



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY 25TH JANUARY
2012 AT 7.00 PM**

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

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Date: 17 January 2012

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, 25th January, 2012 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

J.P.Austin

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 (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS**

4. **MINUTES** (Pages 1 - 12)

To approve, as a correct record, the minutes of the Council meeting held on 9 November 2011.

5. **APOLOGIES**
6. **DECLARATION OF INTERESTS** (Pages 13 - 14)

Members of the Council are invited to identify any personal or prejudicial

interests relevant to items on the agenda. Please refer to the guidance note attached to the agenda.

7. OPPOSITION BUSINESS - PORTAS REVIEW ON THE FUTURE OF OUR HIGH STREETS (Pages 15 - 74)

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

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

8. FINAL REPORT FROM THE COUNCIL COMMISSION TO EXAMINE THE AUGUST 2011 DISTURBANCES IN ENFIELD (Pages 75 - 102)

To receive the final report (No.181A) and recommendations from the Commission set up by Council in September 2011 to examine the August 2011 disturbances in Enfield.

Council is asked to note that this item is due to be considered by Cabinet on 18 January 2012 and an update on any decision made as a result will be provided for the Council meeting.

9. NORTH LONDON WASTE AUTHORITY LEVY CHARGE & HOUSEHOLD WASTE & RECYCLING CENTRE TRANSFER (Pages 103 - 126)

To receive a joint report from the Director of Environment & Director of Finance, Resources and Customer Services (No.162) setting out the background to the North London Waste Authority (NLWA), the current statutory default levy arrangements and the proposed changes pending repeal of the Refuse Disposal (Amenity) Act 1978.

The recommendations set out in the report were endorsed and recommended for approval to Council, at the Cabinet meeting held on 14 December 2011. **(Key Decision – Reference No.3414)**

10. CONCESSIONARY TRAVEL POLICY (Pages 127 - 130)

To receive a report from the Director of Finance, Resources & Customer Services (No.160A) seeking approval to the Concessionary Travel Policy.

The recommendations set out in the report were endorsed and recommended for approval to Council, at the Cabinet meeting held on 14 December 2011. **(Key Decision – Reference 3397)**

Please note the Policy document referred to in the report has already been circulated to all members as part of the Cabinet agenda for the meeting on 14 December 2011. The cover report considered by Cabinet has been included on this agenda with a copy of the full Policy document placed, for reference, in the Members Library and Group Offices. If required, additional

copies can also be obtained by contacting James Kinsella (Governance Team Manager).

11. CORPORATE PROCUREMENT STRATEGY & SUSTAINABLE PROCUREMENT POLICY 2011-2015 (Pages 131 - 136)

To receive a report from the Director of Finance, Resources & Customer Services (No.179A) seeking approval to the adoption of a new Corporate Procurement Strategy 2011-2015.

Council is asked to note that this item is due to be considered by Cabinet on 18 January 2012 and an update on any decision made as a result will be provided for the Council meeting. **(Key Decision – Reference 3402)**

Please note the Strategy document referred to in the report has already been circulated to all members as part of the Cabinet agenda for the meeting on 18 January 2012. The cover report accompanying the Strategy has been included on this agenda with a copy of the full Strategy document placed, for reference, in the Members Library and Group Offices. If required, additional copies can also be obtained by contacting James Kinsella (Governance Team Manager).

12. DELEGATED AUTHORITY WITHIN THE ENVIRONMENT DEPARTMENT AND ADOPTION OF SECTION 16 LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003 (Pages 137 - 162)

To receive a report from the Director of Environment (No.188) setting out and updating the delegated authority arrangements within the Environment Department, recommended as a consequence of changes in structures, posts and legislation. It also recommends that the Council adopts legislation to exercise powers to tackle unlawful vehicle crossovers.

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

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

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

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

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

Submission of urgent questions to Council requires the Member when

submitting the question to specify why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting. A supplementary question is not permitted.

13.2 Councillors' Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8) (Pages 163 - 184)

The list of thirty five questions received and their responses are attached to the agenda.

14. MOTIONS

14.1 In the name of Councillor Lavender

"This council congratulates the Government on its plans to include 16 and 17 year olds in legislation for mandatory custodial sentences for people who use a knife to threaten or endanger a person. This council further notes the crucial role played in securing this change in the law by Enfield North MP Nick de Bois who led the campaign in Parliament, the Enfield Independent newspaper that promoted the petition signed by hundreds of residents calling for 16 and 17 year olds to be included in the legislation, anti-knife crime groups such as STOP, TAGS, Anti-knife UK and the Enfield-based Nelson-Williams Foundation, and the borough's two other MPs David Burrowes and Andy Love."

14.2 In the name of Councillor Rye

"This council welcomes the Mayor of London Boris Johnson's decision not to increase the GLA precept through each year he has been the Mayor.

This Council also welcomes the money from the Conservative-led government which is on offer to local authorities who choose not to increase council tax for the second year running. The council notes that not increasing taxation, benefits the largest number of people possible during this present recession."

14.3 In the name of Councillor Hamilton

"The Council notes with concern the cuts in the Metropolitan Police and is particularly concerned about the impact on Enfield Safer Neighbourhoods teams."

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

In accordance with the decision made by Council in November 2011, members are asked to note that the next meeting of the Council will be held on Wednesday 29 February 2012 at 7.00 p.m. at the Civic Centre.

19. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business listed on the part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(Please note there is no Part 2 Agenda).

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**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 9
NOVEMBER 2011**

COUNCILLORS

PRESENT

Christiana During (Mayor), Kate Anolue (Deputy Mayor), Jayne Buckland, Chaudhury Anwar MBE, Alan Barker, Ali Bakir, Caitriona Bearryman, Chris Bond, Yasemin Brett, Alev Cazimoglu, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Ingrid Cranfield, Dogan Delman, Marcus East, Patricia Ekechi, Achilleas Georgiou, Del Goddard, Jonas Hall, Christine Hamilton, Elaine Hayward, Robert Hayward, Denise Headley, Tahsin Ibrahim, Chris Joannides, Eric Jukes, Jon Kaye, Nneka Keazor, Joanne Laban, Henry Lamprecht, Michael Lavender, Dino Lemonides, Derek Levy, Simon Maynard, Paul McCannah, Donald McGowan, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Martin Prescott, Geoffrey Robinson, Michael Rye OBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Doug Taylor, Ozzie Uzoanya, Tom Waterhouse, Lionel Zetter and Ann Zinkin

ABSENT

Christopher Deacon, Ahmet Hasan, Ertan Hurer, Chris Murphy, Daniel Pearce, George Savva MBE and Glynis Vince

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ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING

The Mayor apologised for the late start of the meeting, which had been delayed until 7:45pm. This had been due to an urgent briefing provided for the Opposition Group and subsequent cross party discussions relating to the Barnet, Enfield & Haringey Clinical Strategy.

The election of a Chairman/Deputy Chairman of the meeting was not required.

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MAYOR'S CHAPLAIN TO GIVE A BLESSING

Father Richard from St Matthews Church gave the blessing.

74

MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS

The Mayor made the following announcements:

- She thanked Father Richard for offering the prayers.

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- The Mayor asked members to stand for one minutes silence in memory of the men and women who had lost their lives in service of their country and, following the recent sad losses of past Mayor, Eric Smythe, and Veronica Groves, tenant Board member of Enfield Homes. The Council then rose to observe the minutes silence.

Councillor Doug Taylor, Leader of the Council, and Councillor Ann Marie Pearce, gave eulogies in respect of past Mayor, Eric Smythe, who would be fondly remembered by all who knew him.

The Mayor then moved on to announce:

- She had attended an event as part of the Black History Month, which had also been attended by His Excellency Mr Anthony Johnson, High Commissioner of Jamaica. She had had great pleasure in unveiling the Slavery Plaque which hangs in the Conference Room, with copies also hanging in Edmonton Green Library and Community House.
- Members from both groups and past Mayors had joined her at the Mayor's Harvest Festival at St Matthews Church, Ponders End, on 2 October, which had been made more poignant as Eric Smythe had also attended.
- She had attended a '100 hours volunteering event' in October and continued to be amazed and full of admiration for the number of people who volunteer within the community. She expressed her thanks and appreciation to all of them.
- She had attended the Dhama Mindir in celebration of the Hindu Festival of Lights – Diwali.
- She had attended the Enfield Youth Parliament results evening and welcomed young people coming forward to embrace the challenges in the borough and wanting to make a difference.
- The Mayor, the Deputy Mayor and Brigadier Paul Orchard-Lisle, Representative Deputy Lieutenant for Enfield, would be attending the Remembrance services taking place throughout the borough on Remembrance Sunday.
- The Deputy Mayor would be joining the Association of Jewish Ex-Service Men and Women for their Remembrance Service in Southgate Synagogue on Saturday 19 November.
- The Mayor's Charity Festival Night would be held on Friday 25 November from 7pm at St Edmund's Church Hall, Edmonton. Tickets cost only £25 and all were encouraged to attend. Tickets were available from the Mayor's Office.

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- She would be hosting a get together of past Mayors in the Parlour on Thursday 8 December.
- The Mayor's Christmas Party would be held on Friday 16 December and all were very welcome.

**75
MINUTES**

AGREED that the minutes of the Council meeting held on 21 September 2011 be confirmed and signed as a correct record

**76
APOLOGIES**

Apologies for absence were received from Councillors Ahmet Hasan, Ertan Hurer, Chris Murphy, Daniel Pearce, George Savva and Glynis Vince. Apologies for lateness were received from Councillor Bambos Charalambous.

**77
DECLARATION OF INTERESTS**

Councillor Joanne Laban declared a personal interest in item 7 – Opposition Business – Supporting the Formation of Free Schools in Enfield, as her brother (Matthew Laban) was a Governor at the Woodpecker Hall Primary Academy, Kingfisher Hall Primary Academy and Cuckoo Hall School.

Councillor Waterhouse declared a personal interest in items 11 – Review of Parliamentary Constituency Boundaries – and 14.4 Motion in the name of Councillor Lavender, as he was Senior Parliamentary Assistant to Nick de Bois MP.

Councillor Chamberlain declared a personal interest in Item 14.4 – Motion in the name of Councillor Lavender, as his son had recently been robbed by a person with a knife

**78
OPPOSITION BUSINESS - SUPPORTING THE FORMATION OF FREE SCHOOLS IN ENFIELD**

Councillor Kaye introduced the issues paper prepared by the Conservative Group, encouraging the Council to more proactively embrace Government policy relating to the creation of Academies and Free Schools in the borough.

In introducing the paper he highlighted the case for making Free Schools & Academies a central element in urban regeneration. He also felt they could:

- Provide increased educational opportunities for disadvantaged children;
- Offer good quality and diverse educational choices for children as demonstrated by the outstanding success of Cuckoo Hall School in

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- Edmonton and associated new Woodpecker and Kingfisher Free Schools;
- Greatly improve standards in low performing schools, as demonstrated by the Mossborn Academy in Hackney.

The Opposition Group felt there was a need for the Council to actively encourage the creation of Academies or Free Schools in the borough as it did in attracting new businesses to the borough, with the following benefits highlighted:

- Nationally 24 free schools, with 10,000 pupils, had been set up over the past year. Such schools would drive up educational standards to enable children to achieve higher grades in GCSEs and equip them to compete in the global market;
- The ability to offer parents more choice in the education of their children, as well as helping to alleviate pressure on school places.

It was also felt that the Council had missed an opportunity in not making available the old Southgate Town Hall site for Academy or Free School use.

Councillor Orhan, Cabinet Member for Children and Young People, responded on behalf of the majority group. She advised that Government cuts in funding, children and educational services being particularly vulnerable, had placed huge pressure on the Council in protecting high quality local services. In light of continuing uncertainty about future revenue funding the Administration therefore believed it was essential that all schools were fairly funded through a local funding formula. The requirement for Local Authorities to transfer stewardship of land to Academies or Free Schools was also a matter of concern.

She also highlighted how the Administration had invested in and achieved highly rated educational and children's services, by developing a family of schools with professional staff delivering quality services. This quality of education was delivered irrespective of postcode and in response to local demand. It was felt that Academies and Free Schools could potentially destabilise this success and fragment education provision. Planning for the future needed to be flexible based on the creativity and drive of local teachers and parents in the established family of schools.

Labour, both nationally and locally, was relentlessly focused on ensuring educational quality to equip children with the skills needed to enable them to reach their full potential and compete in a global market.

Following a lengthy debate, Councillor Kaye summed up on behalf of the Opposition Group, requesting that the Administration create the appropriate environment where new and experienced groups would be encouraged to establish new schools within the borough.

In response to the debate and recommendations made within the Opposition Business paper, Councillor Georgiou highlighted that:

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1. the Administration would continue to support schools in achieving excellence;
2. the progress made by the Administration in delivering on their commitments in relation to young people, including the introduction of uniform grants, a pilot for free school meals and the establishment of a Youth Parliament;
3. a number of Free Schools in the borough, such as Cuckoo Hall School, had previously been successful schools under local authority funding;
4. the Council was already supporting Free Schools, through for example, the provision of various assets and was complying with everything they were statutorily required to do;
5. The drive and lead being provided by the Cabinet member for Children & Young People in undertaking these activities

With the agreement of both Groups no vote was taken on the outcome of this item.

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CHANGE IN THE ORDER OF BUSINESS

Councillor Brett moved a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following (in the order listed) as the next items of business:

- Item 12: Changes to the Council's Constitution.
- Item 11: Review of Parliamentary Constituency Boundaries
- Item 14: Motions

This was agreed by the Council. Please note the minutes reflect the order in which the items were dealt with at the meeting.

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CHANGES TO THE COUNCIL'S CONSTITUTION

Councillor Simon (as Chair of the Governance Review Group) moved and Councillor Georgiou seconded the report from the Director of Finance, Resources & Customer Services (No.132) recommending a number of changes to the Council's Constitution, referred following consideration by the Governance Review Group on 1 September & 17 October 2011.

NOTED

1. The main changes proposed related to:
 - a. the rules of debate at Council and Committee meetings

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- b. the Terms of Reference and name of the Governance Review Group
- c. provision for substitute members on Overview & Scrutiny Committee
2. The concerns raised by the Opposition Group relating to the impact that it was felt the proposed changes to the rules of debate at both Council and Committee meetings would have on the democratic process and at the drafting of the proposed amendment to Para 12.14 (Personal explanation).
3. The proposed changes had been subject to detailed consideration and had been approved for referral onto Council by all members (from both Groups) present at the Governance Review Group. In response to the concerns raised, it was pointed out that the changes had been recommended as a means of making the democratic process run more efficiently and effectively with the aim of allowing debate to flow more smoothly and without interruption (unless this was required to address a specific breach of the rules).
4. The Governance Review Group would continue to keep the operation of any changes agreed to the rules of debate under review.

AGREED

- (1) to approve the following changes to the Rules of Debate at Council meetings in the Council's Constitution:
 - (a) When a member may speak again (Paragraph 12.6 in Chapter 4.1 of the Constitution – Page 4-12) amend to include as (h) under para 12.6: “to allow the mover of an amendment to also have a right to sum up. Such speeches to be limited to three minutes.”
 - (b) Points of order and personal explanation (Paragraphs 12.13 & 12.14 in Chapter 4.1 of the Constitution – Page 4-15) – amend only to allow points of information and personal explanation to be made at the end of a speech to which they relate, with the relevant paragraphs amended to read:
 - Para 12.13 Point of Order – “A member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule of law and the way in which he/she considers it has been broken. The members speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.”
 - Para 12.14 Personal explanation – “A member may only make a point of personal explanation at the end of the speech **to** which it

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relates. A personal explanation may only relate to some material part **of the** earlier speech by the member, which may appear to have been misunderstood in the present debate. The members speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.” – this wording includes amendments (highlighted in bold) agreed during the debate to address the issues raised on its original drafting.

