions

1.5.1 Unless a Contract falls within the list of general exceptions set out in Appendix A it can only be exempted from these Rules by an application for a Waiver

1.5.2 Any individual provision within these Contract Procedure Rules may be waived, in exceptional circumstances. A waiver of CPRs does **not** allow for the waiver of UK/EU legislation and the risks associated with proceeding in breach of legislation rests with the Director.

1.5.3 The appropriate Director must seek advice from Legal, Audit and the Corporate Procurement Team (CPT) and consult with the relevant Portfolio Holder. Directors must ensure that any Waiver will not breach EU and/or UK legislation before submitting the approved Waiver on the appropriate form to the Corporate Procurement Team for recording, where the proposed Total Value is above £100,000. All such waivers to be reported to Audit Committee

1.5.4 Each Director will be responsible for maintaining records of all requests for a Waiver and the decision made. Copies of all Waivers for proposed contracts below £100,000 (Total Value) shall be forwarded for information purposes to CPT. For proposed contracts above £100,000 (Total Value) they must submit the completed Waiver request to CPT for advice together with all relevant background documentation attached. CPT will provide advice in writing to the relevant Director.

- 1.5.5 CPT, Audit and Legal will use their best endeavour to notify the appropriate Director within 10 working days of the advice in relation to the proposed Waiver request.
- 1.5.6 Circumstances where time is lost through inadequate forward planning will not constitute an exception under these Rules.

## 1.6 Officer Responsibilities

- 1.6.1 Each Director is responsible for purchasing within their service department and has the responsibility for ensuring compliance with these Rules, the Financial Regulations and all UK and European Legislation in force in England within that department.
- 1.6.2 Through the scheme of delegation this authority may be passed down to officers within each department. Any consultants used to undertake procurement activity must be instructed to follow the Council's Constitution in all matters. The instructing client must sign off any consultant recommendation. See para 1.7
- 1.6.3 An officer or consultant responsible for managing any contract must comply with the relevant sections of the Council's *Code of Conduct* and the Council's Strategy for the Prevention and Detection of Fraud and Corruption and must not invite or accept any gift or reward in respect of the award or performance of any contract.
- 1.6.4 The officer must have regard to current guidance provided by the CPT and Legal Services and the principles of the *Council's Procurement Strategy*.
- 1.6.6 The officer must establish if an existing *Contract* or Framework Agreement exists before seeking to let another contract. This contract or *Framework Agreement* **must** be used unless there is tangible and demonstratable evidence that these arrangements do not provide Value for Money or the goods and/or services therein are not "fit for purpose" for the particular requirement. Where a non-approved contract is requested, the CPT or the Lead Buyer for that category must approve this, prior to any further action being taken.
- 1.6.7 The officer must consult with the CPT prior to commencing any tendering activity where the contract value is anticipated to be greater than the *EU Threshold*. See also Section 2.1.4
- 1.6.8 The officer must ensure that agents, including consultants, acting on their behalf also comply with these rules.
- 1.6.9 The officer must ensure that when any employee or contractor arrangement may be affected by any transfer arrangement, such as the Transfer of Undertaking Protection of Employment (TUPE) that

advice is obtained from the CPT and Legal Services before proceeding with inviting tenders. Officers must consult Pensions and Payroll concerning all TUPE and pension issues before the advert for the contract opportunity is placed as this will affect the financial value of the contract.

## **1.7 Delegated Authority**

- 1.7.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks. This delegation must be included in the current scheme of delegation.
- 1.7.2 A copy of the scheme of delegation must be kept by each Director and reviewed at least annually.
- 1.7.3 The Director of Finance and Resources and the Head of Corporate Procurement shall both have the delegated authority to enter into contractual arrangements on behalf of the Council for all contracts involving the purchase of utilities (i.e. gas, water and/or electricity supply). This delegation shall apply to both individual contracts let between the Council and the utility supplier, and where the Council enters into any framework or consortia agreement for such supplies

## **1.8 Review and Amendment of Contract Procedure Rules**

- 1.8.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis, not less than annually, by CPT in conjunction with Audit and *Contracts Review Group*. Amended Contract Procedure Rules shall be agreed and adopted by the full Council, as recommended by the Audit Committee.
- 1.8.2 The Contract Review Group shall be lead by the Head of procurement and consist of a representative from each Directorate, plus Finance, Risk Management, Equalities and Legal services.
- 1.8.3 These Contract Procedure Rules are underpinned by a series of "Guidance Notes"<sup>1</sup> that set out in detail the Council's policies and procedures on the stages of the Procurement Cycle that **must** be followed.

## **SECTION 2 - PROCEDURE BY VALUE OF REQUIREMENT**

### **2.1 General Principles**

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<sup>1</sup> Available on the CPT Intranet page

- 2.1.1. Obtaining Best Value is an underlying principle of these CPRs. The complexity of the procurement procedures that must be followed will vary depending on the value and risk.
- 2.1.2. The Total Value of the procurement is defined as the total anticipated contract/purchase value and this will be calculated as follows:
- (a) Where the contract is a capital or one-off purchase or for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period;
  - (b) Where the purchase involves recurrent transactions for the same type of items, by aggregating the value of those transactions over the contract period, including any allowable extension periods;
  - (c) Where the total contract value over the full duration of the contract (not just the annual value) is uncertain, by multiplying the monthly payment by 48;
  - (d) For Framework Agreements with no guaranteed commitment the contract value will be the estimated value of orders placed/commissions let under the Framework Agreement over the full duration of the contract;
  - (e) Where an in house service provider is involved, by taking into account TUPE workforce matters, redundancy and similar/associated costs;
  - (f) Where a partnering arrangement is to be put in place the total value of the likely partnership.
  - (g) For income generation contracts the Total Value will be the estimated revenue stream payable to the Council over the period of the contract.
- 2.1.3 The value must be calculated in pounds sterling exclusive of Value Added Tax.
- 2.1.4 Contracts must not be artificially under estimated or divided into two or more separate contracts where the effect is to avoid the application of these Contract Procedure Rules or UK/EU Legislation by disaggregation.
- 2.1.5 The Council should make the best use of its purchasing power by aggregating purchases wherever practical.
- 2.1.7 Before a decision is taken to let a contract with an external supplier for the provision of goods, services or works, an assessment must be made by the appropriate Director to utilising internal resources whenever possible to discharge the requirement, bearing in mind value

for money (Best Value). The reason for contracting with an external supplier must be clearly documented on file.

2.1.8 For the purposes of these Rules, the in-house provider also includes any Joint Venture, PPP or other such partnership arrangement that the Council is a member of.

2.1.9 A summary of the process and responsibilities can be found at Appendix B.

## 2.2 Low Value Transactions

2.2.1. Defined as transactions valued below £10,000 for goods or services, (or below £20,000 for works), which cannot be obtained via an existing Contract or framework agreement.

2.2.2 For requirements under £1,000 a quotation confirmed in writing or by email is sufficient. In emergency situations or for spot purchasing from an existing contract the confirmation can be received within 24 hours of a phone order.

2.2.3. A *Written Quotation* must be obtained for requirements between £1,000 and £10,000 (£20,000 for works) before any order is processed and this must specify, in sufficient detail to establish quality and cost:

- (a) The goods, services or works to be supplied;
- (b) Where and when they are to be supplied;
- (c) The value of the transaction;
- (d) The order is made on the basis that the Council's Standard Conditions of Purchase for Goods and Services (short-form) applies in all circumstances<sup>2</sup>

2.2.4. In the case of Works Contracts a breakdown of labour cost and material cost to be shown on quotation and Consultancy Contracts the use of pre agreed hourly/day rates is acceptable.

2.2.5. Quotations must be priced on a like-for-like basis. Officers must not "distort" the requisite number of quotes to be sought by selecting any firms that are known to be inappropriate, or uncompetitive, or unlikely to respond.

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<sup>2</sup> Available on the CPT Intranet page



## **2.3 Intermediate Value Transactions below Formal Tender Threshold**

- 2.3.1. Defined as transactions for goods or services valued over £10,000 (£20,000 for Works) but below £50,000 that cannot be obtained via an existing contract or framework agreement.
- 2.3.2. The criteria for selecting the most advantageous quotation must be established **and listed in the Request for Quotation** before the written quotations are invited.
- 2.3.3. At least 3 comparable written quotations must be sought using the Council's *Request for Quotation* documentation<sup>3</sup>.
- 2.3.4. If less than 3 potential *Contractors* can only be identified seek approval to proceed using the Waiver Request Form<sup>4</sup>.

## **2.4 Call Off from existing Contracts**

- 2.4.1. Where the requirement can be satisfied from an existing Contract then the order will be considered an Exception to these rules as long as the call-off arrangements defined within the individual contract are followed or where the original contract can be varied to meet the requirement. However Legal Services must be consulted before invocation of any such variation.

## **2.5 High Value Transactions**

- 2.5.1. Defined as transactions for goods, services or works valued over the formal tender threshold of £50,000 but below the relevant current EU Threshold.
- 2.5.2. The formal tender process applies as set out in Section 3.

## **2.6 Requirements over EU Threshold**

- 2.6.1. Defined as intended purchases for goods, services and works that exceeds the current EU Threshold.
- 2.6.2. Where the anticipated value of the contract exceeds the current EU Threshold<sup>5</sup> then the formal advice of the CPT must be sought prior to

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<sup>3</sup> Available on the CPT Intranet page

<sup>4</sup> Available on the CPT Intranet page

<sup>5</sup> Available on the CPT Intranet page.

any tendering activity commencing. All planned contracts where the value exceeds the current EU Threshold must be reported to the CPT.

2.6.4. All *EU Notices* **must** be published centrally by the CPT and sufficient time must be built into the planning process for requirements subject to EU Procurement Procedures.

2.6.5. Any tender activity following the EU Procurement Procedures must adhere to the award process defined in the *OJEU Contract Notice* and the *OJEU Contract Award Notice*.

## 2.7 Key Decisions

2.7.1. All contracts that exceed £250,000 or which have a significant impact on the local community must be included on the Forward Plan.

2.7.2 All Key Decisions involving the procurement for goods or services must comply with the Council's *Procurement Quality Assurance Review Process*. For works contracts the Council's Procurement Quality Assurance Review Process will apply to those projects that exceed the EU Threshold for Works contracts<sup>6</sup>. This process requires CPT approval at certain key stages of the procurement<sup>7</sup>.

## SECTION 3 - COMMON TENDERING PRINCIPLES

3.1.1 In all instances goods, services or works should be obtained via appropriate existing approved arrangements. These include:

- a. in-house services (for example printing and design, facilities management, etc.)
- b. established corporate contracts
- c. an approved list of suppliers maintained by the Council or a formally approved organisation
- d. consortia of which the Council is a member (for example YPO)
- e. approved nationally negotiated contracts (for example those arranged by the Office of Government Commerce)
- f. approved e-procurement solutions
- g. for low-value purchases, Purchasing Cards can be used provided they are not used with the intention of undermining the use of approved or corporate contracts

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<sup>6</sup> Available on the CPT intranet page

<sup>7</sup> Available on the CPT Intranet page

- 3.1.2 Orders and payments for goods, services and works shall be undertaken in accordance with Financial Procedure Rules.