The above resolution (1b) was put to the vote and approved with the following result:

For: 30
Against: 22
Abstention: 1

- (c) Time limit of members speeches (Paragraph 12.5 in Chapter 4.1 of the Constitution – Page 4-12) – to extend this provision so that the time limit of ten minutes to introduce an item and 5 minutes on other occasions be extended to all committee meetings. Any additional time would be at the discretion of the Committee Chair, with the following provisions to be included within Chapters 4.2 (Scrutiny Procedure Rules) and 4.5 (Operating Rules for Committees) – Content/length of speeches:

“Speeches must be directed to the question under discussion. The time limit for a speech to introduce an item should be no longer than 10 minutes with a 5 minute time limit in all other instances, with any additional time required being at the discretion of the Committee Chair.

Please note this will not apply to Council meetings.”

The above resolution (1c) was put to the vote and approved with the following result:

For: 30
Against: 21
Abstention: 2

- (2) To approve the revised Terms of Reference and change in name for the Governance Review Group to the Members & Democratic Services Group (as detailed in section 3.3 of the report).
- (3) To agree the inclusion (as detailed in section 3.5 of the report) of substitute arrangements for membership of the Overview & Scrutiny Committee so that if a member of the Committee cannot attend a particular meeting, a substitute may attend in their place

As a result of the above decisions, the Assistant Director Corporate Governance confirmed that the changes agreed to the rules of debate at

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Council would apply with immediate effect, including the remainder of the meeting.

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REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES

Councillor Stafford (as Cabinet member for Finance & Property) moved and Councillor Waterhouse seconded the report from the Chief Executive (No.130) outlining representations drafted by the Electoral Review Panel on 11 October 2011, on behalf of the Council, for submission to the Boundary Commission for England. These were in response to the Commission's proposals for review of the Parliamentary Constituency boundaries.

NOTED

1. The amendment tabled at the meeting, moved by Councillor Stafford, to the 1st bullet point of the proposed submission to the Boundary Commission in section 3.6.1 of the report. This amendment was seconded by Councillor Waterhouse and was approved by Council.
2. The cross party and unanimous support for the representations (as amended) set out in section 3.6.1 of the report and concerns relating to the Commission's proposals for Enfield, which were not felt:
 - a. to be in the best interests of the people of Enfield and its surrounding area;
 - b. to have recognised:
 - the nature of the geographical boundaries between Edmonton & Chingford or lack of historic and local ties between both areas;
 - the demographic differences between Edmonton & Chingford; and
 - the strength of historical ties between Edmonton & Enfield.
3. The following additional recommendation moved by Councillor Rye and seconded by Councillor Prescott during the debate, for consideration as part of the Council's final submission:

"Representations also be made to London Councils seeking development of a pan London response to the Commission's proposals aimed at producing a more co-ordinated approach between Borough and Parliamentary boundaries."

This additional recommendation was agreed by Council.

AGREED that subject to the following amendments, the representations set out in paragraph 3.6.1 of the report be approved by the Council for submission to the Boundary Commission for England:

- (1) First bullet point to read "We believe that the sub regionalisation of London into London North East and London North West does not work in

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the best interests of Enfield, particularly as the bulk of the borough is to the west of the River Lee, which the Commission has considered as a geographical boundary in its considerations.

- (2) Representations also be made to London Councils seeking development of a pan London response to the Commission's proposals aimed at producing a more co-ordinated approach between borough and Parliamentary boundaries.

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MOTIONS

- 1.1 Councillor Goddard moved and Councillor Cicek seconded that the motion relating to the Deephams site, listed as agenda item 14.1, be withdrawn. This was approved by Council:
- 1.2 Councillor Taylor moved and Councillor Lavender seconded that the motion relating to Chase Farm Hospital, listed as agenda item 14.2 be withdrawn. This was approved by Council

In moving withdrawal of the item it was noted that:

- The original purpose of the motion was to allow Council to be informed of the approach being developed in response to the final decision of the Secretary of State for Health on the Barnet, Enfield & Haringey Clinical Strategy;
- Since the Council agenda had been dispatched, the Council had given notice to the Secretary of State for Health and NHS bodies of its willingness to initiate legal proceedings seeking to challenge decisions taken on the Clinical Strategy, if its requirements were not met. It was not therefore felt appropriate to undertake any further discussion of this issue at the meeting;
- A further progress update would be provided for Cabinet on 23 November 2011;
- The Opposition Group, having been briefed on the matter immediately prior to the Council meeting, had expressed in principle support for the course of action initiated.

- 1.3 Councillor Hamilton moved and Councillor Brett seconded the following motion:

“This Council deplores the decrease in sergeant numbers in Safer Neighbourhood Teams in Enfield as a result of a decision taken by the Conservative lead Metropolitan Police Authority (MPA). This is at a time when local intelligence is of immense importance as evidenced by the unfortunate events of August.”

Following a debate the motion was put to the vote and agreed with the following result:

For: 29

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Against: 20

- 1.4 In view of the limited time available for the remainder of the meeting, Councillor Lavender moved and Councillor Waterhouse seconded that the motion relating to legislation on custodial sentences for knife crime, listed as agenda item 14.4 be withdrawn. This was approved by Council

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IMPLEMENTING THE ENFIELD FOOD STRATEGY

Councillor Goddard (as Cabinet member for Business & Regeneration) moved and Councillor Bond seconded the report of the Director of Regeneration, Leisure & Culture (No.102) seeking approval to the development of the Enfield Food Strategy 3 Year Action Plan.

NOTED the recommendations set out in the report had been endorsed by Cabinet on 12 October 2011.

AGREED

- (1) To approve the development of the Enfield Food Strategy 3 Year Action Plan incorporating consultation feedback.
- (2) The Food Sector Board, as the body to manage the Enfield Food Strategy 3 Year Action Plan.

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THE ENFIELD DECLARATION ON BECOMING A "GLOBAL BOROUGH"

Councillor Brett moved and Councillor Orhan seconded the report from the Director of Schools and Children's Services (No.104) seeking agreement to the Enfield Declaration on becoming a "Global Borough".

NOTED

1. the recommendations set out in the report had been endorsed by Cabinet on 12 October 2011 and had also been subject to consideration at the Town Twinning & Tourism Working Party.
2. The key aims and objectives behind the Declaration, which included links to the education sector; partnership working, Fair Trade as well as training and development for staff.
3. The Council's involvement in promoting collaborative and positive relationships locally, nationally and globally and members thanks to officers for their work in preparing the Declaration.
4. The concerns highlighted by the Opposition Group at the drafting of section 8.2 within the report, for which the wording appeared to be incomplete.

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AGREED to approve the Enfield Declaration on becoming a “Global Borough

The above resolution was put to the vote and agreed with the following result:

For: 30

Against: 17:

Abstentions: 2

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COUNCIL PROCEDURE RULE 8 - DURATION OF COUNCIL MEETING

NOTED in accordance with Council Procedure Rule 8 (page 4-7 – Part 4), the Mayor advised the Council that the time available for the meeting had now elapsed and the remaining items of business would be dealt with in accordance with the expedited procedure.

The remaining items of business were then considered without debate.

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REVIEW OF PARLIAMENTARY POLLING DISTRICTS & PLACES

RECEIVED the report from the Chief Executive (No.130) seeking approval to the final recommendations arising from the statutory review of Polling Districts and Polling Stations undertaken by the Electoral Review Panel in order to comply with the requirements of the Representation of the People Act 1983.

AGREED to adopt the recommendations arising from the review of Parliamentary Districts and Polling Places undertaken by the Electoral Review Panel, as set out in paragraph 3.6 of the report.

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COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

NOTED the forty eight questions on the Council's agenda which had received a written reply from the relevant Cabinet Member.

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MEMBERSHIPS

AGREED

- (1) the following changes to committee memberships
 - (a) Planning Committee – Councillor Buckland to be replaced by Councillor Cranfield
 - (b) Children & Young People Scrutiny Panel – Councillor Cranfield to be replaced by Councillor Bakir

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- (c) Conservation Advisory Group – Councillor Cranfield to be replaced by Councillor Buckland
- (d) Enfield Council Working Group on the Olympic & Paralympic Games – Councillor Cranfield to be replaced by Councillor Levy
- (e) Green Belt Forum - Councillor Brett and Councillor Hasan to be replaced by Councillor During and vacancy (name to be notified)
- (2) To note the appointments made to the following positions:

Champions

Animal Welfare & Wildlife
Cycling
The Arts
Road Safety
Diversity
Older People

Councillor Brett
Councillor Sitkin
Councillor Buckland
Councillor Hasan
Councillor Anwar
Councillor Cole

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NOMINATIONS TO OUTSIDE BODIES

None received.

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CALLED IN DECISIONS

None received.

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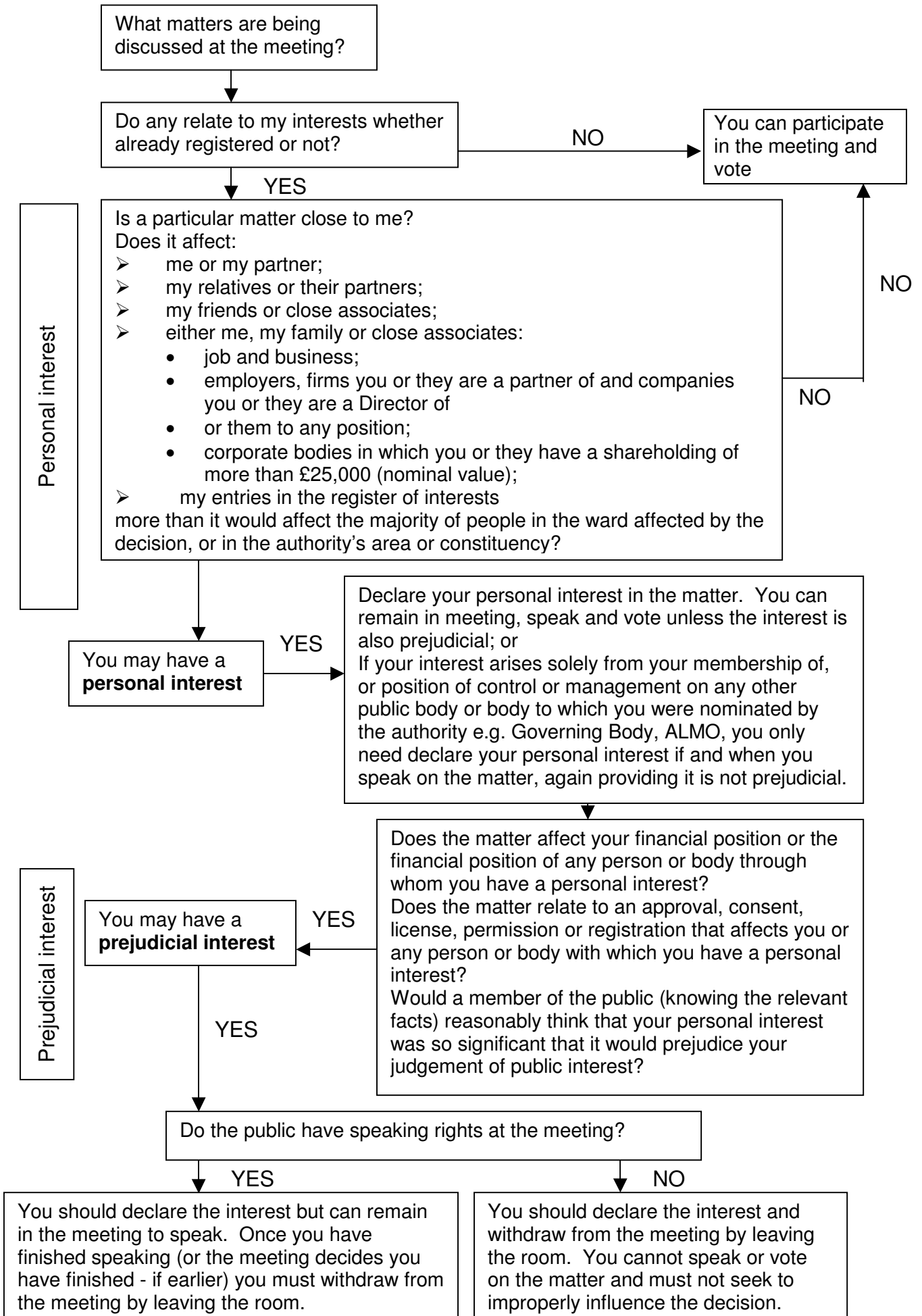
DATE OF NEXT MEETING

NOTED

1. The next meeting of the Council would be held on 25 January 2012 at 7.00pm at the Civic Centre.
2. A date for the Council (budget setting) meeting in February 2012 was currently being considered, as part of a process being co-ordinated across London, through London Councils.

AGREED that subject to the outcome of 2. above, authority be delegated to the Assistant Director Corporate Governance to set a date for the Council (budget setting) meeting in consultation with the Mayor, Leader of the Council & Leader of the Opposition Group.

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



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

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OPPOSITION BUSINESS PAPER – COUNCIL 25 JANUARY 2012**Opposition Priority Business: The Portas Review into the future of our high streets**

In May 2011 Mary Portas was asked by the Prime Minister and the Deputy Prime Minister to conduct an independent review into the state of our high streets and town centres.

She took on this challenge, in full knowledge that it would be complicated and controversial, for one simple reason – she believed that our high streets have reached a crisis point. She believed that unless urgent action is taken much of Britain will lose, irretrievably, something that is fundamental to our society. Something that has real social and well as economic worth to our communities and that after many years of erosion, neglect and mismanagement, something she felt was destined to disappear forever.

Enfield's High Streets and Town Centres are no exception, and the recent action by the Council in imposing parking charges on Sundays having previously raised on and off street charges significantly above inflation will certainly not help an already difficult local economy. The fact that the new and increased charges were driven by a desire to raise income makes them all the more questionable. Mary Portas draws specific attention to the link between successful high streets and cheaper car parking provision and makes a specific recommendation in this regard which are completely at odds with the Council's approach.

The Portas Review has undertaken much of the research and brainstorming that this council would have spent years and great expense undertaking itself. The Council's attention is drawn to the attached report.

While most of the Review's 28 recommendations will require action on the part of Government, some are well within the remit of local government, and are relevant to Enfield's high streets, including the following:

Recommendations Numbers: 9, 1, 10, 7, 18, 19 and 21

It is a fact that Enfield as a shopping centre faces stiff competition from shopping centres within easy reach of our residents, most of which offer free parking and other attractions. It is imperative that the council acts quickly to arrest the decline, symptoms of which are already evident, and should consider the Review's recommendations as a matter of urgency

Recommendation

The council:

1. reconsiders it's decision to introduce parking charges on Sundays in Enfield Town and reverts to allowing free off and on street parking on Sundays and Bank Holidays with immediate effect;

2. Introduces a 15 minute free parking period at all on street bays in shopping high street areas.
3. instructs the Housing, Growth & Regeneration Scrutiny Panel to consider the Portas Review in detail, with particular reference to matters identified above (the specific recommendations for local government) together with those recommendations that require action by Government, and to report to Cabinet and the Council with recommendations by July 2012 and to facilitate that consideration agrees to provide the Housing, Growth & Regeneration Scrutiny Panel with the reasonable and necessary resources.

The Portas Review

An independent review into the future of our high streets

Mary Portas
December 2011

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Foreword

Seven months ago I was asked by the Prime Minister and the Deputy Prime Minister to conduct an independent review into the state of our high streets and town centres.

I took on this challenge, in full knowledge that it would be complicated and controversial, for one simple reason – I believe that our high streets have reached a crisis point. I believe that unless urgent action is taken much of Britain will lose, irretrievably, something that is fundamental to our society. Something that has real social and well as economic worth to our communities and that after many years of erosion, neglect and mismanagement, something I felt was destined to disappear forever.

I would like to state right from the start that this report is not about pointing fingers of blame. Whilst I do believe that there are many compelling instances when out-of-town retail has drained the traffic and retail offer from our town centres, it would be naïve and far too easy to simply think that they are to blame for the decline of our high streets. The fact is that the major supermarkets and malls have delivered highly convenient, needs-based retailing, which serves today's consumers well. Sadly the high streets didn't adapt as quickly or as well. Now they need to.

I would also like to say that my report is not about nostalgia; nor is it a sentimental plea to nurture and protect small shopkeepers above all else. The days of a high street populated simply by independent butchers, bakers and candlestick makers are, except in the most exceptional circumstances, over.

How we shop as a nation has quite simply changed beyond recognition. Forever.

The phenomenal growth of online retailing, the rise of mobile retailing, the speed and sophistication of the major national and international retailers, the epic and immersive experiences offered by today's new breed of shopping mall, combined with a crippling recession, have all conspired to change today's retail landscape. New benchmarks have been forged against which our high streets are now being judged. New expectations have been created in terms of value, service, entertainment and experience against which the average high street has in many cases simply failed to deliver. These reasons alone conspire to create a new shopper mindset which cannot and should not be reversed.

The only hope our high streets have of surviving in the future is to recognise what's happened and deliver something new.

High streets are the heart of towns and communities. They have been for centuries. People are passionate about high streets. They may have different views on what's wrong and what's right, but I don't believe anyone can put their hand on their heart and say they don't care.

With town centre vacancy rates doubling over the last two years and total consumer spend away from our high streets now over 50%, the need to take action has never been clearer. Although some high streets are thriving, most have a fight on their hands. Many are sickly, others are on the critical list and some are now dead. We cannot and should not attempt to save every high street but my findings have led me to believe that unless urgent action is taken, the casualties will only continue to multiply.

Fundamentally I believe that our high streets are uniquely placed to deliver something new. I believe that our high streets can be lively, dynamic, exciting and social places that give a sense of belonging and trust to a community. A sense of belonging which, as the recent riots clearly demonstrated, has been eroded and in some instances eradicated. I also fundamentally believe that **once we invest in and create social capital in the heart of our communities, the economic capital will follow.**

This review sets out what I think has led to the decline of our high streets, my vision for the future and the key things I believe we need to put in place to deliver that vision.

Importantly, my vision aims to find and nurture tomorrow's innovators and ideas that will create the new sustainable high streets of the future, seizing the opportunity that the current crisis presents and putting the mechanics in place to allow new talent to flourish.

This report is the culmination of more than six months' work on top of a lifetime of commitment to British retailing. This isn't just a job to me. I know retail, I understand consumers. I've worked in retailing for 30 years. But I've never had to look at the high street in this way before.

When I started my work on the review, I ploughed through a huge pile of previous reports about high streets and town centres and found so many good ideas which have simply sat on the shelf. Pretty soon I realised why. What I discovered is the complexity and diversity of the problems faced by high streets. And I've learnt just how much of a complex web of interests and stakeholders are involved, many of whom have simply failed to collaborate or compromise. The end result in many cases is an asset we no longer respect, need, want or aspire to have.

I have visited many high streets to see what the situation is for myself, listened to the concerns and ideas of local people and their councils, met with organisations and associations, large and small retailers and their landlords. I've also had more than 2,000 online comments, as well as all the submissions and papers sent in as a direct response to the review. I have realised that any solution cannot be one size fits all.

I've also realised that whilst it's entirely natural to pick away at particular problems – to complain about the success of the supermarkets, bemoan the lack of parking, fight the inadequacies in the planning system and appeal to landlords to look to the long term – my review must crucially inspire people to seize the opportunity to innovate and embrace the change that's necessary.

The problems facing our high streets are complicated and sometimes overwhelming but it's also not impossible – and I believe we can turn things around. In just seven short months I have seen how so much more can be achieved by communication, collaboration and compromise. The more people I have seen and spoken to, the more I realise that there is a massive appetite out there among people and organisations to get their hands dirty and fight for their high streets. To help them be the best they can be.

This may sound hopelessly idealistic. But those who see high streets purely as a commercial retail mix need to think again.

To free up the high street from constraint, to level the playing field, to mobilise landlords and give the consumer a voice in the process I have set out a number of practical recommendations which I believe will give the high street a fighting chance.

I have also set out my concerns and solutions for the ongoing management of our town centres – if our high streets are to have a role tomorrow, then we will need to ensure their management is a match for the sophisticated alternatives.

I hope to inspire the readers of my review with another vision of tomorrow and have suggested a process by which this vision could be tested and piloted across the country. A process in which I would be fully engaged with the time I have available.

But most importantly, if my review is the catalyst for change, encouraging shopkeepers, landlords, local councils and consumers to engage with an alternative, more optimistic vision of tomorrow, where everyone benefits, then it will have been worthwhile.

A handwritten signature in black ink that reads "Mary Portas". The signature is written in a cursive, flowing style with a large initial 'M'.

Mary Portas

Summary of recommendations

1. Put in place a “Town Team”: a visionary, strategic and strong operational management team for high streets
2. Empower successful Business Improvement Districts to take on more responsibilities and powers and become “Super-BIDs”
3. Legislate to allow landlords to become high street investors by contributing to their Business Improvement District
4. Establish a new “National Market Day” where budding shopkeepers can try their hand at operating a low-cost retail business
5. Make it easier for people to become market traders by removing unnecessary regulations so that anyone can trade on the high street unless there is a valid reason why not
6. Government should consider whether business rates can better support small businesses and independent retailers
7. Local authorities should use their new discretionary powers to give business rate concessions to new local businesses
8. Make business rates work for business by reviewing the use of the RPI with a view to changing the calculation to CPI
9. Local areas should implement free controlled parking schemes that work for their town centres and we should have a new parking league table
10. Town Teams should focus on making high streets accessible, attractive and safe
11. Government should include high street deregulation as part of their ongoing work on freeing up red tape
12. Address the restrictive aspects of the ‘Use Class’ system to make it easier to change the uses of key properties on the high street
13. Put betting shops into a separate ‘Use Class’ of their own

14. Make explicit a presumption in favour of town centre development in the wording of the National Planning Policy Framework
15. Introduce Secretary of State “exceptional sign off” for all new out-of-town developments and require all large new developments to have an “affordable shops” quota
16. Large retailers should support and mentor local businesses and independent retailers
17. Retailers should report on their support of local high streets in their annual report
18. Encourage a contract of care between landlords and their commercial tenants by promoting the leasing code and supporting the use of lease structures other than upward only rent reviews, especially for small businesses
19. Explore further disincentives to prevent landlords from leaving units vacant
20. Banks who own empty property on the high street should either administer these assets well or be required to sell them
21. Local authorities should make more proactive use of Compulsory Purchase Order powers to encourage the redevelopment of key high street retail space
22. Empower local authorities to step in when landlords are negligent with new “Empty Shop Management Orders”
23. Introduce a public register of high street landlords
24. Run a high profile campaign to get people involved in Neighbourhood Plans
25. Promote the inclusion of the High Street in Neighbourhood Plans
26. Developers should make a financial contribution to ensure that the local community has a strong voice in the planning system
27. Support imaginative community use of empty properties through Community Right to Buy, Meanwhile Use and a new “Community Right to Try”
28. Run a number of High Street Pilots to test proof of concept

Introduction

The problems of high streets and town centres are well known and well recognised. There's a wealth of knowledge which describes them, a wealth of associations aimed at protecting them and a wealth of opinions on how the problems should be resolved. But of the reviews I have read, and the stakeholders I have met, too few really dig into the fundamental changes in how we shop and how retailers large and small are now viewing and engaging with the high street as a route to market.

My review has shown me that much of what we do know about high streets is stored within professional silos and relates specifically to particular stakeholders. The information lies stagnating and festering somewhere, and whilst there has been an awful lot of thinking about the high street most of it has been done in isolation rarely backed by any kind of creative vision.

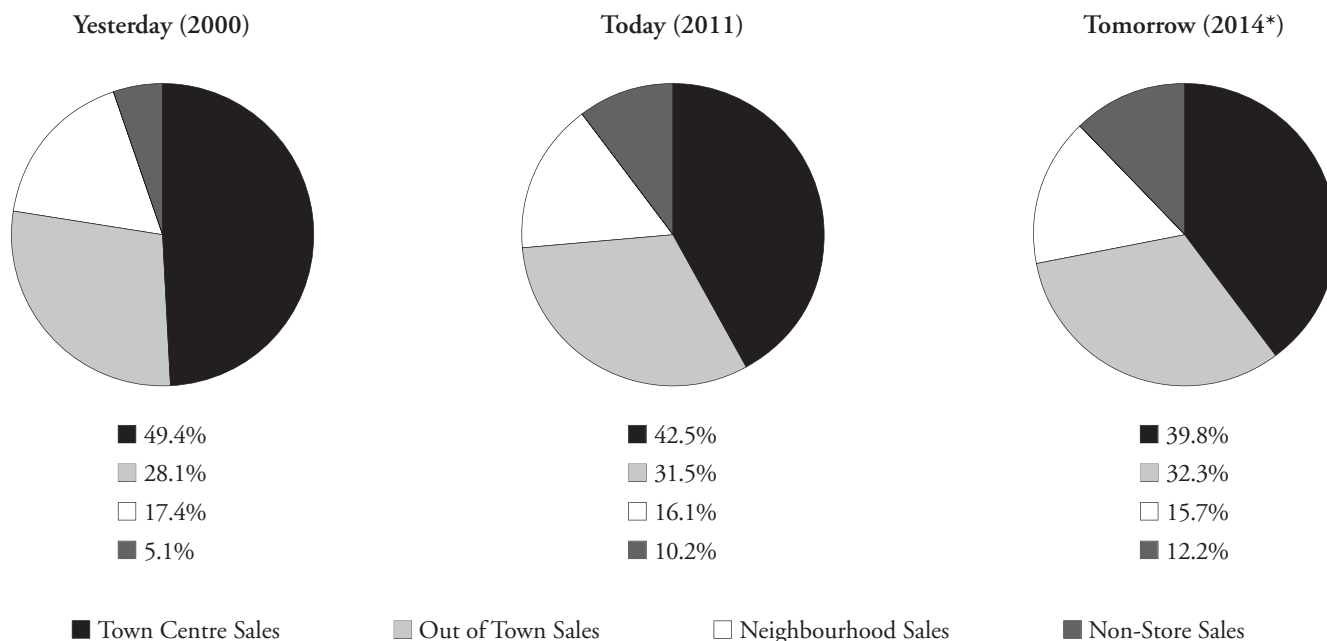
Boom to bust

Research published alongside this review really digs into the reasons why we have seen such decline of our high streets, and makes an attempt to bring what information is available together in one place.¹

It's clear that retail spending on the high street is falling and this trend is set to continue.

¹ Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

Figure 1: Less than half of our retail spending is on the high street and this figure is falling



Spending by Location, 2000 vs 2011 vs 2014

Source: Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*. Citing Verdict Research (2011) *UK Town Centre Retailing* and (2010) *Out of Town Retailing*. *Estimated

Clearly the recession has had a big impact. Over the past few decades we have enjoyed a boom in retail and property values, fuelled by easy credit and rising standards of living. Many high streets enjoyed something of a revival and retailers seized the opportunity to widen their estate, opening look-a-like shops on every high street. This made casualties of the small independents who were progressively squeezed out, incapable of keeping up with the soaring costs of doing business and the sheer professionalism and polish of their larger rivals.

The boom is over and the bust has exposed the underlying weaknesses in the economy, as well as problems of disconnection between property owners, retailers and local councils. We've seen stagnation and decline in many town centres and the closure of many high street brands. Consumers have had less money to spend in general, let alone on the high street.

During the boom years many extremely mediocre businesses survived and flourished. Many of these are now gone from our high streets. Woolworths is a prime example. They simply hadn't realised how to talk to the

new value-conscious consumer and allowed the pound shops, many of which are seeing astronomic levels of growth, to pile in and steal their market share. A fact made all the more painful when one knows that Woolworths was in fact the original pound shop offering all its merchandise at a fixed single price.

As a result, our high streets and town centres are now in a dire state:

- The number of town centre stores fell by almost 15,000 between 2000 and 2009 with an estimated further 10,000 losses over the past couple of years;²
- Nearly one in six shops stands vacant;³
- Excluding Central London, high street footfall has fallen by around 10% in the last three years;⁴ and

2 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

3 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

4 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

- As well as independent retailers closing, new independents aren't entering the market. The Competition Commission found that of the 565 large grocery stores that opened between 2001 and 2006, the vast majority – 99.5% – were opened by large multiple retailers. Only one in that whole time was independent and just three were co-ops.⁵

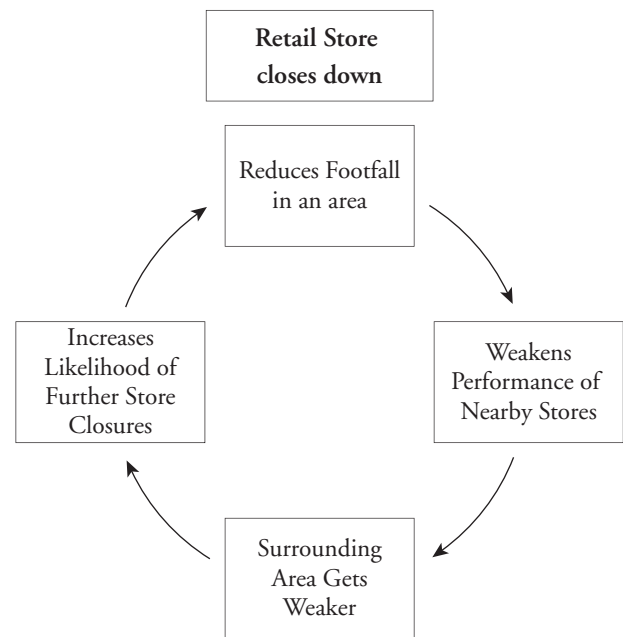
Retailers need fewer shops

The recession is not the only cause of the decline and we shouldn't mourn the loss of poorly-run retail businesses that weren't able to adapt to our 21st century needs. An increasing number of shops are falling by the wayside as they fail to meet the expectations of today's increasingly sophisticated, time-poor yet experience-rich, consumer. And we are seeing a downward spiral of decline, as closures reduce footfall, weakening the high street and leading to more vacancies.

Only a few years back we were concerned with what we saw as 'Clone Town Britain' where every high street looked the same, the unique DNA of our towns and villages lost in favour of convenience and a set of trusted, if not always truly revered, national chains.

But new technological developments now mean that the internet is one of the key threats to retail on our high streets. Although internet sales currently account for less than 10% of all retail sales some estimates suggest that e-commerce accounted for nearly half of all retail sales growth in the UK between 2003 and 2010, as internet access has become more widespread.⁶

Figure 2: The downward spiral of decline on the high street



Source: Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*. Citing Colliers International.