### **3.2 Framework Agreements (Existing Arrangements)**

- 3.2.1 Where the Council is able to call-off from existing Framework Agreements procured by central government agencies, ie OGC, other public sector bodies or the Council itself, then the Council may benefit from using those agreements without entering into a separate procurement.
- 3.2.2 The CPT and Legal Services must approve the process for establishing and maintaining a Framework Agreement prior to the creation of the Framework.
- 3.2.3 When procuring from (calling-off) a Framework Agreement the Authorised Officer must adhere to the protocol set out under the existing Framework Agreement terms and should seek advice from CPT and Legal Services if in any doubt.
- 3.2.4 The requirements to advertise under OJEU for requirements in excess of the EU threshold would have been satisfied by the original OJEU advert for the Framework creation itself.
- 3.2.5 The RFQ procedure set out at para 2.3 may be used in preference to a formal Invitation to Tender where no other formal process is specified within the terms of that Framework.
- 3.2.6 Where there are no alternative Framework Agreement holders, then a benchmarking exercise should be conducted to establish Value for Money. Officers should contact CPT for advice when this applies.

### **3.3. Engagement of Consultants**

- 3.3.1 An authorised officer may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service. Where such services are available in-house, the authorised officer must consult with the Chief Officer or Head of Service before taking any decision to make an external appointment.
- 3.3.2 The appointment of external consultants and advisors shall be undertaken in accordance with the relevant sections of the Procurement Code of Practice.
- 3.3.3 Consideration should be given to using the Office of Government Commerce's framework contracts for business, professional, and ICT

consultancy services.

3.3.4 External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.

3.3.5 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the authorised officer, and lodge all such documents and records with the appropriate officer at the end of the contract.

3.3.6 The authorised officer shall ensure that any consultant working for the Council has appropriate indemnity insurance.

### **3.4 Joint Procurement**

3.4.1 CPT shall approve any joint procurement arrangements with other local authorities or public bodies including membership or use of purchasing consortia prior to the commencement of any procurement on behalf of the Council.

3.4.2 All joint procurement arrangements shall be compliant with the legislation relating to public sector procurement and shall be open to participation by the Council.

### **3.5 Advertising**

3.5.1 All requirements over £50,000 must be publicly advertised through at least two of the following methods:

- (a) Publication of an OJEU notice, where appropriate;
- (b) Publication on the Council's website;
- (c) Publication in a dedicated contracts publication approved by CPT such as Contrax Weekly;
- (d) Advertisement in the local press;
- (e) Advertisement in a relevant trade journal;
- (f) Publication on the "supply2gov" website (a dedicated web resource for advertising contracts below the EU Threshold).
- (g) Publication on a VCS circulation list or website.

3.5.2 As a minimum all requirements between £10,000 (£20,000 for works) and £50,000 must be advertised on the Council's website.

3.5.3 Once a framework agreement is in place for specific goods, works or services then further global advertising is not needed for those

requirements. Opportunities need only be advertised amongst those on the framework list

- 3.5.4 To facilitate the use of pre-qualification services an annual PIN is to be issued along with trade adverts and the use of Enfield Internet to advertise the intention (with no guarantee of work, expenditure or volume) of individual departments that use pre-qualification services to procure Works and Services. The process, which is scheduled to go live in early 2009 is described further in a guidance note '*Pre-qualification services*'. Officers should contact CPT for further advice and guidance.

### **3.6 Pre-qualification process**

- 3.6.1 Non *EU Notices*, no matter how transacted, must specify a time limit of not less than 10 working days, within which interested parties must express their interest in Tendering.

- 3.6.2 The Council's *Pre-Qualification Questionnaire* must be used <sup>8</sup>.

- 3.6.3 Evaluation of the PQQ must be undertaken in conjunction with Finance; credit checking must be done on all those expressing an interest. Further financial analysis, dependent on the size/risk of the contract, should be undertaken at this stage to fully test the financial ability of the bidder. A supplier's technical and financial ability to undertake the contract requirements is evaluated at this stage- this cannot be re-tested at the Invitation to Tender stage.

- 3.6.4 After the expiry of the advertised time limit, *Invitations to Tender* should be despatched to a shortlist of interested parties who have demonstrated they have the technical/financial ability to deliver the contract.

### **3.7 Pre-Tender Market Research and Consultation**

- 3.7.1 Officers may review the market for a proposed procurement through discussions with suppliers and other research but may not:
- (a) Base any specification on one Contractor's offering such as to distort competition;
  - (b) Make any indication or commitment to Contractors that their offering may be preferred by the Council;
  - (c) Suggest any procurement route which is not consistent with these Rules;
  - (d) Enter into negotiations about price where a competitive procurement process has yet to take place.

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<sup>8</sup> Available on the CPT Intranet page

3.7.2 Any pre-market research undertaken, including discussions with Contractors and others must be fully documented on file.

3.7.3 Any market research must then be proceeded by a compliant procurement process where there is a business case to proceed.

### **3.8 Stakeholder engagement**

3.8.1 For Housing procurement contracts the Commonhold and Leasehold Reform Act (CLRA) may apply. Where applicable, officers must undertake the required consultation with leaseholders. Leaseholders can nominate Contractors for inclusion on a tender list for specific, below EU threshold, procurement projects. Officers must liaise with Home Ownership Services to clarify the requirements under the CLRA before commencing with any procurement likely to affect Leaseholders.

3.8.2 For all other procurements officers shall ensure that where applicable consultation with stakeholders is undertaken within the appropriate period of the procurement process.

### **3.9 Pre-Qualification Services**

3.9.1 Pre-Qualification Services i.e. Exor and Constructionline, describes the assessment, by a third party organisation of potential suppliers' generic suitability to contract with a Contracting Authority across a range of requirements (effectively an outsourced pre-qualification process although not specific to any one contract requirement). Pre-qualification results in the formal accreditation of those potential suppliers, which successfully complete the process.

3.9.2 Pre-qualification services can be commissioned for vetting of potential suppliers where internal resources are unable to undertake such assessments to assist in the expression of interest process.

3.9.3. Pre-qualification involves suppliers submitting information specified by the Contracting Authority to facilitate its assessment of suppliers' suitability to tender, below EC thresholds, for tenders relating to *Works* capital projects.

3.9.4 Where works to the value of £50,000 and up to the EU threshold are being undertaken on behalf of schools by the Council, schools may nominate an additional Contractor for inclusion on a scheme's tender list.

### **3.10 The Invitation to Tender**

- 3.10.1 The Council's standard *Invitation to Tender* documentation must be used for all tender exercises involving the procurement of goods and services in excess of £50,000<sup>9</sup>. CPT **must** be notified of all tenders issued, in advance of the date of issue.
- 3.10.2 For those procurement exercises involving the procurement of works and works related requirements, the appropriate industry standard Invitation to Tender documentation must be used (e.g. JCT, ICE, NEC). Any amendments to the industry standard terms must be included in the tender pack and drawn to the attention of all bidders. Legal Services must be consulted on the correct form of contract.
- 3.10.3 The relevant Head of Finance must be consulted on the financial and commercial aspects of the tender documents, including the evaluation process.
- 3.10.4 At least 3 Contractors must be invited to Tender, unless there is overriding business or legal justification that this is not required and in these circumstances a Waiver must be sought.
- 3.10.5 The specification and evaluation criteria must take into account the Council's priorities regarding Equality, Sustainable Procurement, Health and Safety and Value for Money.
- 3.10.6 The specification for the requirement must be adequate and fair to allow Tenders to be sought and fit for purpose.
- 3.10.7 There must be an assessment of the quality of both Tenderers and Tenders by pre determined non-discriminatory evaluation criteria and weightings, including whole life cycle cost where appropriate. The pre-determined evaluation criteria and weightings must be included in the appropriate section of the standard Invitation to Tender document (Section 1 – "Instructions to Tenderers")<sup>10</sup>.
- 3.10.8 The risks associated with the contract must be assessed and documented on file. Appropriate actions should be taken to ensure that the Council's potential and actual exposure is minimised.
- 3.10.9 A tender file must be maintained to record all matters associated with the tender exercise.
- 3.10.10A timetable setting out the key stages of the procurement should be set out in the appropriate section of the Council's standard Invitation to Tender documentation (Section 1 – "Instructions to Tenderers")<sup>11</sup>.
- 3.10.11The Council's standard Invitation to Tender documentation should include a copy of the relevant *Standard Contract* <sup>12</sup>. For works related

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<sup>9</sup> Available on the CPT Intranet page

<sup>10</sup> Available on the CPT intranet page

<sup>11</sup> Available on the CPT Intranet page

contracts the Council's approved standard industry form of contract must be used. Legal Services must be instructed on the form of contract and any amendments. It is important for the Officer to consider the form of contract to be used to ensure that it is fit for purpose. Where the Officer considers that it is not they must liaise with Legal Services with regards to any amendments required to make it so.

- 3.10.12 The Invitation to Tender must explain how information provided in the Tender will be treated with regard to statutory requirements.
- 3.10.13 For below EU Threshold procurement projects Tenderers must be given adequate time to respond, consistent with the level of complexity of the requirement and, except where the industry norm is otherwise, this should be a minimum of 15 working days.
- 3.10.14 The Invitation to Tender must request that the Tender is submitted in a plain envelope or package bearing the yellow return address label giving only the tender title and opening date. The yellow return address label must not identify the name of the Tenderer. Where the Invitation to Tender is sent electronically to Tenderers, an e-version of the return address label must be included with the Invitation to Tender.<sup>13</sup>
- 3.10.15 Tenderers must be required to hold their Tenders open for acceptance for a minimum of 90 calendar days from the date of opening.
- 3.10.16 Invitations to Tender must include a statement that the Council does not bind itself to accept the lowest Tender or any other Tender.
- 3.10.17 Details of expected Tenders **must** be notified to the CPT and the Council's Post Room at least 5 calendar days prior to the Tender opening date using the Tender Receipt Form<sup>14</sup>

### 3.11 Receipt of Tenders

- 3.11.1 Every reply to an Invitation to Tender must be addressed to the Director of Finance & Corporate Resources using the yellow return address label.
- 3.11.2 Tenders submitted by fax, e-mail or other electronic means will not be considered unless specifically instructed by the Council in the Invitation to Tender. (This embargo may be changed in due course with the deployment of e-commerce.)
- 3.11.3 Tender packets or envelopes received must be date stamped/recorded and locked away until the specified time for their opening.