And we have seen dramatic growth in 'm-commerce' – sales over mobile devices – of more than 500% in the last two years.⁷

Where retailers used to need 400 or 500 shops to touch the length and breadth of Britain, with the sheer power of the internet they now need far less. For example, as I write Sir Philip Green, CEO of Arcadia Group, has announced the reduction of his own retail estate as leases expire.⁸

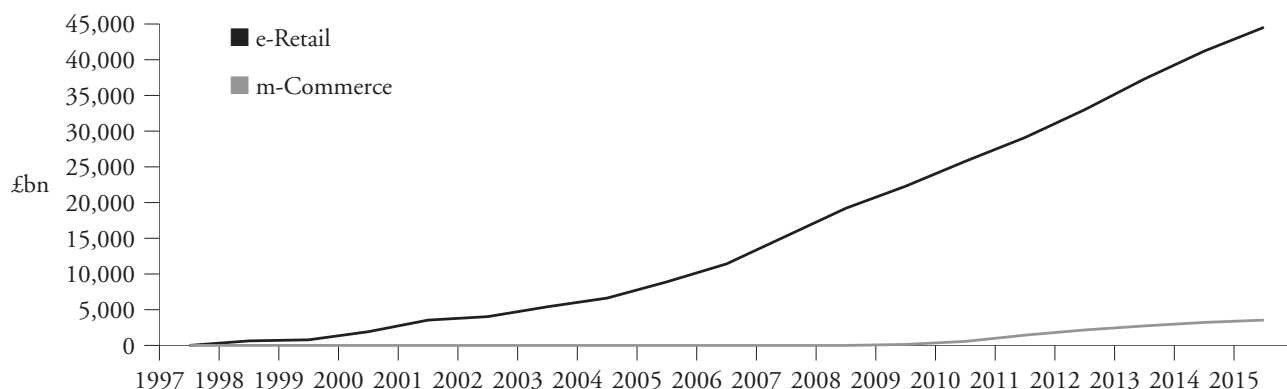
5 The Competition Commission (2006) Working paper on barriers to entry. Cited in Schoenborn A (2011) *The Right to Retail: Can localism save Britain's small retailers?* ResPublica

6 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

7 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

8 www.bbc.co.uk/news/mobile/business-15867924

Figure 3: In 2015 we'll be spending more than £40 billion a year over the internet and through mobile devices



Source: Verdict Research (2011)

A new book shows powerfully how the digital technology revolution is changing business and all our lives. De Kare Silver argues that this is, “gradually ceasing to be a bricks and mortar world”⁹ and shows that a 15% drop in store sales of most high street retailers pushes them below break even and into loss. It’s not just the small retailers; many businesses on the high street are feeling the pinch.

21st century urban entertainment centres

The shopping mall too has changed beyond recognition. The likes of Australian developers Westfield, who have built on both sides of London, have built highly successful, immersive 21st century urban entertainment centres. Selfridges has done exactly the same job. They’ve brought together cinema premieres, world-class restaurants, bowling alleys, art galleries and luxury brands – replacing the lightless, soulless experiences of the past.

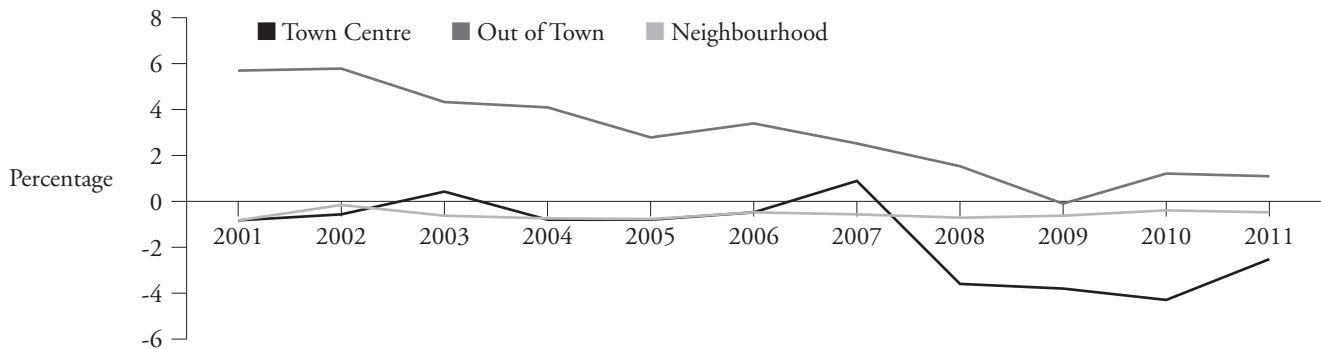
Once visited, these new phenomena have raised and reframed consumers’ expectations of high streets and town centres everywhere. Convenience has become the ‘buzz word’. We are in a new age of consumerism and the high street needs to adapt to that.

Shoppers have been flocking out of town. This shows up starkly in the statistics – in the last decade the amount of out-of-town retail floorspace has risen by 30% whilst that in-town has fallen by 14%.¹⁰ Our planning rules have allowed these new out-of-town developments to flourish.

9 De Kare Silver M (2011) *e-shock 2020: How the Digital Technology Revolution is Changing Business and All Our Lives*

10 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

Figure 4: Out-of-town developments have enjoyed positive growth rates since 2001 while town centre growth has been largely negative



Annual percentage growth in retail space by location 2001-2011

Source: Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*. Citing Verdict Research (2011) *UK Town Centre Retailing*

The rise of the supermarkets

Groceries are the most important retail market in the UK. For every £1 spent in our shops nearly 50 pence is spent on food and grocery sales.¹¹ Yet despite the size of the market, large grocery retailers have been increasing their share of national grocery sales and the high street shops are actually in decline.

In 2008 the Competition Commission found that the number of specialist grocery stores had declined significantly since the 1950s: “The number of butchers and greengrocers declined from 40,000–45,000 each in the 1950s to fewer than 10,000 each by 2000. The number of bakeries declined from around 25,000 in 1950 to around 8,000 by 2000 and the number of fishmongers declined from around 10,000 to around 2,000 over the same period.”¹²

Our grocery market now sits firmly in the hands of the supermarkets – with more than 8,000 supermarket outlets accounting for over 97% of total grocery sales.¹³

What really worries me is that the big supermarkets don't just sell food anymore, but all manner of things that people used to buy on the high street. They've been expanding their reach into homewares, stationery, books, flowers – you name it. Supermarkets now allocate more than one third of their floor space to non-food sales.¹⁴ And there are some surprising statistics out there. Sainsbury's are the seventh largest clothing retailer by volume in the UK.¹⁵ More than 100 Tesco stores house opticians.¹⁶ And for every £10 spent on health and beauty products in the UK in 2011 about 50 pence of it was in Morrison's.¹⁷

11 Office for National Statistics (2011) *Retail sales*

12 Competition Commission (2008) *The supply of groceries in the UK market investigation*

13 Schoenborn A (2011) *The Right to Retail: Can localism save Britain's small retailers?* ResPublica

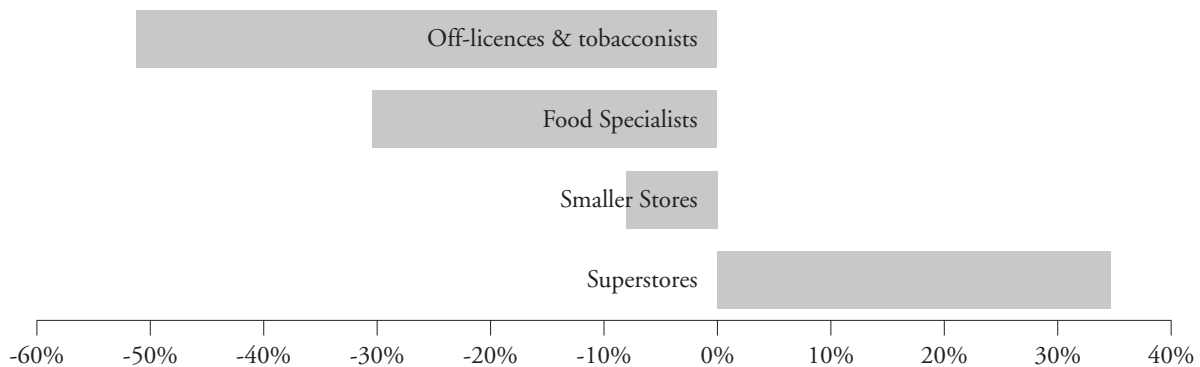
14 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

15 Latto A article 17 May 2011 *J Sainsbury – now the seventh largest UK clothing retailer by volume*. <http://www.stockopedia.co.uk/content/j-sainsbury-now-the-seventh-largest-uk-clothing-retailer-by-volume-56629/>

16 Verdict (2011) *UK Opticians Retailing 2011*

17 Verdict (2011) *UK Health & Beauty Retailers 2011*

Figure 5: Since 2001, the number of superstores in the UK has grown by 35%, whilst all other forms of grocery outlet have declined



Percentage Change in Total UK Store Numbers, 2001-2011

Source: Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*. Citing Verdict Research (2011) *UK Town Centre Retailing*

All of these retail items, once the preserve of specialists on our high streets, are now being sold in volume, and with real sophistication, by the generalists. Categories which were maybe once perceived as luxuries, like flowers, are now perceived as throwaway value purchases at the bottom of an increasingly heaving shopping trolley.

My concern extends to the progressive sprawl of the supermarkets into needs-based services such as opticians and doctor's surgeries, which were once the exclusive preserve of the high street. A GP clinic opened at Sainsbury's Newcastle-Under-Lyme store this summer and was the third such facility to open at a Sainsbury's store. As of July 2011, five Sainsbury's stores also hosted dental surgeries.¹⁸

These critical high street and town centre services must not be simply gobbled up by the major supermarkets. It is these social and cultural experiences which will provide critical reasons to go into town as opposed to driving to the shopping centre. For this reason I think we need a more sophisticated understanding of what a good deal for consumers is, looking beyond simply price-based considerations to include community wellbeing and long-term sustainability.

We have sacrificed communities for convenience

Historically, high streets looked after themselves, and brought immense social as well as economic benefits to British towns. But so many of us leave our communities to do our shopping and our socialising these days.

Our high street economies have been displaced.

Research by the New Economics Foundation shows that the money we are spending off the high street is more likely to leave the local area straight away, having less economic impact than spending in retailers with a localised supply chain.¹⁹ And we are actually limiting our future economy by not supporting the new retailers and entrepreneurs that could be our future. Despite our 'town centre first' approach, we have let this happen.

As well as the loss to the economy I think we are losing something more here. We have lost social as well as economic capital. This observation from a seminal American work in the 1960s explains so vividly what an important role our high streets used to play.

18 <http://www.j-sainsbury.co.uk>, Press release 7 July 2011

19 New Economics Foundation have written to me about how spending and re-spending creates a multiplied impact and works harder for the local economy. See also Sacks J (2002) *The Money Trail: Measuring your impact on the local economy using LM3*

“The trust of a city street is formed over time from many, many little public sidewalk contacts. It grows out of people stopping by at the bar for a beer, getting advice from the grocer and giving advice to the newsstand man, comparing opinions with other customers at the bakery and nodding hello to the two boys drinking pop on the stoop, hearing about a job from the hardware man and borrowing a dollar from the druggist.

Most of it is ostensibly utterly trivial, but the sum is not trivial at all. The sum of such casual, public contact at the local level – most of it fortuitous, most of it associated with errands – is a feeling for the public identity of people, a web of public respect and trust, and a resource in time of personal or neighbourhood need...”

Jane Jacobs (1961)

The Death and Life of Great American Cities

With so much of our spending going into the pockets of the big players and leaving our communities we are doing damage to the entrepreneurs, the potential brands and the wealth creators of our future, and ultimately to ourselves.

The Riots Victims and Community Panel recently concluded that the summer riots were exacerbated by a culture of greed and an overwhelming desire to, “have what we want when we want”.²⁰ The report concluded that earning status with one’s peers through owning top brands had, “become the new religion” and stealing luxury items became the rioters’, “main objective”.

I believe this is symptomatic of the legacy of a period of prolonged boom in consumerism. We have seen a radical and profound shift in our values. As a nation it seems we no longer value the place we live in or the people we live alongside. We no longer value human interaction, socialising or being part of something bigger than ourselves. In fact I think we’ve lost our understanding of what true value is. Value is so much more than the price of goods that we buy. Unless we start seeing value differently we are in serious trouble.

²⁰ Riots Communities and Victims Panel (2011) *5 days in August: An interim report on the 2011 English riots*

My recommendations

This report sets out in detail what I think we all need to do to breathe economic and community life back into our high streets.

To really get high streets working for us I have thought about what Government – central and local – needs to do. But the public sector alone cannot create vibrant high streets, however hard they try. There is also a part that landlords and retailers must play. And, crucially, the part that all of us can play as people that meet, trade and shop in high streets around the country. Together everybody is going to have to give a little bit to help our high streets to be vibrant and successful.

I know that what I’ve found, and the recommendations I make, won’t please everyone. If they did, then this report would join all the other reports on the shelf. This is about giving back to the community a vibrant sense of belonging and place that will instill public respect and trust and a resource in times of personal or neighbourhood need. What really matters, what’s really important, is that we roll up our sleeves and just *make things happen*.

The following chapters set out my recommendations for the future of our high streets. I have focused first off on how we must work together to get our town centres running like businesses. I then look at getting the basics right to allow business to flourish and levelling the playing field with edge-of-town and out-of-town developments. I consider the roles and responsibilities of landlords and how to foster greater community involvement in future high streets. And finally I set out to re-imagine the high streets of the future.

My vision

I want to breathe economic and community life back into our high streets

Let me spell out my vision of the future.

I don't want to live in a Britain that doesn't care about community.

And I believe that our high streets are a really important part of building communities and pulling people together in a way that a supermarket or shopping mall, however convenient, however entertaining and however slick, just never can.

I want to put the heart back into the centre of our high streets, re-imagined as destinations for socialising, culture, health, wellbeing, creativity and learning. Places that will develop and sustain new and existing markets and businesses. The new high streets won't just be about selling goods. The mix will include shops but could also include housing, offices, sport, schools or other social, commercial and cultural enterprises and meeting places. They should become places where we go to engage with other people in our communities, where shopping is just one small part of a rich mix of activities.

This will be the new value.

High streets must be ready to experiment, try new things, take risks and become destinations again. They need to be spaces and places that people want to be in. High streets of the future must be a hub of the community that local people are proud of and want to protect.

No two high streets are the same. The UK has more than 5,400 places named 'High Street' and many other high streets exist in everything but name.²¹ Because there is no such thing as a generic high street there is also no generic solution. And I wouldn't want it any other way. Each high street will need to find its bespoke response to revival, rather than being prescribed some generic response from on high. To do this they will need to make a connection with, "the aspirations, strengths, creativity, energy, needs and drive of local people"²² and be a space that works in that particular place at that particular time.

I want to see high streets where localism really delivers integrated action from all the relevant stakeholders. Local authorities, landlords, retailers and the public working together to really animate the spaces they occupy, creating and nurturing their own unique place. Local people as co-creators and not simply consumers. Councils as managers and enablers. Landlords as long-term investors. Businesses as stakeholders. The best returns on investment will come from maximum collaboration based on local partnerships. Crucially, we need everyone collaborating and compromising at a local level to develop and deliver a vision which works.

My goal is to breathe economic and community life back into our high streets and town centres. I want to see all our high streets bustling with people, services and jobs. They should be vibrant places that people choose to visit. They should be destinations. Anything less is a wasted opportunity.

"Wanting to go into town is different from wanting or needing to shop. It is about an experience. It is about sociability and relaxation, creativity and being part of something you cannot get at home or work."

Jan Gehl (2010)
Cities for People

"High streets and town centres that are fit for the 21st century need to be multifunctional social centres, not simply competitors for stretched consumers. They must offer irresistible opportunities and experiences that do not exist elsewhere, are rooted in the interests and needs of local people, and will meet the demands of a rapidly changing world."