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<sup>12</sup> Available on the CPT Intranet page

<sup>13</sup> Available on the CPT Intranet page

<sup>14</sup> Available on the CPT Intranet page



### 3.12 Tender Opening

- 3.12.1 The CPT or their nominee and at least one other officer must be present during the opening of the Tender.
- 3.12.2 The CPT must ensure that all Tenders are opened at the same time when the period for their submission has ended.
- 3.12.3 A record of the Tenders must be logged on the Tender Receipt Form .
- 3.12.4 The opened Tenders must be date stamped and signed by the two officers at the time of opening on the "Tender Monitoring Form"<sup>15</sup>Tenders should be opened within 5 working days of the tender closing date. Tenders must be kept securely and strictly confidential before and after opening.
- 3.12.5 Tenderers must be informed that Tenders received after the closing date or tenders not submitted in accordance with these Rules will be disqualified from consideration.
- 3.12.6 Late Tenders received after all the other Tenders have been opened may only be considered where the Director's permission is given. Advice must be sought from CPT or Legal Services.
- 3.12.7 Tenders which do not meet the requirements of contract Procedure Rule 3.12.6 may only be considered if:
- a) the failure to comply is the Council's fault.
  - b) the Tender is late and it is clear without any contact with the Tenderer that the Tender was sent in such a way that in the normal course of events it would have arrived on time.
  - c) the Authorised Officer is notified in advance.
- 3.12.8 A record of the Tender opening must be signed and retained by CPT and the Authorised Officer responsible for the procurement.
- 3.12.9 An original version of the accepted Tender (in full) must be retained in accordance with the Corporate Retention Schedule or for a minimum period of six years from the contract end, and a minimum of twelve years from the contract end date for contracts made under seal.
- 3.12.10 The Form of Tender must be stamped and signed by those present. The officers present must initial every page of a Bill of Quantities or each page of any Schedule to the Form of Tender prepared by the tenderer. Where any alteration is made on such pages (e.g. the use of correction fluid or over-written) a note must be made and a copy of the page made, initialled by those present and kept by the Borough Solicitor's representative. A record of all tenders must be made

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<sup>15</sup> Available on the CPT Intranet page

including the name and amount of each tender received. The commencement of the opening and finishing times must be recorded on the form. Those present must then sign this record.

- 3.12.11 Where tenders are not returned, the authorised officer must confirm the reason why a tenderer has decided not to submit a tender. All responses should be kept on file.

### 3.13 Errors in Tenders

- 3.13.1 The appropriate Head of Service, with the **prior approval of the Corporate Procurement Team**, may permit a Tenderer to correct an error or omission that, in the opinion of the Head of Service, is an obvious one. Any such corrections will be recorded on the tender file.

- 3.13.2 Where financial error is identified in a Tender for works contracts the Tenderer is required to stand by or withdraw their Tender. This is applicable for single stage Tenders or quotes where the evaluation criteria is lowest price. If there appears to be any collusion on pricing between bidders then the Officer must notify Legal Services and CPT immediately.

- 3.13.3 All tenders returned must be checked for arithmetical accuracy. Where examination of tenders reveals arithmetical errors which would affect the tender figure in an otherwise compliant tender, the Lead Officer will correct the error and obtain the tenderer's written confirmation of the arithmetically correct figure. In the case of other errors, the tenderer will be given details of such errors and an opportunity of confirming or withdrawing (but not amending) its tender.

- 3.13.4 For building contracts, errors are to be corrected in accordance with Alternate 1 or Alternate 2 of the NJCC Code of Single Stage Selective Tendering (save that all firms submitting valid tenders must be offered the opportunity to correct arithmetical errors that may be discovered).

- 3.13.5 Post-tender to post quotation negotiations are not allowed by the public procurement legislation unless the EU negotiated or competitive dialogue processes are being followed.

- 3.13.5 The procurement lead may contact a tenderer or supplier, after close of tenders or quotations and before the contract is awarded, to clarify the tender or quotation but **must** not negotiate any changes to the tender or quotation prices or submission. Where there are multiple bidders, all bidders must be contacted simultaneously to gain clarification; this must be in writing. CPT and Legal Services must be consulted if this occurs.

### 3.14 Tender Evaluation

- 3.14.1 Tenders must be assessed in accordance with the pre-determined evaluation criteria and weightings. All criteria and sub criteria, weightings and scoring system to be used in the evaluation process MUST be set out in the Invitation to Tender documentation.
- 3.14.2 A team of officers, including finance, must undertake the evaluation process. If the contract involves TUPE then HR and Payroll must be brought into the team. If a consultant leads on the team then an Authorised Officer must sign off their findings.
- 3.14.3 The results of the Tender evaluation must be retained on the tender file.
- 3.14.4 A *Financial Reference* should be taken up for all contracts with an anticipated Total Value of over £100,000, which are not currently on a Framework Agreement, or are sourced under a joint procurement arrangement as set out in para 3.4.
- 3.14.5 The Head of Finance must be consulted on the commercial evaluation of all tenders above £50,000. A finance representative should be on the procurement evaluation panel.

### 3.15 Negotiation

- 3.15.1 Officers may only carry out negotiations if:
- (a) a Waiver of these rules has been granted;
  - (b) The Tender is to be a single or multiple negotiated Tender (and a Waiver of these rules has been granted);
  - (c) the Tender is above the EU Thresholds and is in accordance with the EU requirements for a Negotiated Tender or a Competitive Dialogue (and a Waiver of these Rules has been granted);
  - (d) they are post tender negotiations in accordance with the rules set out below.
- 3.15.2 Where a competitive tender exercise cannot be carried out in accordance with the Council's Contract Procedure Rules, a single or multiple negotiated tender exercise may only be sought if a Waiver of Contract Procedure Rules has been granted first. This only applies to a requirement below the OJEU threshold. This *Negotiated Procedure*

must only be used in exceptional circumstances and be approved in advance by CPT and Legal Services as a method of procurement.

- 3.15.3 Where the procurement is conducted through either the *Open* or *Restricted Procedures* within the EU Regulations no negotiations are permitted (including post tender negotiations), which may have the effect of distorting competition (for example fundamental changes to aspects of the contract, including prices changes and variations to the Council's requirements).
- 3.15.4 The Council may seek clarification from a supplier on their Tender where appropriate.
- 3.15.5 Post-tender negotiations may only be entered into if the Invitation to Tender documents provide advance notice of this intention and the basis upon which the post tender negotiations will take place. This notification must be clear in the Invitation to Tender documents. Legal Services & CPT must advise on the application of post tender negotiations.
- 3.15.6 The Director must provide written approval for negotiations to be entered into.
- 3.15.7 Negotiations are to be conducted with all Tenderers, unless there are clear reasons for excluding one or more Tenderers. The reasons for any exclusions must be clear and, with regards post tender negotiations, the reasons must have been made clear in the tender documentation.
- 3.15.8 Where dialogue with Tenderers is permitted under the Negotiated Procedure or Competitive Dialogue procedures within the EU Regulations, negotiations shall be conducted by a team of at least two officers, at least one of whom shall be from the CPT unless agreed otherwise in advance by the CPT.
- 3.15.9 Written records must be made and retained of all negotiations.
- 3.15.10 If an officer is in doubt on any negotiations, they should contact CPT and Legal Services for guidance.

### **3.16 Award of Contracts**

- 3.16.1 A contract may only be awarded by an Authorised Officer with the requisite delegated authority to award contracts.
- 3.16.2 All contracts awarded with a value of over £50,000 must be reported to and recorded on the CPT *Contract Register* by the Authorised Officer. Information relating to each contract awarded must be sent to CPT within 28 days of award on the "Contract Register Notification" Form<sup>16</sup>.

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<sup>16</sup> Available on the CPT Intranet page

3.16.3 Where a contract award represents a Key Decision under the Council's Constitution, then the Council's Key Decision Making process must be used, as described in the Constitution.

3.16.4 For contracts subject to the full scope of the EU Regulations, officers must notify all Tenderers of the intended award of contract, using the "Proposed Award of Contract"<sup>17</sup> form and must allow a minimum standstill of 10 calendar days between notification of a proposed award and entering into a contractually binding agreement. Officers may not make an award of contract, nor make any commitment to award a contract, until this standstill period has expired. The "Standstill" period must not commence until all internal approvals have been finalised.

3.16.5 Officers must inform any economic operator (i.e. supplier, contractor or service provider) that has submitted an offer, has applied to be amongst those selected to tender for or negotiate the contract, or any economic operator who has applied to be party to a framework agreement, of its decision in relation to:

- the award of the contract; or
- the conclusion of a framework agreement.

3.16.6 The contracting authority must do this in writing by the quickest means available, as soon as possible after the award decision has been made, and include details of:

- the award criteria;
- where practicable, the score obtained by the economic operator to receive the notice, and the score obtained by the tenderer to be awarded the contract or to be part of the framework agreement;
- the name of the winning tenderer to be awarded the contract, or to be part of the framework agreement.
- The contracting authority must allow at least 10 days between the date of dispatch of this information (referred to below as 'notice of award'), and the date on which it proposes to enter into the contract, or conclude the framework agreement.

3.16.7 The mandatory standstill period does not apply to below threshold procurements or to procurements otherwise outside the full scope of the EU Directives

3.16.8 It is worth highlighting that for framework agreements, the mandatory standstill period applies at the stage at which a framework agreement

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<sup>17</sup> Available on the CPT Intranet page

itself is awarded, but not during subsequent call-offs or mini-competitions within framework agreements.

3.16.9 Where a contract exceeding the EU Threshold has been awarded CPT shall be informed with the details so that a Contract Award Notice can be published in OJEU no later than 48 days after the date of award of the contract

3.16.10 For all purchases over £50,000 a Formal Contract is to be drawn up by Legal Services. The Contract will incorporate the Conditions of Contract included in the ITT and any subsequent variations to this made by the supplier. Three copies of the contract will be sent to the Preferred Supplier to duly sign: one copy will be held by Legal Services, one by the Contract Officer and one by the supplier. Contract Officers must not accept a supplier's terms and conditions without consulting Legal Services and asking them to review the terms and conditions.

### **3.17 Debriefing.**

#### Debriefing after PQQ selection process

3.17.1 After the Pre-Qualification Questionnaire selection process a letter must be issued to all participants (Candidates) thanking them for their interest and confirming the outcome. The letter should include an offer to debrief. In other cases a debriefing could be of mutual benefit and it would be best practice to make a similar offer. The offer of a debriefing should set out the scope and likely format and should make clear that the process will not be used to change the selection decision or reopen the award procedure.

#### Debriefing prior to award of contract – (Alcatel) Mandatory Standstill Period

3.17.2 Unsuccessful tenderers may request an accelerated debrief provided it is received by a contracting authority, *in writing*, by midnight of the second working day of the standstill period. The contracting authority must provide this information at least 3 full working days before the end of the standstill period.

3.17.3 Where this is not possible, the standstill period must be extended to allow at least 3 working days between the provision of the feedback, and the date at which the contracting authority proposes to enter into the contract. [You must take care to avoid advising the successful supplier, even verbally, that they are being awarded the contract before the end of Day 10].

#### Outside of the Mandatory Standstill Period

3.17.4 If a request for feedback is received outside of the accelerated time limit, a contracting authority must provide a debrief within 15 days of receipt of the request. There is no need to extend the standstill period in these circumstances.

#### Below EU threshold procurements

3.17.5 The mandatory standstill period does not apply to below threshold procurements or to procurements otherwise outside the full scope of the EU Directives. This means it does not apply to procurements of Part B services, or to procurements where there is only one tenderer following the extreme urgency provision under the negotiated procedure.