Action for Market Towns (2011)
Twenty-First Century Town Centres

21 Department for Business, Innovation and Skills/Genecon and Partners (2011)
Understanding High Street Performance

22 Urban Pollinators (2011) *The 21st century agora: a new and better vision for town centres*. A collaborative response by leading doers and thinkers to the Mary Portas review



My goal is to breathe economic and community life back into our towns. I want to see our high streets bustling with people, services and jobs. They must be ready to experiment, try new things, take risks. Vibrant destinations people choose to visit...



Getting our town centres running like businesses

Recommendations

1. Put in place a “Town Team”: a visionary, strategic and strong operational management team for high streets
2. Empower successful Business Improvement Districts to take on more responsibilities and powers and become “Super-BIDs”
3. Legislate to allow landlords to become high street investors by contributing to their Business Improvement District
4. Establish a new “National Market Day” where budding shopkeepers can try their hand at operating a low-cost retail business
5. Make it easier for people to become market traders by removing unnecessary regulations so that anyone can trade on the high street unless there is a valid reason why not

Introduction

Out-of-town centres curate a space, provide consumers with a clean and attractive destination, cheap parking, a healthy retail mix, things to do, and the right marketing to get them there in the first place.

In contrast, their high street competitors often have little to no management, with a spattering of town centre managers who have varying powers and responsibilities, little retail and consumer knowledge. Quite simply, our town centres evolved organically through the decades without adapting to the changing consumer. And as crisis has hit they have had little vision or guidance to see them through. High streets have a lot to learn.

The one – perhaps the only – thing everybody I have spoken to is agreed on is that for a high street to survive and grow it must have a very clear vision of where it wants to get to. And it needs co-ordinated planning and management to get there. If the high street was in single ownership, like a department store, it would have a vision, a high level strategy and direction, it would choose what it wanted in a particular space to fit with a vision and proactively target the businesses and services that were missing.

I saw for myself how real vision can secure new investment at the new Turner Contemporary gallery in Margate where the surrounding area has turned a corner, bringing new businesses and footfall to the lower end of this seaside town. Similarly, the joint vision, as well as direct support for local businesses offered by Town Centre Management, has demonstrated real benefits in Sparkbrook, where businesses and the local community are much more willing to collaborate to achieve a more cohesive high street.

*“Shopping centres and other out-of-town formats often have the advantage of single ownership. The landlord is able to create an identity for the centre, choose the retail mix, manage the centre so that it reinforces the brand, co-ordinate marketing and refresh the centre through regular reinvestment. **Single ownership is rare on our high streets, but that shouldn’t stop some of these elements being replicated. Our high streets need to plan their identity and shape their retail offer accordingly.** They need leadership, business plans and day-to-day delivery.”*

British Property Federation submission to
The Portas Review

A professional approach to high street management

High streets should run more like businesses. And businesses are run on the basis of a strategic vision. However, unlike the sophisticated shopping malls or large retailers, high streets aren’t overseen by a single landlord or professional management body. Town centres are a melting pot of landlords, occupiers, councils and others all with their own interests. A lack of cohesion is one factor that has led to record vacancy rates and rock bottom footfall. Many are crying out for professional input and strategic vision.

The high street has a lot to learn from the new malls – 21st century urban entertainment centres. These malls understand how to curate a space and ensure that there is a balance of retailers so that the consumer has a vibrant and diverse shopping experience. Their marketing is sophisticated, focusing more on experiential and uplifting messages rather than the practical and the

functional. They know what to do in the event of a vacant shop, disguising it with visual merchandising or offering a pop-up experience. They understand the importance of security and a tidy appealing shopping environment, and are there to provide assistance where possible to retailers who are struggling. Crucially, they understand the importance of free parking and staying open late as a non-negotiable for many consumers today.

1. Put in place a “Town Team”

A visionary, strategic and strong operational management structure for high streets

To compete, town centres must put in place a visionary, strategic and strong operational management team. In some areas this is done well by local authorities. Town Centre Managers also do a great job on many high streets. But their coverage is patchy and often focused on the day-to-day housekeeping of the high street rather than developing a sustainable and relevant offer for the future. Without highly competent, inspired and collaborative high street governance we are never going to get our high streets running effectively.

I have called this group the “Town Team”. We need the belief and engagement of all the local stakeholders to create the sustainable high streets of the future. The best results will come from maximum collaboration at the local level to create high streets that people want to use, enjoy and return to.

It’s up to local areas to decide what works for them, but a Town Team could include key landlords, large and small shopkeepers, council representatives with specific knowledge of planning and development, the mayor or MP, other local businesses and service providers, and local residents.

The Town Team provides an opportunity for different local stakeholders to come together. Town Teams could also inherit powers and rights to try new ways of working on the high street. This should be game-changing stuff and thoughtful engagement, not just the usual suspects round a table planning the Christmas decorations.

The Town Team could also be represented virtually via a community digital portal facilitating a frank and creative exchange of views between stakeholders. An online portal would allow people to share information, volunteer for local schemes, find those who hold specialised knowledge, develop local delivery networks or simply access essential local services. As such the Town Team meets in real time online to progress the daily and longer term needs and aspirations of their community.

Critically, the new Town Teams would set out a clear vision for their town.

One size won't fit all so each vision will need to be unique.

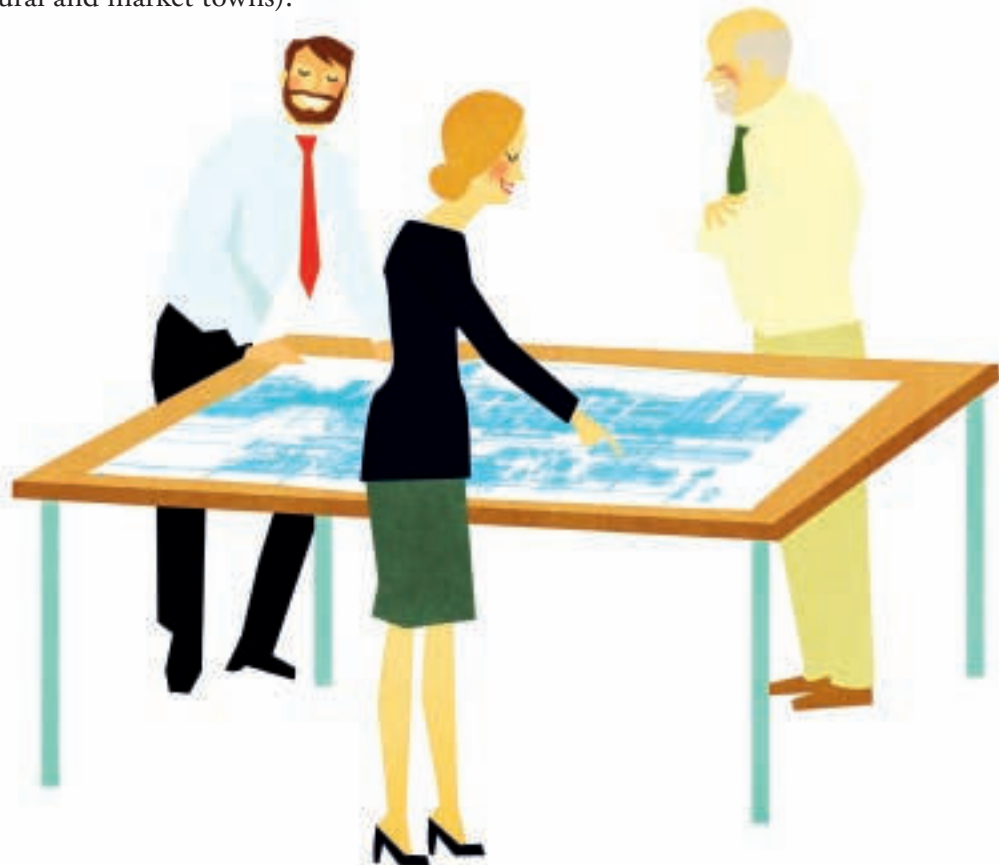
Some local areas will need support. The Local Government Association could, for example, produce and promote best practice examples of how Town Teams have worked to renew and revitalise high streets around the country. This could include examples of where landlords, tenants and local authorities have worked together to successfully manage a local high street offer, and the key factors that have enabled this achievement. These could be structured to cover different types of towns (e.g. coastal, inner city, suburban, industrial, rural and market towns).

Champions of change

Change on our high streets will come from people not just policies. Charismatic, local people with a vested interest in protecting their town centres and revitalising their communities will, if empowered to do so, inevitably lead the charge for change.

I have met many fabulous people on my travels and I believe that these people are out there. I also know that it's impossible to predict where we'll find them. I remember being hugely impressed by the Mayor of Margate and yet I remember being equally as impressed by the owner of an interiors shop in Rugby. Both these people are equally qualified to be champions of change.

The people that lead Town Teams would be these champions of the high street. They would be the high street's charismatic voice, spearheading a clear local vision for retailing and applying professional management to our high streets. And they would be the glue that holds stakeholders together – local people, businesses, landlords, the local authority and others. The Town Team concept will be successful where individuals really take a hands-on role in managing their high street offer, with the backing and support of local people and businesses.



Curators of the future

Town Teams would recognise the uniqueness of their own town based on its history, its communities and its aspirations. They would see the high street as a brand which needs nurturing and communicating. Critically they would inspire and engage with the public and get people visiting high streets again.

In addition, armed with a shared vision of the future and shaped by the people who will use their high street, the Town Team could have the power to decide the appropriate mix of shops and services for their area. Anything which doesn't meet the agreed plan simply wouldn't be able to go ahead. They would know for example, that too many of one type of shop might blight the street. The feel and future of their towns will be the responsibility of all, rather than at the sole discretion of a planning executive committee.

Case study: French Chambers of Commerce

French law lays down an authorisation procedure for commercial developments of over 1000m².

The law stipulates that the creation, extension and transfer of a retail selling point of over 1000m² must be submitted to a Departmental Committee for Commercial Planning.

This Committee is composed of:

- Five locally elected persons
- The Mayor of the relevant community
- The President of the intercommunity urbanisation committee
- The Mayor of the community with the highest number of inhabitants in the region
- The President of the local council

- The President of the public organisation responsible for territorial cohesion which the commune adheres to
- Three persons qualified/competent in consumer issues, sustainable development and territorial planning, assigned by the commissioner. These people are **often representatives of the local chamber of commerce**

The committee hears the applicant and decides by absolute majority of the members present.

2. Empower successful Business Improvement Districts to take on more responsibilities and powers and become “Super-BIDs”

There is one model, already in place, which has begun to make important inroads: Business Improvement Districts (BIDs), where local businesses contribute to realising a jointly produced plan, funded by an uplift in business rates.

Where a BID has proven success, I believe that it could be developed as part of my new Town Team concept. A BID is voted for democratically by the retailers. There are more than 100 BIDs and around one third have recently been renewed, which indicates that something is working. A survey last year found that BIDs across the country had the capacity to generate total investment of around £66 million a year for regeneration and business development.²³ This is testament to the commitment of businesses to invest in their local areas.

The BID model however is quite new and in my travels I have seen successful expressions of it as well as some less successful models. The consensus seems to be that it does offer a credible financial model that breeds and engenders a feeling of trust among retailers to promote investment in areas. Where the model seems to be lacking is in the crafting and delivering of a unique and compelling strategic vision for a town.

²³ Nationwide (2010) *Business Improvement Districts survey*

The current model appears to be dependent on external consultants delivering those elements of town centre and high street management which are critical to success.

BIDs are clearly a step in the right direction but as with most things in life are only as good as the people who are managing them. I believe that we can develop the BID model into something more structured and sophisticated – “Super-BIDs”.

New Super-BIDs would develop a dynamic strategic vision for their towns. Super-BIDs should be about more than just ‘grime and crime’ and should work in much more of a strategic partnership to shape the thriving high streets of the future I want to see. And this could be with other high street players within a Town Team structure.

The Government should look at how duly-constituted BIDs could be enabled to exercise the new community rights to buy assets and run services provided by the Localism Act. Provided that they can demonstrate local support and accountability, the new Super-BIDs should have the same rights as local authorities to use Compulsory Purchase Orders and enter and upgrade strategic properties, bringing empty property back into use. Super-BIDs should also be able to lead business-led neighbourhood planning exercises to develop a vision for their high streets (see recommendation 25 on neighbourhood planning).

3. Legislate to allow landlords to become high street investors by contributing to their Business Improvement District

Landlords, as well as their commercial tenants, should have a seat at the table when it comes to planning and strategic decisions that affect their property. Unlike the current BID structure where only retailers can contribute, landlords, as critical long-term stakeholders, should also be able to make contributions and have a voice. This is already happening in London, for example in New West End Company. The Government should change the law to permit this across the country just as has been possible in London (under the Crossrail Act).

Case study: New West End Company

Even before BIDs came into existence, West End property owners recognised the importance of working together with occupiers to improve the environment and trading performance of the district. Together with the District’s retailers they founded New West End Company in 2000 financed by voluntary contributions from the major landlords. In 2005 New West End Company became a formal BID representing over 600 retailers while retaining its property owner support and leading a multi-million pound masterplan setting out a future vision for Bond Street, Oxford Street and Regent Street. The BID harnessed not just money but also the skills, energy and enthusiasm of senior local business leaders.

New West End Company is focused on three clear objectives. Making the West End cleaner and safer. Encouraging investment from both the public and private sectors. And promoting the West End to its key markets. The effort and commitment of New West End Company has retained and enhanced the West End as the world’s top shopping destination – attracting over 200 million visits a year, generating £7.6 billion income and consistently outperforming all other UK retail centres.

www.newwestend.com

New indoor and outdoor markets

There is no shortage of entrepreneurial talent in the UK but there have to be the opportunities and spaces to give this new talent a chance to develop and flourish. The innovation and creativity we have in this country is inspirational, but this isn’t currently reflected on our high streets.

Markets are a fantastic way to bring a town to life. There’s a market for all of us. From a bustling ‘roll up, roll up’ veggie market to a thriving organic middle-class farmers’ market. What both these types of

endeavours share is people coming together to buy, to sell, to meet, to share, to discover and enjoy each other's company. It is the oldest type of commerce. But strangely, more than any other type of retailing, I believe markets can serve as fundamental traffic drivers back to our high streets.

Let's think about the Paris flea markets and German Christmas markets which bring people together. People coming together from every walk of life to sell, to share, to socialise.

From food, fashion, homemade, second hand, organic, craft, gardening and flowers, car boot fairs and recycled goods; mixing up all these types of markets will bring all types of people of every age group into the town.

I saw for myself what a bustling, lively market can do for a town centre when I visited Rotherham. On a market stall people can try out their ideas and get their business booming without too much upfront cost. And it's great for our town centres too, bringing in fresh ideas and products and preserving our nation's cultural heritage to boot.

*“Markets have existed for millennia and, historically, ensured the residents of towns and cities had access to affordable fresh food and other commodities. They have also acted as a **key source of retail innovation...** Markets were the retail nursery that created many of today's multi-national retailers e.g. TESCO (Hackney, East London), Marks & Spencer (Leeds), and Morrison's (Bradford). This innovation is still being displayed today through, for example, Farmers' and Christmas markets.”*

Markets Alliance submission to
The Portas Review

4. Establish a new “National Market Day” where budding shopkeepers can try their hand at operating a low-cost retail business

Would-be retailers – or simply talented people who have something to sell – should be using indoor and outdoor markets as a step on the business ladder. A “National Market Day” would promote markets and help to get them off the ground in our town



centres. Why not rent out tables out for a tenner and get everyone involved? Markets, like street parties, are a great British tradition. The National Market Day could build on the successful royal wedding street parties that were held up and down the country earlier this year, where one million people got together with their neighbours to socialise and celebrate.