3.17.6 Debriefing unsuccessful potential providers is regarded as good procurement practice and should be offered to those who have expressed an interest and those who have submitted a tender.

### **3.18 Procurement by non-Council officers**

3.18.1 Where the Council uses non-Council Officers to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the third parties carry out any procurement in accordance with these Contract Procedure Rules.

3.18.2 All non-Council Officers must sign an agreement not to use information gained during employment with the Council, to gain any commercial or pecuniary advantage in relationship to concurrent or future employment/engagement.

3.18.3 No non-Council officer shall make any decision on whether to award a contract or whom a contract should be awarded to unless specifically empowered to do so in writing by an officer or body authorised to confer that power.

3.18.4 The Authorised Officer shall ensure that the non-Council officer's performance is monitored.

3.18.5 Non-Council officers includes, but is not limited to:

- Consultants
- Main contractors
- Sub-contractors
- External advisors

### **3.19 Statistical Returns**

3.19.1 Each year the CPT shall make a statistical return to central Government for onward transmission to the European Commission concerning the contracts awarded by the Council during the year under the EU Regulations.

3.19.2 CPT will, on a bi-annual basis, provide a detailed report, for statistical and information purposes, to the audit committee for all waivers from these CPRs

### **3.20 Contract Extension**

3.20.1 Any contract which provides for (an) extension(s) may be extended in accordance with its terms subject to any necessary authorisation within the scheme of delegation.

3.20.2 CPT and Legal Services must be informed of any intention to extend a contract. CPT will update the Contract Register accordingly.

3.20.3 Where the terms of the contract do not expressly provide for an extension a Waiver is required and are subject to any necessary authorisation within the scheme of delegation. These should only be extended in exceptional circumstances and advice must be sought from CPT and Legal Services. The Director must be sure that such an extension would not breach UK/EU law in particular with regards to distorting competition.

### **3.21 Termination of Contract**

3.21.1 Early termination of any contract may be carried out by the Authorised Officer in accordance with the terms of that contract. Advice must be sought from the CPT and Legal Services, in the first instance, prior to termination.

## **SECTION 4 - CONTRACT AND OTHER FORMALITIES**

### **4.1 Contract Documents**

4.1.1. All Contracts must be in writing in a form approved by the Borough Solicitor. The Council's suite of *Standard Contracts*<sup>18</sup> must always be used. There are separate Standard Contracts for:

- Supply of Goods

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<sup>18</sup> Available on the CPT Intranet page



- Supply of Services
- Supply of Consultancy Services
- Supply of Carriage of Goods by Road in the UK
- Supply of IT supplies and services

For documents relating to Framework Agreements and the subsequent contracts created on call-off.

- 4.1.2 Where the contract is for a Total Value of up to £50,000, the use of a *Purchase Order* is an acceptable form of contract, which must make reference to the Council's Request for Quotation documentation incorporating the Standard Conditions for Goods and Services (short-form). These short-form conditions of contract must only be used for requirements below £50,000.
- 4.1.3 Acceptance of any contract over £50,000 would be the subject of at least a Delegated Authority Report, in accordance with the Council's Scheme of Delegation in line with the Council's Constitution. Any such report must include legal, financial, property, performance and procurement implications.
- 4.1.4 The formal advice of the CPT (who may refer to Borough Solicitor Services) must be sought prior to award for the following contracts:
- (a) where the Total Value exceeds the EU Threshold;
  - (b) those involving leasing arrangements;
  - (c) those which are complex or involve a recognisable risk;
  - (d) where it is an extension or variation to an existing contract that will bring the overall value over the EU Threshold.
  - (e) where invoice payments are made to finance or factoring companies
- 4.1.5. Contract documents must be retained in accordance with the Corporate Retention Schedule or for a minimum period of six years from the contract end date and, if under seal (see para 4.5), for a period of twelve years from the contract end date.
- 4.1.6 The Contract Officer will keep records of all decisions taken and how value for money was obtained. The Contract Officer will keep an electronic Procurement Record, retaining all correspondence and documentation for Audit purposes.

## **4.2 Contract formalities**

- 4.2.1. Contracts must be completed as follows:

TOTAL VALUE	METHOD OF COMPLETION	BY
Up to £50,000 (See 4.1.2)	Signature Use of Purchase Order or Standard Contract for complex requirements	Officer with appropriate authority to enter into a contract (paragraph 4.4).
Over £50,000 but under EU Threshold where sealing is not appropriate (See 4.1.3)	Signature on Standard Contract	Head of Department or Officer with appropriate authority to enter into a contract (paragraph 4.4).
£250,000 or above and contracts having a significant impact on the local community (see 3.13.3)	Signature on Standard Contract & sealed by Legal Services	Key Decision Maker
Over EU Threshold (See 4.1.5)	Signature on Standard Contract & sealed by Legal Services	Head of Department with appropriate authority, once the appropriate Cabinet Member has been consulted.
Contracts for sealing	Sealing	See paragraph 4.5.

4.2.2. All contracts for the supply of goods, services and works must be concluded in writing using the appropriate Standard Contract before the contract commences.

### 4.3 Letters of Intent

4.3.1 In exceptional circumstances and with the prior approval of the Borough Solicitor, a letter of intent may be issued to allow works/services/supply of goods to commence in advance of contract execution.

4.3.2 The letter must set out the key contract terms - price, duration, etc., and authorises the contractor to carry out work up to a specified value before the formal agreement is signed.

4.3.3 In the case of works contracts a letter of intent in a form approved by the Borough Solicitor is acceptable in order to allow work to commence, although the issue of a formal contract must follow without delay.

4.3.4 Letters of intent are only binding on the Council and the contracting party where the letter expressly states that their Tender has been accepted and the Council agrees to pay them the tender sum. The letter of intent should normally seek to incorporate the terms and conditions of the relevant Council standard contract or relevant industry standard contract (e.g. JCT, ICE, NEC) indicating the Council's intention to enter into a formal, written contract with the contracting party, to carry out the works/services described in the letter, such

work/services to commence on a date specified or at any rate before the parties execute the formal, written contract, until then the contracting parties obligations to the Council shall be governed by the Invitation to Tender documentation.

4.3.5 The wording of the letter of intent should be reviewed by Legal Services prior to issue, to ensure the letter is fit for its intended purpose.

4.3.6 A letter of intent is not a substitute for a formal agreement but can be used as an interim measure until the formal agreement has been signed. The procedure set out in Section 3 shall apply.

## 4.4 Signature

4.4.1 The officer responsible for signing the contract must have been granted the appropriate authority under the scheme of delegation and ensure that the person signing for the other contracting party has authority to bind it.

4.4.2 In the case of contracts for commissioning of care services, including educational placements and emergency accommodation for the homeless where the Total Value of the contract is not known, the officer responsible must have been granted authority to enter into commissioning contracts.

## 4.5 Sealing of Contracts

4.5.1 A contract must be sealed where:

- a) the Council wishes to enforce the contract for more than six years after its end (e.g. for land or construction works); or
- b) the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- c) a *Performance Bond* is established on behalf of the Contractor(s) or their guarantors; or
- d) it is required by parties to the contract; or
- e) the total value exceeds £250,000.

4.5.2 Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of the Borough Solicitor Services. The Borough Solicitor Services is responsible for the process of sealing contracts.

## **4.6 Bonds, Parent Company Guarantees and Insurance**

- 4.6.1 For every contract, over £250,000 a *Parent Company Guarantee* or *Performance Bond* shall be required unless agreed otherwise with the Director of Finance and Corporate Resources.
- 4.6.2 The Council must never give a bond.
- 4.6.3 For all works contracts, the appropriate Director must notify in writing the Council's insurance officer giving full details of the nature, duration and value of the works being undertaken on any particular project.

## **4.7 Prevention of Corruption**

- 4.7.1 The officer responsible for the contract must comply with the Council Code of Conduct and the Council's Strategy for the Prevention and Detection of Fraud and Corruption and must not invite or accept any gift or reward in respect of the award or performance of any contract. Officers must not enter into discussions with any tenderer or other interested third party during a procurement, unless specifically permitted by the procurement process or by Legal or CPT if not.
- 4.7.2 All clarification received from bidders during a procurement process must be put in writing to the procurement/project lead officer. The question and the response must then be sent to ALL bidders in writing (or by email).
- 4.7.3 All contracts must contain an appropriate clause that provides protection and the right to terminate the contract in the event of a supplier offering any inducement, committing fraud or committing an offence under the Prevention of Corruption Acts.
- 4.7.4 The Council participates in anti-fraud and corruption exercises with other public bodies. In order to do this data is exchanged with such organisations. The data exchange is likely to contain information on our contractors.
- 4.7.5 If an officer becomes aware that any bidder is lobbying a member or officer of the Council then they must report this immediately to the Head of Procurement and Legal Services.

## **4.8 Declaration of Interests**

- 4.8.1. If it comes to the knowledge of a member or an officer of the Council that a contract in which he or she has a pecuniary interest has been or is proposed to be entered into by the Council, he or she shall

immediately give written notice to the Council's monitoring officer and record it on the register of interests.

## **SECTION 5 – PERFORMANCE & CONTRACT MANAGEMENT**

### **5.1 Performance management**

5.1.1 All procurements over the value of £250,000 must include a set of performance standards that must be met throughout the contract. Performance management standards must be inserted into the terms and conditions of contract. Key performance indicators or similar benchmarks of quality should be used where available and appropriate.

5.1.2 All contracts over the value of £50,000 and those of a complex nature below this value must have a designated contract manager whose name should be notified to the Contractor. Likewise, the Contractor must have a designated contract manager whose name is notified to the Council. These resources must be identified and agreed before the contract is awarded.

5.1.3 Regular contract monitoring meetings should be held with the provider and minutes of agreed actions taken. The frequency of the meetings to be dictated by the size of the contract and associated risks.

5.1.4 Performance against contract standards must be monitored and recorded on a regular basis, proportionate to the risk and value of the contract.

5.1.5 Where service improvements are enshrined in the contract these must be evidenced for the annual audit inspection.

## **SECTION 6 – RISK MANAGEMENT**

6.1.1 A full risk assessment should be undertaken on all procurement options available to the Council. These should be documented and owners assigned once an option is selected.

6.1.2 A risk log should be created at the start of the procurement project and managed by the project manager. Risks should be reviewed regularly and appropriate actions taken to manage them. The project sponsor/Director should be kept aware of all risks and provided with a regular report on their status.

6.1.3 The Council's Risk Management section should be consulted on all high value/risk procurement at the commencement of the project.

## **SECTION 7- ENVIRONMENT/SUSTAINABILITY**

7.1.1 The Council is committed to making Enfield a greener and more environmentally friendly place to live and work;

7.1.2 The Council is committed to working towards a 'greener' future, by:

- Taking practical action to reduce, as far as possible, the effect the Council's activities have on the environment;
- Improving the quality of the local environment; and
- Encouraging the people of Enfield to live and work in ways that reduce the borough's effect on worldwide environmental problems, to improve the environment now and protect the future.

7.1.3 The Council's green procurement rules are based on the following principles:

- a) Banning products that damage the environment when an alternative is available.
- b) Promoting products that damage the environment the least.
- c) Understanding that buying environmentally friendly goods and services is part of a process of continuous improvement.
- d) Considering costs such as energy and maintenance when we consider tenders.
- e) Engaging with suppliers who can actively contribute to the reduction in energy use as part of their Contract with the Council.
- f) That all contractors and suppliers can demonstrate commitment to carbon reduction in their operations (insofar as they relate to the particular commission)
- g) That all contractors and suppliers undertake to supply relevant data to the Council to enable the carbon impact to be monitored

## **SECTION 8- EQUALITIES**

8.1 Before starting any procurement, you must make sure that you consider equality issues by completing an equalities impact assessment. This is essential if the procurement outcome will be a service or product that affects the staff or residents of Enfield. The Equalities Impact Assessment will inform the detail of the contract specification.

- 8.2 Please ensure that answers to the equalities questions contained in the pre qualification questionnaire are fully considered when selecting the most appropriate contractor.
- 8.3 All bidders must be made aware of their responsibilities under Equalities legislation and provided with the Council's publication 'EQUAL OPPORTUNITIES FOR ALL – THE COUNCIL'S VALUING DIVERSITY AND EQUAL OPPORTUNITIES POLICY - Information for Contractors and Suppliers.

## Glossary of Terms

Contract	A contract that has been created in accordance with the Contract Procedure Rules for call off or use by the Council. A list of contracts can be found on the Contract Register available via the Corporate Procurement Intranet site. If in doubt whether a contract is approved or not contact the Corporate Procurement Team (see also Framework Agreement)
Approved Standard	Includes industry standard terms and terms included within

Terms	the Council's Standard Contracts
Authorised Officer	A person with appropriate delegated authority to act on the Council's behalf.
Best Value	Under Best Value, each local authority has a duty to 'make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness' as set out in the Local Government Act 1999. This takes into consideration the 4Cs of Challenge, Compare, Consult and Compete.
Code of Conduct	The code regulating conduct of Officers contained within the Council's Constitution.
Competitive Dialogue	A procedure leading to the award of a contract whereby the Council produces a shortlist through a dialogue with those tenderers who are considered to have appropriate capacity. Based on the solutions discussed, sealed bids are sought from the short listed contractors This procedure is most appropriate for complex procurements where significant input is required from the market to inform the drafting of the specification.
Contract Register	A register located on the Corporate Procurement Intranet containing details of contracts entered into by the Council above the value of £50,000.
Contract Review Group	A policy group chaired by CPT with representation from across the Council charged with the duty of developing and reviewing procurement and contractual issues.
Contractor	Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.
Corporate Procurement Team (CPT) Council	The CPT is part of the Finance and Corporate Resources Department and is responsible for supporting the Council in its procurement activity. The London Borough of Enfield.
Council's Procurement Strategy	Defines the overall approach to procurement related activity for the Council.
EU Negotiated Procedure	A procedure leading to the award of a contract whereby the Council negotiates the terms of the contract with one or more persons selected by it. The procedure is a complex set of rules, and it is extremely difficult for contracting authorities to meet the requirements to allow the use of this procedure.
EU Notice	Notice posted in the Supplement to the Official Journal of the European Union (OJEU). Includes a Prior Indicative Notice (PIN), a Tender Notice or an Award Notice.
EU Open Procedure	A procedure leading to the award of a contract whereby all interested persons may tender for the contract, duly advertised by notice, i.e. there is no limit on the number of Tenders received nor may the Council consider the suitability of interested tenderers prior to submission of Tenders.
EU Regulations	The EC public procurement directives implemented into UK legislation by virtue of the Public Contracts Regulations 2006.
EU Restricted	A procedure leading to the award of a contract whereby



Procedure	only persons selected by the Council may submit Tenders for the contract, duly advertised by notice, i.e. the contract is advertised, where prospective Tenderers are screened before being invited to tender (“selective tendering”).
EU Threshold	The financial threshold at which EC public procurement directives must be applied if expected to be exceeded by the Total Value.
Financial Reference	A financial risk assessment of the finances of a company, parent or group of organisations in order to establish their liquidity, profitability, stability and capability to support a contract of the value required. This service is available through a credit reference agency such as Dunn and Bradstreet – please refer to CPT for advice.
Financial Officer	The most senior officer representing the Director of Finance and Corporate Resources designated by him to provide financial advice to the Chief Officer.
Financial Regulations	The Financial Regulations contained within the Constitution
Framework Agreement	An agreement with suppliers whose purpose is to establish the terms governing contracts to be awarded during a given period, in particular with regard price and quality. It allows the Council to make specific purchases (call-offs) from a supplier to provide goods, services or works in accordance with the terms of that agreement.
Invitation to Tender	A formal written invitation to at least 3 suppliers to provide sealed bid offers for goods, services or works on the Council's standard terms for requirements over £50,000
Key Decision	All Contracts that exceed £250,000 (Total Value) or which have a significant impact on the local community and are subject to a Key Decision Report in accordance with the Council's Constitution
Officer	Council employee as defined in the Constitution
OJEU	Official Journal of the European Union
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead or for the parent of the subsidiary company to pay the Council's reasonable costs/losses (including damages) for the Council having to procure a third party to meet the promises under the Contract with the Council.
Performance Bond	An insurance guarantee policy: If the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the contract value). A Bond is intended to protect the Council against a level of cost arising from the supplier's failure
Pre-qualification	A process to determine a shortlist of potential suppliers on the basis of general economic and technical criteria in

	accordance with the EU regulations on the use of the restricted procedure. The evaluation must be limited to that of the technical/financial ability of the bidder and must not include evaluation of tender related matters.
Procurement Quality Assurance Review	A 5 stage review process conducted by CPT at defined stages of the procurement to ensure compliance with the CPRs and relevant competition/procurement legislation. It is mandatory for higher value procurement exercises.
Purchasing Cards	A Corporate Purchasing Card has been introduced for the purchase of low value goods and services.
Purchase Order	An order placed through the SAP or local approved procurement system
Request for Quotation	A formal written invitation to at least 3 suppliers to provide written quotations for goods, services or works on the Council's standard terms for requirements between £5,000 and £50,000
Standard Contracts	Contract documents that are approved by the Borough Solicitor for use by the Council. These include the Council's standard contracts for goods, services, consultancy services and carriage of goods. They also include standard contracts used by industry for Works related contracts (e.g. JCT, ICE, NEC),
Tender Tenderers	A written response to an Invitation to Tender. Suppliers who have been invited to submit a tender to the Council.
Total Value	The whole of the value or estimated value (in money or equivalent value) for a group of similar commodities or services, in accordance with Best Value: <ul style="list-style-type: none"> <li>• whether or not it comprises several lots or stages across the Council as a whole</li> <li>• whether or not it is to be paid or received by the Council as a whole or separate departments within the Council</li> </ul>
Value for Money	The optimum combination of through life cycle cost and quality (or fitness for purpose) to meet the user's requirement
Waiver	A formal request in writing made by a Director to exempt the proposed requirement from the Contract Procedure Rules in exceptional circumstances.
Written Quotation	Must be in letter, fax or email and must be addressed personally, containing pricing information and delivery details for requirements between £1,000 and £10,000. Printouts of catalogues are not written quotations.

## APPENDIX A

### GENERAL EXCEPTIONS FROM CONTRACT PROCEDURE RULES

These Contract Rules apply to all Goods, Services and Works purchased by the Council, with the following exceptions:

- (a) Procurements of goods, services, or works where the procurement procedure to be followed by the Council is the subject of express legislation.
- (b) Low value purchases made by a *Purchasing Card* that are subject to guidelines issued On the Use of Purchasing Cards and the Low value procurement strategy.
- (c) Works or services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of **£5,000** is reported to the CPT within 1 week using the Waiver Request Form available from the Corporate Procurement Intranet site. Any contract entered into by the Council under this Exemption must not be for a term of more than 6 months.
- (d) Contracts for the acquisition and disposal of land or property that are covered the Property Procedure Rules and Financial Regulations.
- (e) Contracts for employment for staff, except where an agency is used to supply the staff.
- (f) Works orders with utility infrastructure providers, e.g. Gas Mains.
- (g) Call-off or orders placed against Contracts or Framework Agreements where the procedures defined in the contract for call-off are followed.
- (h) Any contract which has had an exemption agreed in accordance with rule 1.3.
- (i) The disposal of Council Assets that are covered by the Property Procedure Rules and Financial Regulations.
- (j) Care or Education placements including educational placements and emergency accommodation for the homeless for individual service users/pupils that are not covered by a Council Framework Agreement.

## CONTRACT PROCEDURE RULES SUMMARY

Value of Contract	Quotation/Tender Process	Who	Contract Documentation	Approval
Goods, Services and Works up to £1,000 see 2.2	At least one quote, confirmed in writing	Service Area	Issue by Purchase Order or use of Purchasing Card	By Authorised Officer
Goods and Services between £1,000 and £10,000 see 2.2	Obtain quotation prior to issue of Purchase Order	Service Area	Issue by Purchase Order or use of Purchasing Card	By Authorised Officer
Works orders up to £20,000 see 2.2	Obtain written quotation prior to issue of Purchase Order/Contract	Service Area	Issue by Purchase Order and use of Industry Standard terms.	By Authorised Officer
Goods and, Services between £10,000 and £50,000 see 2.3 (Works between £20,000 and £50,000)	Obtain at least 3 comparable written quotations For goods and services use the "Request for Quotation" form	Service Area	Issue by Shortened Terms and Conditions of Contract	By Authorised Officer
Goods, Services and Works that can be satisfied from an existing approved contract see 2.4	Follow call-off procedure within contract	Service Area	Follow call-off procedure within contract	By Authorised Officer
Goods, services and works contracts between £50,000 and EU Threshold see 2.5	Follow Tender process – Section 3	Service Area	Written form of contract approved by the Borough Solicitor (i.e. appropriate Council Standard Contract). Completed under seal if appropriate. See 4.4 and 4.5.	By Authorised Officer
Goods and Services over EU Threshold see 2.6	Formal review of requirement with CPT prior to proceeding. All EU Notices to be published centrally by CPT. Contracts which have a significant impact on the local community represent a Key Decision and must be published on the Forward Plan. For Goods and Services that represent a Key Decision the Council's Procurement Quality Assurance Process must be followed, and the procurement is subject to approval at key stages of its life by CPT, before it can proceed to the next stage of the procurement	Service Area to review with CPT	Written form of contract approved by the Borough Solicitor (i.e. appropriate Council Standard Contract). Contracts over £250,000 to be under seal. See 4.4 and 4.5.	By Authorised Officer. A Key Decision must be made by a Key Decision Maker in accordance with the Constitution
Works contracts anticipated to be over £250,000 in value see 2.6	Formal review of requirement with CPT prior to proceeding. The Council's Procurement Quality Assurance Process must be followed, and the procurement is subject to approval at key stages of its life by CPT,	Service Area to review with CPT	Written contract, complete under seal as appropriate. See 4.4 and 4.5.	- ditto -

Works contracts over EU Threshold	before it can proceed to the next stage of the procurement. All EU Notices to be published centrally by CPT. Must be included on the Forward Plan			
	Formal review of requirement with CPT prior to proceeding. All EU Notices to be published centrally by CPT. Must be included on the Forward Plan	Service Area to review with CPT	Written contract, complete under seal as appropriate. See 4.4 and 4.5.	- ditto -

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## MUNICIPAL YEAR 2008/2009 REPORT NO. **236**

### MEETING TITLE AND DATE:

Council – 1 April 2008

### REPORT OF:

Director of Finance &  
Corporate Resources  
Contact officer and telephone number:

John Austin - 020 8379 4094

email: john.austin@enfield.gov.uk

**Agenda – Part: 1**

**Item: 12**

**Subject:** Recommendations from  
Constitution Review Group

**Cabinet member consulted:** Councillor  
Rye

### 1. EXECUTIVE SUMMARY

This report sets out a number of issues and recommendations from the Constitution Review Group, namely:

- 1.1 Councillor Call For Action – New Procedure
- 1.2 Changes to the Council Meeting Procedures relating to Opposition Business

### 2. RECOMMENDATIONS

- 2.1 To agree a new procedure, for inclusion within the Council's Constitution, for the implementation of the councillor call for action, as required by the Local Government and Public Involvement in Health Act 2007, and as detailed in Appendix A.
- 2.2 To agree an amendment to the Council's Constitution in respect of Council Meeting Procedures – Opposition Business (Part 4, Council Procedure Rules, Paragraph 13 of the Council's Constitution), as detailed in paragraph 3.3 of the report.