The National Association of British Market Authorities and the Markets Alliance are already working to shape and grow our future markets, which a National Market Day would support. And successful initiatives like the National Market Traders Federation First Pitch programme, where a business can test their idea on a market stall, should be built on to help attract young entrepreneurs to markets and really start building the innovative markets of the future.

5. Make it easier for people to become market traders by removing unnecessary regulations so that anyone can trade on the high street unless there is a valid reason why not

People should have a right to sell on high street markets. We need to encourage and enable markets to be new social hubs full of entrepreneurial talent and innovation. Government could signal its clear and strong support for markets by simply switching their default position. Instead of needing to jump through certain hoops of licenses and regulations, why can't we proceed on the assumption that anyone can trade on the high street, unless there is a valid reason why not?

We need to encourage local people to come to the markets on their high street, to support the local business there and meet up with their community in the process. By removing unnecessary regulations so that anyone can trade on the high street, the Government will make crystal clear their support for British entrepreneurial talent and microbusinesses on our high streets.

Markets and festivals case studies

West Norwood Feast is a monthly people-powered market kick started by Space Makers Agency earlier in 2011. Local retailers and businesses are involved and there are stalls selling street food, local crafts, gardening and retro clothes. But what makes it great is it's not just about handing over money for goods – it's also a place to meet new people, learn new skills and be entertained by local performers. It's a real celebration of the diversity, talent and entrepreneurial skills in the area. The market has seen early successes in its first year and put a lesser known area on the map. Critical to its success in the future, as an enterprise completely founded on the efforts of local volunteers, is its sustainability. Going forward, finding the funding to allow a more permanent Market Manager, rather than simply relying on the massive goodwill of local people will be essential.

Hitchin Market is one of the oldest in England but after several years of decline, local people decided it was time for it to get more investment. The local town centre partnership stepped in and formed Hitchin Markets Ltd operating on a not-for-profit basis. Since the takeover the market's footfall and trader base have increased and a weekly car boot sale a monthly farmers' market and craft market have been added to the timetable.

The Tavistock Real Cheese Fair, now in its sixth year, draws a mix of locals and tourists into the high street. This year about 40 local cheese makers were invited to set out a stall, and created a real buzz in the town with queues pushing people into not only the local cheese shop but also every other shop in their path. This is event retailing at its best, whereby a few local people have taken it upon themselves to make a real difference by identifying a gap in the market and establishing a clear, interesting and quirky brand. It helps locals to reconnect with the spirit of their community and boosts Tavistock's reputation as a market town that can pull in people from miles around.

Getting the basics right to allow business to flourish

Recommendations

6. Government should consider whether business rates can better support small businesses and independent retailers
7. Local authorities should use their new discretionary powers to give business rate concessions to new local businesses
8. Make business rates work for business by reviewing the use of the RPI with a view to changing the calculation to CPI
9. Local areas should implement free controlled parking schemes that work for their town centres and we should have a new parking league table
10. Town Teams should focus on making high streets accessible, attractive and safe
11. Government should include high street deregulation as part of their ongoing work on freeing up red tape
12. Address the restrictive aspects of the 'Use Class' system to make it easier to change the uses of key properties on the high street
13. Put betting shops into a separate 'Use Class' of their own

Introduction

Too many of our high streets are in decay, and our social wellbeing is suffering because of it. For them to be the best that they can be, we need to get the basics right. The high street is a really hard place to trade. We need to make it easier for businesses to come into our town centres and start making them destinations again.

So many of the large retailers I spoke to told me that the high street is extremely burdensome at the moment to operate on, to the point that the economic difficulties and local obstacles outweigh the social benefit to a community.

There's a minefield of issues – tax and business rates, rents and contracts, planning, parking restrictions, delivery curfews and use classes, to name but a few. Doing business on the high street needs to be a more attractive and economically viable option than it is at the moment.

To give the town centre a fighting chance against out-of-town developments we need to go back to basics, with business rates that work for business, decent parking and no unnecessary restrictions.

Business rates that work for business

Quite frankly, the costs of trading in many areas far outweigh the benefits of being in town. As I have been researching this report, the financial burden imposed by business rates has come up time and time again. I think that more can be done to make business rates work for high street businesses.

6. Government should consider how business rates can better support small businesses and independent retailers

It's clear to me that rates are more of a burden for new and struggling businesses. For struggling businesses a Hardship Fund is already available (although I think awareness of it could be raised) and small businesses have access to Small Business Rate Relief, which the Chancellor has recently extended.²⁴ So there is some support available – but I think more could be done.

We need to proactively develop new players and our future entrepreneurs. These are the brands and wealth creators of the future. Government should consider how business rates can better support small businesses and independent retailers.

24 HM Treasury (2011) *Autumn Statement 2011*

7. Local authorities should use their new discretionary powers to give business rate concessions to new local businesses

I am also conscious that business rates are changing and local authorities will have more discretion to give business rate discounts on their high streets.²⁵ I think start ups should be the number one priority when it comes to giving discounts. The business rate discounts that charity shops enjoy builds a disadvantage into the system that is causing a problem. Landlords are choosing the safe option of charity shops and small new retailers aren't getting a look in. There will be no growth and innovation now or in the future if we don't address this.

To encourage local authorities to use their powers in this way, Central Government could establish a league table that charts councils' use of their new powers, to reveal who is giving the most relief to small businesses and independent retailers. Councils could also use their discretionary powers to allow local businesses to pay rates over 12 months, rather than the standard ten.

8. Make business rates work for business by reviewing the use of the RPI with a view to changing the calculation to CPI

Although there is no real terms increase in business rates each year, uprating by the Retail Prices Index (RPI) imposes an annual burden on business. I don't think it would be realistic to recommend that rates are frozen but I do think that the Government should look at the impact this system is having on our high streets. Many taxes and benefits are now uprated with reference to the Consumer Prices Index (CPI) rather than RPI so this would bring business rates in line with other direct taxes.

I truly believe these measures will help to get more new businesses onto the high street and more importantly, keep them there.

25 The Localism Act gives councils more freedom to offer business rate discounts – to help attract firms, investment and jobs.

Access to town centres

It just wouldn't be possible to tackle the challenge of the high street without looking at parking. I know there are many very sensible environmental arguments as to why we shouldn't be using our cars. But to remove controlled free parking from our town centres puts them at a massive competitive disadvantage. Cars are an intrinsic part of the way many people shop and so many of our high streets simply aren't catering for our 21st century shoppers. The ease with which out-of-town retailing can be reached by car means that high streets do not have the luxury of pretending that car-based access is not convenient for shoppers. It is. And yet in many town centres I have visited for this review parking has been run-down, in an inconvenient place, and most significantly really expensive.

In these times of financial hardship and public spending reductions, it is clear to me that local councils will have a firm eye on the things that drive revenue, parking clearly being one of them. Yet I fundamentally believe that to increase the cost of parking in a locality (when there are alternatives offering free parking elsewhere) is to curtail the appeal of that location to the shopping consumer and therefore the longer term economic viability and wellbeing of the area.

In Central London, for example, much has been made of the decision to penalise those wishing to shop out of hours by imposing additional parking restrictions on the pretence that late night traffic needs to be managed.

This is just sheer madness and the only upside I can see is extra revenues generated for the Council.

I understand that to offer free parking all day is not the solution. I recognise that this would be potentially open to abuse by local workers and I want more free car parking spaces to be the privilege of local shoppers.

9. Local areas should implement free controlled parking schemes that work for their town centres and we should have a new parking league table

To go head to head with the out-of-town offering, high streets need to have a more flexible, well communicated parking offer. There are some places that are doing things differently. Chester's 'Free After Three' parking promotion offers free parking after 3pm at three of their car parks to help the city's businesses. More could be done to promote local schemes and share good practice across different areas.

Case study: Changes to car parking charges in Swindon

In response to a concern from retailers, the Council took decisive action and reduced short stay car parking charges in the three premium rate 'pay on foot' multi-storey car parks and all car parks in Old Town for a fixed period of time. The revised charging structure encouraged a four hour stay. Feedback from both retailers and customers was overwhelmingly positive with many people reporting longer stays and more spend in town. The Council also reported that interest in letting units was on the increase.



I also think we should be a bit more transparent here. The Government has already done a lot to encourage local authorities to publish more information about what they spend and raise. It should make sure that local authorities are open about who owns the local car parks and how much they charge. A parking league table could rank car parks by how much they charge. We could also open up the local authority books and make it easier to compare the amount of revenue different councils generate through parking. This would really allow people to hold their local area to account.

A league table could also encourage local authorities to reinvest more of the money they generate from parking back into the parking space. When I visited one town I learned about a key car parking issue. A couple of years ago the Council decided to create a red route along the length of the high street and stop people parking either side of the street to visit the shops. The Council collected hundreds of thousands of pounds in parking fines but it wasn't clear that any of this money was reinvested in the local community or high street. Let alone in upgrading the parking facilities. A league table has a role to play in addressing not just the cost of parking, but the way that councils invest in the quality and security of the parking space.

10. Town Teams should focus on making high streets accessible, attractive and safe

Out-of-town centres create an environment where the shopper comes first, with wide footways and pedestrianised streets, and good public transport links such as free buses. This has taken business away from our high streets. In order to be places that people want to visit, high streets need to be accessible, attractive and safe. This should be a central part of the work of Town Teams.

For example, badly planned transport infrastructure can make high street shopping an inaccessible and unpleasant experience for pedestrians. And small and cluttered pavements, as well as busy roads, can make high streets unsafe for family shopping.

Local areas need to plan transport carefully to maximise the accessibility and attractiveness of high streets. Our ageing population will need the same great access to high streets that they have to out-of-town centres, by car as well as by bus and other methods of public transport.

In addition, our high streets need to offer a safe and pleasant place to shop and socialise. I believe there are many people who have appetite and time to volunteer their services to the benefit of their local community but simply don't know where or how to direct their energies. For example, local areas could recruit a team of voluntary "Town Rangers" who, trained up in local knowledge and security, work together to reduce anti-social behaviour and shoplifting and promote high streets as pleasant places to eat, relax and shop.

Restrictions on business

Red tape is rife on the high street. Even large retailers have told me that they're put off town centre locations because of the red tape – and they're the people with an infrastructure and bank account to deal with it. Unnecessary bureaucracy around 'Use Classes' and delivery restrictions are two clear examples, but there are many more.

11. Government should include high street deregulation as part of their ongoing work on freeing up red tape

The Government has been vocal in its support for deregulation and removing unnecessary red tape. This is exactly what our high streets need. It should bring this desire to reduce regulation to the high street to create a more flexible, attractive business environment.

Relaxing local authority restrictions that hold local businesses back will be a critical part of this. Businesses big and small have told me that restrictions, such as restrictions on night-time deliveries and noise, are an issue for them trading in town. Too often the voice of the few inhibits the ambitions of our businesses and some small issue can stop a project in its tracks. The

Government recently said it would consider the need for further guidance on quiet night time deliveries, which is a step in the right direction.

The Government is also trying to reduce regulation through a 'Red Tape Challenge' looking at which regulations are working and which are not and should be scrapped or simplified. It has already done a retail-themed Red Tape Challenge. But of course the high street of the future is not just about retail. So the Government should take a place-based approach by carrying a Red Tape Challenge exercise looking across the range of regulation affecting high streets. And a new Whitehall High Street Strategy Group could be established to ensure a joined-up policy approach to high streets.

12. Address the restrictive aspects of the 'Use Class' system to make it easier to change the uses of key properties on the high street

One of the biggest unnecessary restrictions on business seems to be the use class system, which makes it difficult for buildings to have different uses and to change uses. For example it should be straightforward to convert to or from the D2 (leisure) class; and use Local Development Orders to remove these and other requirements. This would have a big impact on the number of empty properties and encourage more creative use of second, as well as first, floor spaces on our high streets.

There is currently a 13 week target for processing planning applications but to drive this we could publish the average length of time it takes to get a change of use by local authority. This would send a real signal to business about how easy it is to do business in different areas.

I do think there need to be limits, though. What I really want to see is diversity on our high streets. When a high street has too much of one thing it tips the balance of the location and inevitably puts off potential retailers and investors. Too many charity

shops on one high street are an obvious example of this. Funnily enough, too many fried chicken shops have the same effect.

13. Put betting shops into a separate 'Use Class' of their own

I also believe that the influx of betting shops, often in more deprived areas, is blighting our high streets. Circumventing legislation which prohibits the number of betting machines in a single bookmakers, I understand many are now simply opening another unit just doors down. This has led to a proliferation of betting shops often in low-income areas.

Currently, betting shops are oddly and inappropriately in my opinion classed as financial and professional services. Having betting shops in their own class would mean that we can more easily keep check on the number of betting shops on our high streets.

Levelling the playing field

Recommendations

14. Make explicit a presumption in favour of town centre development in the wording of the National Planning Policy Framework
15. Introduce Secretary of State “exceptional sign off” for all new out-of-town developments and require all large new developments to have an “affordable shops” quota
16. Large retailers should support and mentor local businesses and independent retailers
17. Retailers should report on their support of local high streets in their annual report

Introduction

For the large retailers it is easier, cheaper and more flexible to develop out of town, or on the edge of town, rather than on our high streets. And for shoppers out-of-town centres offer convenience, value and choice. So out-of-town retail has been growing at the expense of our high streets and in many instances has displaced our high streets.

Stakeholders up and down the country have told me about the need to ‘level the playing field’.

I often get bashed for saying I don’t like the big chains but that’s not true. I believe we have some of the best retail chains in the world. The issue for me is choice and balance. And in few areas has the market concentration been as visible as it is in the supermarkets. Three-quarters of groceries are sold by the four biggest retailers: Tesco, Asda, Sainsbury’s and Morrison’s. And they’re not just selling groceries any more. In fact supermarkets now account for 14% of all non-food sales, up from around 6% in 2001.²⁶ This has had an enormous impact on the nature of our high streets.

26 Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*

We are burying our heads in the sand about the social and economic impact. A pound spent in a retailer with a localised supply chain that employs local people has far greater domestic economic impact than a pound spent in a supermarket or national chain. What's more, out-of-town developments are often presented as major new sources of employment but we need to recognise that this 'job creation' is often just job displacement. It is really important that we start levelling this playing field.

Presumption in favour of town centre development

My first and intuitive response to this review was to recommend an immediate moratorium on any new out-of-town developments. I thought that this firm and decisive action would send an unequivocal message to developers that the town centre was now to take centre stage. This is an idea which seemed to have some real traction with consumers, many retailers and surprisingly even many landlords. However, in the current economic climate, such single-minded thinking may be a little unrealistic and unhelpful.

However, what I do think Government can and must do is take a new approach to future development. We need to ensure that our planning system is fit for purpose and that people and place come first.

14. Make explicit a presumption in favour of town centre development in the wording of the National Planning Policy Framework

Planning guidance is currently being reviewed and simplified through the new National Planning Policy Framework (NPPF). The Government says it wants to ensure that town centres come first. I believe that the NPPF needs to be at least as protective of the effect of development on people's lives, and the places where they live, as the existing policy. In its details, but also in the strength of the language. I am worried that the guidance has been softened to the point where far too much out-of-town development may be possible.

The wording needs to be as precise as possible so it's really clear that people and place come first and the policy is less vulnerable to legal disputes.

The NPPF already includes a 'presumption in favour of sustainable development'. I believe that the most sustainable form of retail development is retail development in town centres. Out-of-town shopping is less sustainable taking into account the social and environmental impacts it has; so the new NPPF policy needs to explicitly presume in favour of sustainable development in town centres. And this should include offices as well as shops and businesses.

In compiling this report I was surprised to discover that no recent research has been undertaken to understand the impact of out-of-town developments on town centres. I recommend that new research is undertaken with a clearly defined purpose to ensure the outcome provides information that is useful in making planning decisions.