### 3. BACKGROUND

#### 3.1 Introduction

The Constitution Review Group met on 5 March 2009 where it considered the following issues, and agreed that they should be referred to Council for approval:

- Implementation of “Councillor Call for Action”
- Changes to the Council Meeting Procedures – Opposition business

### **3.2 Councillor Call for Action (CcfA)**

Councillor Call for Action (CCfA) is about helping councillors to resolve issues and problems on behalf of their residents. It will allow all councillors to refer matters to scrutiny for consideration, but only after all other methods of resolution have been exhausted. It is being introduced as part of the regulations enacting section 119 of the Local Government and Public Involvement of Health Act 2007 which come into force on 1 April 2009.

The guidance states that it is up to local councils to decide how the system should operate.

Having reviewed the I&DEA and Centre for Public Scrutiny guidance, issued at the end of February 2009, it is recommended that the streamlined process in appendix A is adopted. If agreed, it will be added as a new section (4.2 para 21) to the Scrutiny Rules of Procedure within the Council’s Constitution. This process has been based upon consultation with local authorities that have piloted Councillor Call for Action and officers in the London Scrutiny Network (hosted by London Councils).

Overview and Scrutiny Committee (10 March 2009) have also had the opportunity to look at this procedure and have given their approval.

### **3.3 Council Meeting Procedures – Opposition Business**

Part 4 of the Council’s Constitution, Chapter 4.1 Council Procedure Rules, Paragraph 13.1 currently reads as follows:

“The Council will, at 4 meetings a year give time on its agenda to issues raised by the Opposition Group. This will be at the first meeting (June) and the third, fourth and sixth meetings of the seven 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.”

The issue had been referred to CRG partly because it was felt that provisions should be reviewed regularly and partly as a result of the confusion that had arisen during the last session of opposition business. CRG were asked to consider whether 45 minutes was enough time for opposition business and whether provision should be built in for a third party.

The group felt that it was important to protect the interests of the opposition and recommended that changes should be made to ensure that a minimum of 45 minutes were set aside for opposition business. They also thought that the leader of the opposition should be given 5 minutes, before the response of the majority party, to round off the debate.



Some discussion took place about the possibility of allowing other opposition parties to put forward their own opposition business but it was felt that this should remain the privilege of the second largest party.

They agreed to recommend that Council accept following changes to the constitution: -

To insert the words "A minimum" before "forty five minutes" in the final sentence of the first paragraph 13.1.

To include a new step in 13.3 (f) between step (vi) and (vii) to allow the opposition 5 minutes to round off the debate. Wording as follows:-

"Before the majority party concludes the debate, the leader of the opposition will be allowed no more than 5 minutes to sum up the discussion"

"Opposition group" to be replaced by "second largest party".

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

None. The changes are necessary to ensure that the Council's Constitution is kept up-to-date and conforms with new legislation.

#### **5. REASONS FOR RECOMMENDATIONS**

To seek approval for the proposed changes to the Council's Constitution.

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

##### **6.1 Financial Implications**

There are no financial implications arising from the changes for opposition business. Any associated costs will be contained within existing resources.

It is difficult to assess resources required at this time for CcfA as it is a new requirement for councils. The new statutory role, which scrutiny will have to enact will be kept under review, and resources re-allocated if required.

##### **6.2 Legal Implications**

The Constitution sets out how the Council operates within legal requirements.

It is necessary to review the documents periodically to reflect changes in circumstances or to introduce more effective working practices as evidenced in the recommendations.

S. 21A of the Local Government Act 2000 which is inserted by section 119 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) requires each local authority operating executive arrangements to ensure its overview and scrutiny arrangements enable any member of the authority to refer a local government matter to the relevant overview and scrutiny committee (“Councillor call for action”). The legislation is expressed as mandatory.

S 21A(10) defines the matters, which can be referred to overview and scrutiny committees. Those matters are intended to be any matter that relates to the work of the local authority other than a local crime and disorder matter (such matters being dealt with by the Police and Justice Act 2006, which is amended by section 126 of the 2007 Act), or a matter in a category which the Secretary of State has excluded by order such as those matters listed in S.I. 2008 no. 3261.

The provisions will be implemented in accordance with published best practice guidance.

### **6.3 Risk Management Implications**

There are strategic risks and risks to the council’s reputation. If the scrutiny function is to fulfill the expanded role of the Councillor Call for Action, contributing to effective community leadership by Ward Councillors, and to increase public participation, effective support is essential. Failure to respond appropriately could hinder the delivery of the Council's objectives and adversely effect its reputation.

## **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

The proposed amendments to the Constitution contribute to the objective of Aim 5 – supporting the delivery of excellent services.

The role of Scrutiny and Scrutineer Councillors is seen as key to improving local accountability and transparency in addressing community issues through the role of elected members.

Engaging the community in resolving issues will serve to increase community confidence

## **9. COMMUNITY IMPLICATIONS**

The formalization and expansion of the scrutiny role and the introduction of the Councillor Call for Action will provide improved opportunities for residents, through their ward Councillors, to voice concerns to a wider range of local providers with the ultimate aim of improving services and local accountability.

**8. PUTTING ENFIELD FIRST**

Aim 5(e) Provide effective community leadership and promote active citizenship involvement in decision making

Aim 5(g) Ensure the Council maintains strong corporate governance in line with more demanding legislative requirements.

**9. Background Papers**

Report to Constitution Review Group (5.3.09)

Local Government and Public Involvement in Health Act 2007

Police and Justice Act 2006

Report 239 Cabinet – 05/03/08

Councillor Call for Action best practice guidance (I&DEA and CFPS February 2009)

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## Appendix A

### **Enfield's Community Call for Action (CCfA)– Process**

1. Individual Councillors will be required to submit a request for a CCfA in writing (or via e-mail) to the Head of Corporate Scrutiny Services (HCSS). The request will include:
  - Who the request is being submitted by
  - Details of the issue
  - A full summary of action undertaken by the Councillor or community to resolve the issue
  - Clarity on definitive resolution sought by Councillor (action the Councillor is looking for as a result of CCfA to resolve or move forward the issue raised). The guidance states that the Councillor bringing the CCfA should be clear at the outset as to what he or she expects to get out of the process. The scrutiny panel will focus discussion on these expected outcomes. Further the panel will be expected to challenge these expected outcomes, if they feel that these outcomes are unreasonable.

It should be pointed out that discussions at scrutiny will not necessarily resolve the issue immediately, but may allow members and officers and/or partners to overcome the problem.

2. Once received, the Head of Corporate Scrutiny Services will check that the CCfA request complies with the basic requirements, as set out in 1 above, and if so, will then undertake an initial investigation and prepare a report for consideration by Overview and Scrutiny Committee (OSC).
3. The report will be placed before OSC within 15 working days of the initial investigation being completed or the next available OSC meeting. OSC will consider the summary report and determine whether the issue should be treated as a CCfA. The member who has submitted the CCfA will be invited to attend the OSC meeting considering their issue.
4. If OSC decide not to treat the issue as a CcfA, the Head of Corporate Scrutiny will write to the member concerned confirming the decision with reasons.
5. If OSC decides to treat the matter as a CCfA the committee will have the following options:
  - a. Refer the issue to the relevant scrutiny panel for review and action (matter to be considered at the next meeting of the panel- unless there are grounds for urgency).
  - b. Agree to deal with the issue itself.

Once OSC or the individual scrutiny panel concerned has reached a decision, this will be a final decision with no formal right of appeal to the executive arm of the Council.

6. For issues related to services provided by the Council, scrutiny panels will be able to use their existing powers and new powers available from the LGPIH Act 2007.

For partner organisations scrutiny will be able to:

- Request information and attendance.
- Review decisions made/action taken by the Safer Stronger Communities Board in connection with discharge of their crime and disorder functions (Police and Justice Act 2006).

Issues referred to these bodies will require a response time of 28 days

7. **Gate keeping process**

During the initial investigation phase every attempt will be made to either resolve the issue or to signpost the Councillor to those who may be able to resolve the issue, so that the CCfA request is withdrawn and/or requires no further action.

The 'gate keeping' process will, therefore, consist of a Ward Councillor demonstrating what efforts have been made to resolve the matter before referral to OSC for consideration.

8. **Excluded items**

The following issues will be excluded from being dealt with as a CCfA:

- Any matter deemed vexatious or discriminatory
- Individual complaints, (that is a complaint made by an individual resident which relates to an individual service provided or a report written about them). Scrutiny can and should play a role where it is felt a series of complaints demonstrates a 'systematic failure' in a particular service area.
- Planning or licensing applications or appeals
- Areas where a Councillor has an alternative avenue to resolve an issue through for example complaints or a service request

**COUNCILLORS' QUESTIONS**  
**1 APRIL 2009**

**Question 1 from Councillor Taylor to Councillor Vince, Cabinet Member for Education and Children's Services**

"Will Councillor Vince update the Council on progress to date on the acquisition of the proposed site for the new Academy in Ponders End and what work has been done since the last Council meeting to confirm the suitability of the site?"

**Reply from Councillor Vince:**

I am pleased to be able to let you know that the council has agreed with National Grid the Heads of Terms for the acquisition of the site in Ponders End for the proposed Academy. National Grid have now engaged expert contractors to prepare the site for sale and lawyers for both parties are working on the contract which is due to be signed in June. At the same time our architects are working with Oasis Community Learning and a wide range of other stakeholders to develop initial control plans for the site that will provide excellent all-age education and community services and make a real contribution to the emerging place-shaping vision for Ponders End. Our ambition for the proposed Oasis Academy Hadley to move to Ponders End in September 2012 is on track.

**Question 2 from Councillor Lamprecht to Councillor Vince, Cabinet Member for Children's Services and Education.**

"Will Councillor Vince update Council on the position of secondary school transfers?"

**Reply from Councillor Vince:**

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

Enfield Council, along with all of our partners worked hard to ensure parents in Enfield were sent their information on National Offer Day, 2nd March 2009. I am pleased to advise Councillor Lamprecht that 94% of Enfield children have been offered a place at one of their preferred schools.

The impact of coordinating admissions across London and surrounding authorities, together with the work undertaken to increase the number of school

places in the borough has meant that we have again been able to offer every child living in Enfield a secondary school place for September.

I would like to thank Jo Fear and all the School Admissions Team for making sure every parent was informed on time.”

**Question 3 from Councillor Taylor to Councillor Lavender, Cabinet Member for Housing and Community Safety**

Can Councillor Lavender indicate what the current thinking of the Council is to the possible sale of assets in Ponders End in terms of the place shaping exercise. Will the Council ring fence these assets for the use of Ponders End residents to enhance their quality of life?

**Reply from Councillor Lavender:**

“The council does not have any plans to sell assets in Ponders End.

The council has been considering, as part of its Placeshaping plans for the Ponders End area, the possibility of acquiring assets to support our plans for the benefit of local residents and the local community.

The residents of Ponders End are still smarting from the broken promises of the previous administration which promised to hypothecate the proceeds from the disposal of Howards Hall to other community related initiatives in Ponders End. Of course the Labour Party had spent all available revenues and had to suspend its capital programme in toto with the result that that promise, along with many others was broken.

Councillor Taylor will be aware that under this administration we suffer no such limitations.

I am pleased to say that the council has agreed significant funds as part of its capital programme for investment in Placeshaping in the borough which will amount to £19.7m over the next 5 years and is making excellent progress with its Master Planning work for the Ponders End area.

These initiatives are to be consulted upon shortly. I believe the residents of Ponders End will be overjoyed at our proposals.”

**Question 4 from Councillor Joannides to Councillor Vince, Cabinet Member for Children’s Services and Education.**

“Would Councillor Vince inform Council about the new Children in Care Council?”

**Reply from Councillor Vince:**

“Care Matters: Time for Change (DOES 2007) stated that each local authority should put in place arrangements for a ‘Children in Care Council’ with direct links to the Director of Children’s Services and Lead Member.



The aim of this requirement is to strengthen the role of the corporate parent and give children in care a forum to express their views and influence the services and support they receive.

In Enfield, the Children's Rights Service run by Barnardo's was given additional funding from the Care Matters grant during 2008-9 to set up a Children in Care Council. They employed a sessional worker who contacted all children in care aged 8 years and above to see if they would be interested in taking part in a council. 21 children expressed an interest.

They were invited to a planning day on 21<sup>st</sup> January at the Civic Centre which I attended. This was designed to help them understand the purpose of the new council. This group helped to plan the launch of Enfield's Children in Care Council which took place successfully on Saturday 28<sup>th</sup> February at the Civic Centre attended by the Joint Acting Director of Education, Children's Service and Leisure, Andrew Fraser and myself.

For the future, Barnardos were successful in winning the contract for providing a Children's Rights service 2009-2012 and the arrangement and support of the Children in Care Council has been included in their new contract.

The Children in Care Council will meet every 8 weeks on Saturdays or during school holidays with visits and speakers designed to increase the capacity of the young people to advocate for the care population as a whole.

A programme of contact with the corporate parenting group is being devised with either young people attending corporate parenting meetings or adults being invited to attend the young people's meetings.

All of the above is so that we can build further on the very effective process we have in Enfield for listening to the views of children in care and responding to the views on both the design and delivery of services.

Young people on our council will be encouraged to make links with other children in care councils in neighbouring boroughs. They will also now be able to better link into the overall process of capturing the views of children and young people in Enfield."

**Question 5 From Councillor Simon to Councillor Neville, Cabinet Member for Environment & Street Scene**

Can Councillor Neville explain what is his policy in relation to cycle routes: why the borough is making such limited progress in installing them; and whether he will give a commitment to specific achievements for new routes in 2009/10.

**Reply from Councillor Neville:**

"The policy is to support cycling in the borough through a programme of cycle training; promotion; and appropriate engineering measures, including cycle routes.

The previous Mayor developed the London Cycle Network in an attempt to encourage commuter cycling in particular. Several sections of this network have been implemented in Enfield, including segregated sections of cycle track along both Bramley Road and Enfield Road. However, these high cost interventions are not necessarily an effective use of public money, particularly as the evidence suggests that they have done little to increase cycling. Recent surveys on the Bramley Road - Enfield Road cycle track showed a maximum of 9 cyclists per hour using this route.

Nevertheless, TfL allocated further funds during the 2009/10 financial year to try and continue this link along the A110. However, because of limited road space it is difficult, if not impossible, to safely continue the route along Slades Hill, Windmill Hill through Enfield Town and along Southbury Road. Some of the funding (£110k) was therefore returned to TfL so that it could be reallocated.

In 2009/10 funding has been allocated to two LCN Schemes, which it should be possible to implement:

- A scheme at the Chase Road/Bramley Road junction, which also brings about wider improvements for other road users - £50k
- A cycle track through Arnos Park - £115k

In addition, funding is also available for the following cycling schemes in 2009/10:

- £60k for cycling training
- £15k for cycle parking
- £48k for the development of the Enfield Leisure Cycle Route Network, which will form a safe network of routes linking the council's parks and open spaces.
- £25k of Greenways funding for National Cycle Route 12.

It is significant that the new Mayor, who is a keen cyclist, does not favour continuing to invest in the LCN. I entirely support the shift outlined in 'Way to Go!' towards more integrated and targeted interventions to make cycling safer, easier and more appealing. I have long argued for cycle routes that do not use principal roads where road space is limited, by diverting such routes through residential streets better safety levels can be achieved without reducing road space on principal roads. This includes creating more civilised streets through the removal of excessive guardrail etc., providing a safe network of Leisure Cycle Networks for cyclists to gain confidence as well as high quality training.

**Question 6 from Councillor E Savva to Councillor Neville, Cabinet Member for Environment and Street Scene**

"Would Councillor Neville like to comment on the performance of the Highways gritting service during the recent period of snow?"

**Reply from Councillor Neville:**

"I am very pleased to tell Council that Enfield's Highways Gritting Service - outsourced to Fitzpatrick Ltd three years ago - performed to an excellent standard during the recent spell of snow and freezing temperatures.

Approximately 155 miles of our salted network was successfully kept open and available to traffic throughout the period. This was in sharp contrast to some of the other boroughs across London.

1st February delivered the most significant snowfall for a decade and the weeks following brought an extended period of freezing temperatures. The last time winter temperatures were lower was in 1996/97.

Highway Services were well prepared for the extreme weather conditions that occurred during the early part of February 2009. The contractor's salt stocks were at their maximum, their gritting fleet was fully operational and an order for additional salt deliveries was already in place before the first snowflake fell. Between the 1<sup>st</sup> and 2<sup>nd</sup> February, Enfield completed in excess of 5 heavy gritting operations and employed an additional snowploughing vehicle throughout the network for added effectiveness. During this time over 170 tonnes of salt was used. Following the initial period of snow, during which the priority was to secure the salted network, Enfield worked with bus operators to assist in the clearance of their premises and facilitate a speedy reinstatement of bus services. Enfield's Winter Maintenance team ensure the safety of road users throughout every winter between the months of November and March and beyond if necessary."

**Question 7 from Councillor Simon to Councillor Hurer, Cabinet Member for Finance and Resources**

Can Councillor Hurer explain whether targets are being met for replies to correspondence to his services and to Revenues and Benefits Service in particular, for the general public and for members; and if they are not, why? What monitoring arrangements are in place, across the council, to ensure compliance with members' enquiries standards?

**Reply from Councillor Hurer:**

"Each Director is responsible for member enquiries affecting their department. You specifically ask about the Finance and Corporate Resources Department and, for this department, member enquiries in 2008/09 have been answered in an average of 10 days.

In respect of Revenues and Benefits correspondence from the public, for the six months ended 28th February 2009, benefits correspondence (including that from the Department for Work and Pensions) has been answered in an average time of 9.2 days and council tax correspondence has been answered in an average time of 5.3 days. These answering times are elapsed days from receipt to answer and include weekends, Bank Holidays etc. and represent some 57,938 items of Revenues and Benefits correspondence.

I am satisfied both with performance in answering replies from members and from the public."

**Question 8 from Councillor Adams to Councillor Neville, Cabinet Member for Environment and Street Scene**

"Would the Councillor Neville like to comment on the recent tree planting in the Hertford Road?"

**Reply from Councillor Neville:**

"I am pleased to say that in line with Enfield Council's commitment to creating a cleaner and greener Enfield, the Hertford Road Tree Planting Programme has been successfully completed ahead of schedule with a total of 351 trees being planted along the Hertford Road (A1010) this season. A small number of plots were relocated to accommodate underground services but the majority were planted as planned. Species were specially selected to enhance the urban environment and to be compatible with varying soil types. All trees are now part of a 12-month aftercare programme, which includes watering throughout the summer months. Should any trees die during this time then they will be replaced at the contractor's expense."

**Question 9 from Councillor Bond to Councillor Prescott, Chairman of the Overview & Scrutiny Committee**

In the October of 2008 this side called in the decision by the Cabinet Member for Environment to stop advising residents that their street was going to be the subject to a renewal programme for street lighting.

It was agreed at this meeting that after a period of time that this decision would be brought back to Overview and Scrutiny for a further review. Early 2009 was the date given.

Can Councillor Prescott advise the Council what date will Overview and Scrutiny be able to look at this decision again and can he explain what is causing the delay in its return to Overview and Scrutiny?

**Reply from Councillor Prescott:**

"The feedback on this item was originally scheduled to be considered by Overview & Scrutiny Committee in March 2009, but has now been moved on to our next meeting on 22 April 2009. No specific date was given at the original call-in meeting in August for the report back and we have obviously needed to wait for the review of the trial period to be completed by the Director and Cabinet Member for Environment & Street Scene before being able to receive any feedback. The reason for the original delay was that due to the timetable for the submission of information within Our Enfield, the trial was not able to commence until November 2008 with the information being placed in Our Enfield and the columns actually being installed in December 2008."

**Question 10 from Councillor E Savva to Councillor Neville, Cabinet Member for Environment and Street Scene**

"Will Councillor Neville inform Council of the approach being taken to promoting cycling in the borough?"

**Reply from Councillor Neville:**

"The council is promoting cycling in the following ways:

**Enfield Festival of Cycling** - this year's the Festival will be held on Sunday 21<sup>st</sup> June. Following the success of last year's event, it will again be held at the Lee

Valley Athletics Centre, as a major part of the week long Lee Valley Festival. Building on the success of the previous 2 years, the Festival is expected to be well attended and provides a family focused introduction to the benefits of cycling.

**Cycle Training** - Enfield School of Cycling has been providing cycle training to Enfield residents since 1994. This training included one to one, on road training for adults and children over 10½ and teaching adults to ride from scratch.