15. Introduce Secretary of State "exceptional sign off" for all new out-of-town developments and require all large new developments to have an "affordable shops" quota

Just as you cannot develop on the Green Belt unless there are exceptional circumstances, an impact test for the high street should be robust and codified. As part of this review the Association of Convenience Stores told me that since 2008 there have been 146 chances to review out of town developments but so far the Government has only challenged one. The Government needs to get much tougher here. We need to stop the lip service and make this real.

Where the case for an out-of-town development has been proved, the Secretary of State should more frequently use his existing powers to decide whether there has been enough consideration of the impact of out-of-town development on the town centre. This could be restricted to extensions over a defined size or scope, in order to not overly slow the planning system.

The Secretary of State would then effectively have “exceptional sign off” powers for all new out-of-town developments, and could be much tougher about what permissions are granted with due regard to the impact on local high streets.

Where the Secretary of State does give exceptional sign off for a new out-of-town development, the developers should have to show that they support local growth and innovation. I recommend that big new developments should only be signed off where they include some designated space for smaller retail units for local entrepreneurs. The existing system of planning obligations could be used to secure this, in much the same way as big housing developments are required to contain some affordable housing for lower-income tenants. This will really mean that the high street is not overlooked and town centres are at the heart of retail expansion in coming years.

Big retailers: big responsibilities

Responsible big businesses care about and support high streets. As well as Government putting town centres first, businesses have a responsibility to consider their impact on local areas. **Supporting high streets to thrive is an economic win for business but also a key part of their social responsibility.**

16. Large retailers should support and mentor local businesses and independent retailers

One high street retailer I met said that they dedicate a large percentage of turnover to their local corporate social responsibility policies. It is clear that there is funding and goodwill in our communities yet this retailer, as with many others I spoke to, had no idea where or how to direct this money.

Where the challenge is knowing where to direct funds and making money and time go as far as possible, retailers should take the initiative, and get together to collaborate. This should be supported by more mentoring relationships between large retailers and their smaller, local neighbours. This could involve, for example, work shadowing and work placements –

and for those thinking of setting up a retail business, training and advice on merchandising.

There may also be opportunities for big retail businesses to get involved in mentoring outside of the retail sector, more widely sharing their generic business skills (planning, finance, marketing, strategy) with local businesses. Or why not those who have recently retired from high street businesses, who want to give something back to ensure the ongoing vitality of their local area? We can capitalise on goodwill here in focused, compelling ways.

17. Retailers should report on their support of local high streets in their annual report

A retailer’s understanding of their business impact on the wider world should start at home. One way of emphasising the importance of high streets would be for more big retailers to use their annual reports as a way of highlighting what they are doing at a local level to support local high streets.

The Government has recently consulted on how to simplify company annual reporting, to help ensure it provides the information shareholders need to hold the directors to account for their stewardship of the company. As part of their reporting on social and community issues, retailers should consider including information about their support of local high streets.

Case study: The Co-Operative’s community contributions

In 2010, The Co-Operative’s community contributions totalled £12.4 million or 4% of pre-tax profit. 62% of community contributions go towards long-term strategic investments in community partnerships to address social issues; 27% were community activities that directly support the business and promote its brand; and 11% were charitable gifts supporting charity and community organisations in response to needs and appeals.

British Retail Consortium (2011) *Retail in Society: Serving Our Communities*

Defining landlords' roles and responsibilities

Recommendations

18. Encourage a contract of care between landlords and their commercial tenants by promoting the leasing code and supporting the use of lease structures other than upward only rent reviews, especially for small businesses
19. Explore further disincentives to prevent landlords from leaving units vacant
20. Banks who own empty property on the high street should either administer these assets well or be required to sell them
21. Local authorities should make more proactive use of Compulsory Purchase Order powers to encourage the redevelopment of key high street retail space
22. Empower local authorities to step in when landlords are negligent with new “Empty Shop Management Orders”
23. Introduce a public register of high street landlords

Introduction

One of the biggest problems with our high streets is that properties are owned by a diverse set of people – from private holders to overseas investors, large corporations, and banks. Sometimes, these landlords are ‘absent’ and frankly have no interest in or knowledge of local needs. They would rather leave a unit empty for years than consider discounting its rent. This has led to the high vacancy rates we see today, but also the dog-eared and down-at-heel buildings that blight the character of our high streets.

Figure 6: Overall town centre vacancy rates have climbed to nearly 15% on some estimates



Retail Vacancy: Proportion of Total Outlets

Source: Department for Business, Innovation and Skills/Genecon and Partners (2011) *Understanding High Street Performance*. Citing Experian, Oxford Economics/PMA and Colliers International. Note: Colliers International data is for October each year (except for 2011 which relates to April).

We need landlords to take the long-term view that the value of their asset is intrinsically linked to the attractiveness of its location – “All landlords should be long-term investors in communities, never just extractors of value.”²⁷

Being a responsible landlord

Good landlord-tenant relationships are really critical for a healthy high street. Both landlords and tenants need security and stability and a new contract of care should help to keep landlords’ properties filled and businesses’ profits flowing. I want to see a new relationship between landlords and business tenants, with landlords feeling like they have a stake in the success of their tenants’ business and a shared aspiration – essentially, supporting them to thrive.

18. Encourage a contract of care between landlords and their commercial tenants by promoting the leasing code and supporting the use of lease structures other than upward only rent reviews, especially for small businesses

Each contractual arrangement needs to suit the circumstances of the particular landlord and tenant. Fairness is key and I would like to see what I call more widespread contracts of care between landlords and their commercial tenants. A code for leasing business premises has been developed (see box) to empower occupiers to negotiate the best deal for them. It’s endorsed by key industry bodies as well as by Government and I would like to see more landlords signing up to this code and more done to raise awareness of it among occupiers.

27 Urban Pollinators (2011) *The 21st century agora: a new and better vision for town centres*. A collaborative response by leading doers and thinkers to the Mary Portas review

Code for Leasing Business Premises

The Code for Leasing Business Premises in England and Wales 2007 is the result of collaboration between commercial property professionals and industry bodies representing both owners (Landlords) and occupiers (Tenants). The Code consists of three parts:

- 10 point requirements for landlords in order for their lease to be Code-compliant;
- A guide for occupiers, explaining terms and providing helpful tips; and
- A model Heads of Terms (which can be completed online and downloaded).

The Code aims to promote fairness in commercial leases, and recognises a need to increase awareness of property issues, especially among small businesses, ensuring that occupiers of business premises have the information necessary to negotiate the best deal available to them.

www.leasingbusinesspremises.co.uk

The upward only rent review had its place but in the current economic climate can no longer be the broad brush solution it once was. In cases where a struggling small entrepreneur is interested in staying in a property for 15 years, the upward only rent review after five years can be a crippling factor in determining whether or not the business can survive in the location.

I therefore recommend that, particularly in the case of small entrepreneurs without the negotiating clout of the big retailers, alternative lease structures are used. And Central Government, landlords and local authorities should lead by example here when letting out their properties to commercial tenants. We should increase awareness and availability of different types of lease such as turnover-based rent reviews that give landlords a stake in the success of the tenant's business. Tenants should have a good understanding of their options so they can negotiate arrangements that work for them.

We should also look to increase the availability of monthly rather than quarterly in advance payment terms. In today's tough economic climate, where cash is king, to relieve small businesses of the onerous pressure of the quarterly up front payment would I believe offer a real business benefit. I have also been told throughout my review that the use of comparatives in setting rent levels is often unhelpful.

I would like the new Town Teams to be empowered to intervene if necessary to support both landlord and shopkeeper to come to amicable solutions in cases of dispute to ensure the property stays occupied.

19. Explore further disincentives to prevent landlords from leaving units vacant

When important properties in the middle of high streets are empty it pulls down the attractiveness and desirability of the street. The problems associated with empty properties are considerable. They attract vandalism and increase insecurity and fear. And this all reduces the value of surrounding businesses and homes. So the decision to leave a property empty is not just a private matter for the landlord. It affects us all. Innovative solutions could add value to not just the individual properties but to the surrounding area.

Landlords say they wouldn't intentionally leave properties empty. Although they get three months of empty property rate relief, they're missing out on valuable rent. But given the rise in vacant properties there is clearly an issue here that needs to be looked at.

For example, could empty property rate relief be removed unless the landlord is actively investing in the property? Or could financial penalties be imposed on landlords with a large proportion of their portfolio left vacant? Could landlords be educated on their responsibility to maintain and promote their units? In the long run, this is going to be to the benefit of the landlord as the value of their property is kept up.

Central Government and local authorities really must lead by example here with the vacant properties they own. For example, could empty local authority properties

on the high street be managed as a showcase for local micro-businesses? This would enable new ventures to test their ideas and profitability before committing to bricks and mortar investment. And why not give over empty second floor spaces to Town Teams, both to use as meeting space as well as a space to try out new ideas for the high street?

20. Banks who own empty property on the high street should either administer these assets well or be required to sell them

I have been told that over the last few years a large number of banks have become landlords because of property repossessions, with no apparent interest in investing in the local high street that their new acquisition sits in. If banks can't actively manage their new portfolios they need to take responsibility or sell – perhaps even selling to communities. We should encourage local groups to use the new Community Right to Buy (in the Localism Act) as a method of taking on empty properties owned by banks and protecting our high streets. This would be a real opportunity to reduce voids and empower local people to get involved in their local high street and make their high street what they want it to be.

Negligent landlords

When key high street buildings are in a state of disrepair or lifelessness, they can destroy the spirit and potential of the town. I saw this for myself in Rugby, where a key period property in the middle of town was left empty and was a real blight on the rest of the high street.

21. Local authorities should make more proactive use of Compulsory Purchase Order powers to encourage the redevelopment of key high street retail space

Local authorities need to get a bit more hands-on with landlords that let their properties degrade in this way. They can do this with powers they already have to encourage the redevelopment of key high street retail space.

22. Empower local authorities to step in when landlords are negligent with new “Empty Shop Management Orders”

Compulsory Purchase Order powers can be time-consuming and costly for the Council. Another option which could be useful in some situations would be to introduce new powers for councils to enter and upgrade when landlords are negligent. Councils can already take over the management of long-term privately owned empty homes. They should be able to do the same for empty shops on the high street, with “Empty Shop Management Orders”.

Local authorities could then enter and upgrade strategic properties that have been left empty. They could manage them, rent them and maybe even use the frontage for advertising as a way to generate extra revenue, just as the shopping centres do.

23. Introduce a public register of high street landlords

What we really need to do is bring landlords more into the picture when it comes to running our high streets. This is about transparency and it's about accountability. Too often we don't even know who high street landlords are – especially when they are banks. We need to keep better track of the landlords on our high street.

Having a public register would mean landlords making their contact details available to the local Town Team. As I show below, some high streets are already doing this (see box on page 38 on Chatsworth Road). But it would also be a way to encourage more landlord engagement, especially as part of a Town Team mix. This, in addition to my recommendation on allowing landlord membership and contribution to Business Improvement Districts, will really start transforming landlords into investors in the future of our high streets.

Giving communities a greater say

Recommendations

24. Run a high profile campaign to get people involved in Neighbourhood Plans
25. Promote the inclusion of the High Street in Neighbourhood Plans
26. Developers should make a financial contribution to ensure that the local community has a strong voice in the planning system
27. Support imaginative community use of empty properties through Community Right to Buy, Meanwhile Use and a new “Community Right to Try”

Introduction

This review has started a huge conversation – in the media, in people’s homes and down the pub. People are passionate about high streets. What we need to do is turn that passion into action. We need to put the heart back into our high streets and inspire that connection between local people and their ‘home town’. Localism must truly mean local people having a voice and influence. But that requires structure and guidance.

Town centres exist to serve their communities’ needs. So local people should have more say in what they want from them. We are on the cusp of a new time, with the ‘localism’ agenda all about putting more power into the hands of the people. But we risk this falling flat on its face if communities are not inspired and empowered. Quite often it’s only the noisy minority that contribute. I want to see everyone feeling like their voice can be heard – to sweep away the apathy and create truly powerful new local involvement.

There are lots of ways that we can do this and we need to start thinking in new ways too. Communities need the tools, knowledge and opportunity to have a say – shifting from ‘consumers’ to ‘co-creators’. I’ve started to think about what this could look like but it’s up to you and your high street to get creative.

Neighbourhood Plans that focus on the high street **25. Promote the inclusion of the High Street in Neighbourhood Plans**

Town centres are a civic space, not a private one, and all have roles to play. Government – central and local – should facilitate groups of citizens to decide what to do in their local towns. We must ensure that the ‘community rights’ in the Localism Act are used to address town centre issues.

The new Neighbourhood Plans are a real opportunity to get local people connected with their high street. Where it works well it will give communities a really meaningful say in the future of the place where they live, ensuring new activities are approved that contribute to local wellbeing. The process could help people take ownership of, identify with and most importantly *use* their high street.

24. Run a high profile campaign to get people involved in Neighbourhood Plans

To really get Neighbourhood Plans working we need more transparency about what funding is available for community groups developing these plans. And they need guidance and resources to help them on their way. Most importantly people need to know about this opportunity to contribute.

We should build on what Government is already doing with the Neighbourhood Planning Front Runners Programme, where some 125 communities are testing out neighbourhood planning, and the Plain English Guide to the Localism Act e-flyer.²⁸ The support being provided to community groups is welcome but I think more should be done to raise the profile of neighbourhood planning.

It’s up to communities to decide what goes in their Neighbourhood Plan but I think that high streets should be front and centre of Neighbourhood Plans. Plans should include consideration of what social and retail mix local people would like to see and what kind of shops and services they value. A handful of Neighbourhood Plan Front Runner projects, including some that are business-led, are looking at high street and town centre issues. But I think far more should be doing so. This is a real opportunity for communities to input into decisions about the future of their local high street.

Case study: Chatsworth Rd E5

Chatsworth Road Traders & Residents Association is producing a Neighbourhood Plan that will help local people manage the make-up of shops on the high street. Through new powers outlined in the Localism Act it intends to create planning policies that will:

- Control the amount of street frontage allowed for any single shop, influencing the mix of unit sizes and in turn the occupiers likely to take up spaces along it
- Create a detailed Use Class Order that can be used to better control the type and mix of shops along the street that are given planning permission
- Influence how the upper storeys of retail units are used, to encourage more active uses that will contribute to increasing footfall along the street.

The association is also creating a database of all landlords, rents, tenants and the length of leases for every shop along the high street.

Urban Pollinators (2011) *The 21st century agora: a new and better vision for town centres*. A collaborative response by leading doers and thinkers to the Mary Portas review

28 www.communities.gov.uk/publications/localgovernment/localismplainenglishupdate

26. Developers should make a financial contribution to ensure that the local community has a strong voice in the planning system

The planning system is too susceptible to those who can afford an army of lawyers and the costs can put off those with legitimate appeals, as a recent study found out. There seems to be an imbalance in the planning system which we need to address.

“The majority of shopkeepers polled felt that they had an unfair disadvantage in comparison with major supermarkets in the planning system. In this, they echo a view held by many communities and activist groups that have struggled to exert control of their local high streets. Concerns include that the resources available to major retailers make it significantly harder for local authorities to challenge submissions by supermarkets for planning permission, compared with smaller retailers. Particularly, local authorities’ decisions may be influenced by a cost-benefit assessment on the basis that supermarkets are able to fund costly appeals against refusals and claim costs if they win, or resubmit modified versions of refused applications. Better resourcing also allows major developers to exploit legal loopholes in land usage, offer local authorities “sweeteners” in exchange for planning permission or bypass planning objections by funding major developments.”