In 2007/8 a national review of cycle training was carried out and National Standards were implemented, bringing a much-needed consistency to all organisations providing training. These standards have now been branded "Bikeability"

So far this financial year 2008/9, we have provided individual Bikeability (formerly one to one, on road) training to 122 young people and 25 adults and trained 35 adults and people with special needs to ride from scratch. We have also delivered Bikeability Level 1 training to 371 pupils and 77 of them received additional training to Level 2.

We are also about to pilot an innovative scheme whereby parents of children undertaking Bikeability training can also receive on road cycle training, separately in small groups, working from the school. This scheme is intended to give parents the confidence to cycle with their children thus increasing take up.

Early in 2009/10 we intend to re-structure our School of Cycling and recruit additional casual instructors to enable us to substantially increase our capacity to deliver Bikeability training, reaching much greater numbers of Year 5 and 6 pupils.

### **Develop the Enfield Leisure Cycle Route Network**

In liaison with Sustrans, the UK's leading sustainable transport charity, and local cyclists the council is developing the Enfield Leisure Cycle Route Network. This network will run through many of Enfield's parks and open spaces and along towpaths. It will also link these parks and open spaces using quiet back street routes. By providing safe and pleasant cycle routes people will be encouraged to cycle, and develop the skill and confidence to cycle on busier routes. This network will also improve access to our green spaces in a sustainable way.

Members should be aware that Sustrans are currently carrying out consultation on the proposed network as a whole. More detailed design work is underway for part of the network linking Hadley Wood with Enfield Island Village, and funding is in place to start designing other sections of the network.

Work on amending the Council's byelaws to allow cycling in parks on designated routes is well advanced, and officers will be consulting park user groups on its proposals. The council is also progressing a proposal to introduce a BMX track in Jubilee Park."

### **Question 11 from Councillor Bond to Councillor Lavender, Deputy Leader of the Council/ Sustainable Communities & Employment & Place Shaping**

Would he not agree that congratulations should be given to the residents and officers who did so well in getting so many people to vote in the recent London wide ballot to see what extra funding could be found for Arnos Park. In recognition of their efforts, and given the amount of money in the reserves, could he not find some amount of money for an Arnos Park project agreed with local residents?

**Reply from Councillor Lavender:**

“Yes and Yes.”

**Question 12 from Councillor Pearce to Councillor Neville, Cabinet Member for Environment and Street Scene**

“Will Councillor Neville inform Council of any developments in promoting recycling in the borough?”

**Reply from Councillor Neville:**

“I am pleased to announce that with effect from April the range of items capable of being recycled in the borough will be expanded. It will in future be possible to recycle Tetra Paks (fruit juice and soup cartons) and a wide range of plastic containers. This development when added to the present range of materials collected from the kerbside means that Enfield residents will have one of the largest ranges of recyclables for doorstep collection, it is to be hoped that this will further increase our already high rates of recycling in the borough.

It is intended that there will be a borough-wide outdoor advertisement campaign using bus shelters, bus backs, vehicle livery and billboards during the summer months to promote this expansion of recyclable material.

In addition consultation letters regarding siting of recycling bins and instructions on use are being issued to residents of all flats who are about to receive new services from April/May onwards, including the introduction of recycling facilities to 16,000 households. Residents of flats will be given a specially designed blue bag to hold items for transfer to recycling bins provided.

There will be an ongoing editorial in Our Enfield and Enfield Homes Magazine - every issue planned for 2009

As a trial Sainsbury's, Enfield will be operating a till receipt campaign during April – June promoting their bring site facility.

All of this is in addition to earlier promotions such as:

**Christmas Recycling Promotions:** Direct mail was sent to all residents receiving kerbside collection to promote tree recycling; a full page Christmas Recycling advert appeared in the Enfield Independent, Advertiser and Gazette. Plus vehicle signs appeared on most Refuse/Recycling vehicles.

**General Recycling Promotions:** A Starve Your Bin Campaign advert in the Enfield Independent, Advertiser and Gazette (Backed by Recycle For London). Plus vehicle signs on most used Refuse/Recycling vehicles. A high profile and positive media coverage in all local newspapers and nationals, including the Daily Mail, The Guardian, Daily Telegraph, Evening Standard and BBC London.

A launch of a commercial paper/cardboard recycling scheme.

5000 children have received 'Waste Education' via an assembly or workshop through the recycling and environment programme since September 2008.

Finally a survey is being carried out on bring sites to make them more aesthetically pleasing and remove any under used banks now recycling from home is widespread across the borough.

**Question 13 from Councillor Bond to Councillor Neville, Cabinet Member for Environment & Street Scene**

Can he tell the Council when the lights are due to be switched on, on top of the water fountain in Enfield Town?

**Reply from Councillor Neville:**

"The lights on top of the fountain will be connected by 3 April 2009."

**Question 14 from Councillor Boast to Councillor Neville, Cabinet Member for Environment and Street Scene**

"Would Councillor Neville comment on the claims by Councillor Chris Bond and Joan Ryan MP regarding the proposed changes in refuse collection in the borough?"

**Reply from Councillor Neville:**

"I assume Councillor Boast is referring to Joan Ryan's comments in the January section of her "Annual Report and 2009 Calendar" (issued under a House of Commons crest!) which was sent to various households in Enfield North. In that report Ms. Ryan claims, "I have campaigned for the last 7 years to get the council to introduce wheelie bins..." Ms. Ryan subsequently claimed in a press article in the Enfield Independent that it was her campaign that had caused this administration to move ahead with a wheeled bin pilot. I am sorry to have to tell the council that once again these are yet more misleading claims made by Ms. Ryan and by association Councillor Bond, both of whom are pictured in the January page of the calendar alongside a wheeled bin.

These claims are wholly false. The truth of the matter is that although Joan Ryan raised the issue in a letter distributed to Enfield North residents just 3 years ago in February 2006, we were already investigating a move to wheeled bins, such work having started in autumn 2005. I confirmed this to her in a letter dated 4 March 2006 in which I also refuted a large number of misleading claims she had made about our environment performance, to which I received no response.

The council's record on waste management and recycling is a good one as evidenced not by party political rhetoric, but by various reports from the independent Audit Commission and by annual surveys of customer satisfaction. The reality, which Labour members and Ms Ryan find impossible to accept, is that we have done a far better job in managing the environment than they did, and have substantially improved on the Audit Commission's last rating of their performance – "Poor" - and have seen a rise in customer satisfaction from a level of just 48% during their last year of office."

**Question 15 from Councillor Simon to Councillor Kaye, Cabinet Member for Leisure, Culture, Olympics & Voluntary Sector**

Can Councillor Kaye explain why the ground floor at Thomas Hardy House is not in use? What cash or opportunity cost does this involve?

**Reply from Councillor Kaye:**

"The ground floor of Thomas Hardy House is being developed as a performance and exhibition space. Business planning is being conducted and will inform the next steps".

**Question 16 from Councillor Boast to Councillor Rye, Leader of the Council**

"Who is ultimately responsible for the success or failure of Enfield Council?"

**Reply from Councillor Rye:**

"Councillor Rodin, according to the local press, believes Enfield's achievement in achieving 4 stars in the recent Comprehensive Performance Assessment is entirely down to the efforts of staff. I quite understand neither he nor his predecessor as Leader, Councillor Taylor wish to take responsibility for the failing council we inherited in 2002 and wish to blame the staff for that poor performance.

Whilst Councillor Rodin may be following a lead from his Prime Minister who fails to apologise or take responsibility for the catastrophic recession Britain is in, I disagree with him.

I am pleased to congratulate the staff of Enfield Council on their hard work and commitment in providing good quality services to our residents, but they can only succeed when they have strong political leadership and clear policies to deliver. This Conservative administration provides this; sadly his Labour administration did not."

**Question 17 from Councillor Constantinides to Councillor Neville, Cabinet Member for Environment & Street Scene**

People living in the residential roads in the vicinity of North Middlesex University Hospital are suffering from severe parking problems. Can Councillor Neville please inform the Council what plans he has to deal with these problems and set out the timetable for these plans to be implemented?"



**Reply from Councillor Neville:**

“The pressure for on-street parking around the North Middlesex Hospital has been a problem for some time, particularly since the Trust started to charge staff for parking. However, the situation is clearly much worse at the moment because of the reduction in the number of on-site parking spaces during the construction works, which are currently at their peak. I understand that the Trust will soon be providing some additional temporary parking in both Commercial Road and Watermill Lane to try and ease the situation.

The Trust were required to provide funding as part of their planning permission (via a s106 Agreement) to cover the cost of preparing a preliminary design and consulting on parking controls in the area. Further funds become available if a decision is subsequently made to implement these controls.

The council has been undertaking a review of the priorities within its Parking and Enforcement Plan (PEP). The aim of this review is to ensure that appropriate policies and strategies are in place to resolve the complex parking position across the borough in a way that meets the needs of those who live, work and visit Enfield. The consultation period on the PEP finished at the end of January and officers are currently working on a report to bring back to Cabinet in the near future. The conclusions of this review will help to inform future decisions about a wide range of parking issues, including future Controlled Parking Zones (CPZs).

Although at a very early stage, it is also worth mentioning that the Trust have started early discussions with officers to look at the possible provision of additional parking within the hospital grounds as part of the realignment of services following the Trust’s review of clinical services.”

**Question 18 from Councillor Rodin to Councillor Lavender, Deputy Leader of the Council/ Sustainable Communities & Employment & Place Shaping**

When will Councillor Lavender be meeting the Traders who are trading from Council owned properties following their request for a meeting with him, which was contained in the email from Councillor Constantinides of 11 March 2009?

**Reply from Councillor Lavender:**

“I do not propose to meet the traders until such time as due process has been followed in relation to rent reviews.

Councillor Rodin will be aware that rents for business premises are negotiated at periodic intervals. Those intervals can typically be around 7 years after the previous rent review. The landlord will commence negotiations demanding a rack rent. Councillor Rodin will know that a rack rent is the full open market annual value of a holding. The proposed rack rent will be considerable higher than the prevailing rent. The proposed increase will reflect the fact that rents have not been increased in the interim or have not kept up with the rack rents. Any well run business will have budgeted for such an increase. It is then for the tenant to negotiate with the landlord by adducing evidence of what the tenant can and cannot afford. The landlord will then take into consideration the behaviour of the tenant, the prevailing market conditions and the ability to re-let the premises. The

tenant will also be mindful of the need to remain in situ where there is goodwill attached to the premises.

It is essential that the parties be able to conduct such negotiations professionally and without hindrance. Such negotiations need to be dealt with on an individual basis with the assistance of solicitors or surveyors. They should not be undertaken by megaphone across the Council Chamber or on the front page of the Enfield Independent.

Officers should be able to negotiate without being hamstrung by having their positions undermined by councillors.

Once the process is underway officers will no doubt request a political steer on what we want to achieve.

I can assure Councillor Rodin that I want to achieve a sustainable rental income which can be afforded by businesses, I do not want to drive businesses out and end up with empty premises and no rental income at all.”