Schoenborn A (2011)
The Right to Retail: Can localism save Britain’s small retailers?
 ResPublica

We should be getting local people engaged early in the planning process and able to influence the future of their areas. I’ve heard too many examples of communities being against a big development but it going ahead anyway. People need a powerful, legitimate voice and planning needs to be a much more collaborative process than it has been to date. The Government, working alongside the big developers, should explore how the local community can be given sufficient support and a stronger voice in the planning system. And I recommend that developers make a financial contribution, as well as contributing time and other resources, to ensure that this happens.

Case study: Poor consultation with local people in Ely, Cambridgeshire

“Ely is a town centre under pressure from all sides. New edge of town and out of town development is threatening to take trade from the high street, and alongside this, car parking charges are being introduced in the town centre. As part of their response, East Cambridgeshire District Council are introducing a free bus service to take residents to out of town stores, further damaging the high street.

This is a case study of poor consultation with local people and certainly with the local traders. The specific issues related to the consultation process were:

- Section 106 payments from developers appear to have out-weighted the views of local businesses. For example £800,000 contributed through a section 106 agreement is partly being used to fund a bus service to take shoppers to an out-of-town store.
- The development of a new retail park out of town has not been communicated transparently to local people and is only in the public domain due to being leaked by the developer.
- The Council have shown no appetite for listening to traders. The Ely Traders Association’s initial attempt to hold a meeting at the Council building was thwarted by a response that they would need to insure for £5 million public liability cover in order to hold the meeting. When a meeting was held, only seven members of the ruling Conservative group attended, not including the leader of the Council. One hundred traders and local people attended the meeting.
- There is no indication that the Council are listening to the weight of public opinion. A petition of 12,300 people (out of an Ely population of 18,000) objecting to the introduction of parking charges has been collected.

This raises a number of issues about consultation and the safeguards that need to be put in place to make it harder for an anti-high street position to be adopted.”

The Association of Convenience Stores 2011

Community ownership and use

Community groups should be able to use vacant spaces and have the right to trade in empty property. Why shouldn't community groups have the chance to open up social and cultural centres in empty high street premises, and drive the vibrancy of the area?

27. Support imaginative community use of empty properties through Community Right to Buy, Meanwhile Use and a new "Community Right to Try"

We need to come up with innovative and exciting ways to ensure that empty properties remain a part of the high street and not a blemish on it. The new Localism Act introduces a host of new opportunities for communities to get involved.

For example the Community Right to Buy will mean that when important local amenities and buildings like town halls come up for sale, communities will have extra time to prepare a bid to take them over. This is a great opportunity to promote community ownership and make it easier to keep much-loved assets in public use. And Government should explore how it can support such ventures through a seed fund, for example using the same mechanisms as are envisaged for the £400 million allocated to stalled housing sites in the recent Housing Strategy.

But I think we could do more here by introducing a new "Right to Try"²⁹ to encourage community use even without community ownership, alongside my proposal for a new "Empty Shop Management Order" power.

Local people may have the will but not the means to buy property that is owned by a local authority or in a state of disuse. If they can't buy it then they should be able to try it. To go into the property and test co-operative ventures. To really be co-creators of the space and take forward what they want to see on their high streets.

In addition, the Meanwhile Project³⁰ has developed temporary or 'meanwhile' uses of vacant properties that are of benefit to the local community. This project has shown how communities can make creative use of empty shops and help make town centres more vibrant places.

More empty properties should be used in this way. And Government should make it as easy as possible for landlords to let property on meanwhile uses. For example we could promote greater use of meanwhile tenancies by allowing landlords to continue to benefit from the three months of empty property rate relief while companies occupy and trade. The local authority would be no worse off than if the property is empty but the property is getting used for a short-term tenancy. Better to have something in them than stand empty.

29 This suggestion has been made in Schoenborn A (2011) *The Right to Retail: Can localism save Britain's small retailers?* ResPublica

30 www.meanwhile.org.uk

Meanwhile Use case studies

Coventry Artspace

Coventry City Arcade is a covered space made up mainly of small units at the edge of the city centre. It has suffered high levels of vacancies and a similar lack of footfall, and the City Council has suffered a loss of rental income because of the number of empty units. The Council opened up vacant units for 'meanwhile' use. Visual and performing arts projects colonised the space and brought it to life. As well as increasing footfall, the projects generated national media coverage and the Council agreed to develop a formal strategy to animate, use and manage their temporary void spaces.

www.coventry-artspace.co.uk

Brixton Village

The Spacemakers Network became the managing agent for three months for 20 properties at the Granville Arcade, which is now known as Brixton Village. The arcade was in poor condition with dated units and tired public spaces. Spacemakers brought in a range of arts, creative industries, retail and catering users rent-free, with occupiers taking responsibility for any necessary refurbishment and paying their own rates and utilities. The project relieved the landlord of the burden of business rates on empty properties and brought additional footfall which has helped establish new businesses alongside the existing traders.

www.emptyshopsnetwork.com

A few words of advice to Britain's shopkeepers

I've undertaken this review because I believe in shops, wherever they're located.

However, in the current climate, and for all the reasons I've discussed in my report, not all the shops which are trading today are likely to be trading tomorrow.

Some quite simply should never have opened their doors in the first place. Running a profitable retail business is a commitment which goes far beyond the fun of the buy and the thrill of the sale – and not everybody is cut out for it.

Others, opened on the back of a shopkeeper's vision that at the time felt hugely compelling, simply failed to take into consideration the needs and aspirations of the customer.

Of greatest concern to me are the thousands of businesses in Britain who once managed to make a living out of retail but in recent years have simply failed to adapt. Hard-working, committed and professional people, frequently real experts in their fields, who haven't adapted their retail offer to meet the increasingly demanding expectations of today's consumer.

To those businesses, I wanted to add a few personal words of advice.

Surviving in today's value-minded, aggressively-discounted, convenience-focused market means reappraising how to compete and doing things differently.

It means standing for something. Connecting with our values as well as our sense of value. Consciously bringing something onto our high streets that the internet never can. And doing it with such creative flourish that people come back time and time again.

In a world where the sheer sophistication, speed and scale of both the web and the major supermarkets will always be pushing new boundaries, you'll never be able to compete sustainably on price. You'll never be able to beat the sheer efficiency of the web. You'll never be able to compete with the range and diversity of the major multiples and supermarkets.

Where you can compete and need to focus your efforts is in three core areas: Experience, Service and Specialism.

Experience

Experience, in the truest sense of the word, is something which touches people on a deeper human level. Retail theatre when done well is surprising, challenging, uplifting, energising even mesmerising. Great brands, retailers or not, have realised that a three dimensional brand experience is by far the best way to engage with customers and build loyalty. Being and buying. A place I feel so happy to be that it's a given I'll buy something. Too many retailers start with the product and build outwards. Too few start with the customer experience and design the product to fit into it.

Service

Most of the retail pundits proclaimed that great service would be a critical differentiator between the survivors of the recession and those who fall by the wayside. I'd go one step further. I believe that good service is our basic right. Far too many businesses on our high streets don't prioritise good service as part of their offer, meaning that as a nation we've come to expect no better. This is where the smaller operator can step in and break the mould. It's amazing how the smallest service gestures really make a difference: from connecting with and really knowing and caring for your customers, to having an in-depth knowledge that guides and advises them; serving is quite simply the new selling.

Specialism

Finally, I believe that in a climate where the generalists rule the roost, smaller shopkeepers should reassert their specialism. One thing most of us understand is the value of a real expert. Most of the better examples of new British retailing are guided by the hand of a specialist in one form or another. Specialist bread shops, retro fashion shops, wine merchants, new kinds of beauty boutiques, optical specialists or farm shops. Specialist retailers know how to express and manifest their expertise across everything they do. And I don't just mean their products.

Shopkeepers of Britain, whilst many of you are living through some of the most shockingly tough trading periods in recent history, I believe if you put the customer first, compete on a higher playing field and bring something genuinely different to our high streets, then the customer will come and find you.

Good luck!

Re-imagining our high streets

Recommendations

28. Run a number of High Street Pilots to test proof of concept

“The most vibrant town centres offer a wide range of locally responsive services that create a comprehensive retail, cultural and community hub. This is crucial for the future of the High Street as it is an offer that its competitors struggle to match. Future Government policy must acknowledge this, not treating retail in isolation, but empowering councils to integrate the shopping offer effectively alongside other cultural and community services.”

Local Government Association response to The Portas Review

The previous chapters have raised some of the key issues that will help our high streets to become enjoyable, exciting places to be. To create The New Local. But we can't just make a couple of small changes and then sit back. We all need to seize this opportunity and really work together to create the future high streets that we want to see.

High streets are about so much more than shopping. This review isn't just about retail or what's in the interests of the local shopkeeper. High streets should be seen as a civic not a private space. A shared resource in which people come together to create value and share experiences.

My vision for the future of high streets is of multifunctional and social places which offer a clear and compelling purpose and experience that's not available elsewhere, and which meets the interests and needs of the local people. We need to start a conversation about what we need and what we want our high streets to be. To put the heart back into our high streets, inspire that connection between local people and their home town, and instill pride in belonging to a unique place.

28. Run a number of High Street Pilots to test proof of concept

I would like to show the case for putting our high streets first by trying out some of the recommendations in this review in a number of High Street Pilots. The pilots could test out different ways of making it easier to do business on the high street as well as re-imagining our high streets as community hubs that are about much more than shopping. Pilots could be led by new Town Teams, with the findings disseminated for use as best practice guidance. Let's really roll up our sleeves and start *making things happen*.

High streets of the future

I've come up with a few ideas to get the juices flowing. But it will be up to you to work out what you want your high street to look like. Ultimately the people should decide. The public should no longer be seen simply as customers but as co-creators of place. **At the heart of it, will be you.**

Here are ten simple ideas I believe could work on our high streets

The new "Town Team" town hall: High streets should have meeting places again – what the town halls used to be. My "Town team" town hall is a place everyone knows about and knows to go to for all things local. Like a vibrant and busy 'solutions office' providing a range of services in a multifunctional social and service focused environment. A Town Team town hall would mobilise people to care.

"Community Chest": Beyond what funding can be provided by the key stakeholders I believe that if people knew that a pound from their purse added to a "Community Chest" would directly protect and enable their own high streets, then this could be highly motivational and have a long term impact which people could see for themselves.

"Virtual" High Streets: Today we all live online too. I would like Town Teams to create an online 'bottom up' virtual version of their high street which is the easy automatic 'go to' for all things to do with your local area. We could use online tools and software to get people thinking and talking about their high street, not as a 'council of despair' but to contribute in a positive way. The Virtual High Street would show you all offers, across all shops and businesses. There could be a My Town Loyalty Card which joins up all businesses together. In addition, the Virtual High Street creates a powerful social forum for people to share and discuss. There's real potential in finding who lives locally and what skills they can offer to their town.

National Market Day: Would-be retailers – or simply talented people who have something to sell – should be using indoor and outdoor markets as a step on the business ladder. A 'National Market Day' would promote markets and help them off the ground in our town centres. Why not rent out tables for a tenner and get everyone involved?

The New Post Office: Many online businesses are now looking for bricks and mortar, for example as a place for collecting all those deliveries from the things we buy online that few of us are ever actually at home to receive. The high street can play a part in that. These depositaries will become like a Post Office. We need to act now to ensure that these key new community services are located right on our high streets where we need them rather than in malls or out-of-town retail parks.

Big shops being more than just shops: Let's get some of the big brands on our high streets to think about incorporating more social and local activities into their in-store experience. We have had book shops bringing a coffee franchise inside for customers to relax, work or meet up while they browse and read. Why not turn that on its head? Get a coffee shop to bring in a bookshop. Put in Wi-Fi and make the high street the place to go for all those people working from home. Or ask the sports shop to offer a meeting point and drinking water for the local running club?

Work-Shops: Instead of working from home people should have the chance to come onto the high street and work together in 'hubs', re-appropriating vacant units to create a shared space where entrepreneurs can work and be creative with 'hotdesking' for startups. I want to see working co-ops in town centres using other vacant units as 'showrooms' for their products and services.

Swapshop: We should be investigating and encouraging a new type of community shop which brings into the real world the skills people have honed online through sites such as ebay. A place people can exchange and sell goods for money or services. So a fashion student could sell their designs in the same way as a gardener could swap his services with those of a plumber.

Schools, gyms and youth centres: why not use second floor spaces or vacant units for schools or early years centres, community-run gyms, yoga and nurseries? And youth clubs shouldn't be on the edge of town but at the heart of the high street. They shouldn't be tired spaces but vibrant centres which young people can make their own, and which are open at hours that suit them.

Bingo: Bingo is a brilliant way to bring people together for a bit of old fashioned community fun. Why can't we encourage more bingo nights on our high streets?

Those are just my ideas.

What are yours?

Mary Portas
December 2011

Acknowledgements

I would like to thank everyone who has contributed to this Review for their thoughtful and constructive contributions. I am so appreciative of the time so many people took to write to me and meet me and I hope many will see the points they raised reflected in this report.

My thank to those town centres that opened their doors for me and to thank everyone involved in organising these visits. My thanks to the 2,000 people who wrote to me via my website maryportas.com and the Government website set up for this purpose. I have read each and every one of your emails. I am indebted to the many retailers who have fed in their valuable advice and experience. I would also like to recognise the particular efforts of Julian Dobson and his team at Urban Pollinators whose insights I have found both inspirational and invaluable. Also, the efforts and contributions of the key trade associations – the BRC, the BPF, the BCSC the ATCM and the ACS. Most notably James Lowman, whose input has been particularly valuable, BITC and Alex Gourlay.

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Contributors

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Council Constitution: Part 4 Chapter 4.1 – Council Procedure Rules

13. OPPOSITION BUSINESS

(Updated: Council 23/1/08 & Council 1/4/09 & Council 11/11/09)

13.1 The Council will, at four meetings a year, give time on its agenda to issues raised by the Official Opposition Party (second largest party). This will be at the 1st meeting (June), and then the 3rd, 4th and 6th meetings out of the 7 ordinary meetings programmed each year (unless otherwise agreed between the political parties). A minimum 45 minutes will be set aside at each of the four meetings.

13.2 All Council meetings will also provide opportunities for all parties and individual members to raise issues either through Question Time, motions or through policy and other debates.

(Updated: Council 11/11/09)

13.3 The procedure for the submission and processing of such business is as follows:

- (a) The second largest party shall submit to the Assistant Director, Corporate Governance a topic for discussion no later than 21 calendar days prior to the Council meeting. This is to enable the topic to be fed into the Council agenda planning process and included in the public notice placed in the local press, Council publications, plus other outlets such as the Council's web site.
- (b) The Assistant Director, Corporate Governance will notify the Mayor, Leader of the Council, the Chief Executive and the relevant Corporate Management Board member(s) of the selected topic(s).
- (c) Opposition business must relate to the business of the Council, or be in the interests of the local community generally.
- (d) If requested, briefings on the specific topic(s) identified will be available to the second largest party from the relevant Corporate Management Board member(s) before the Council meeting.
- (e) No later than 9 calendar days (deadline time 9.00 am) prior to the meeting, the second largest party must provide the Assistant Director, Corporate Governance with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed

on the agenda will be in accordance with paragraph 2.2 of Part 4, Chapter 1 of this Constitution relating to the Order of Business at Council meetings.

- (f) That Party Leaders meet before each Council meeting at which Opposition Business was to be discussed, to agree how that debate will be managed at the Council meeting

(Updated: Council 11/11/09)

- (g) The discussion will be subject to the usual rules of debate for Council meetings, except as set out below. The Opposition business will be conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition (or nominated representative) who may speak for no more than 10 minutes.

- (ii) A nominated member of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes.

- (iii) The Mayor will then open the discussion to the remainder of the Council. Each member may speak for no more than 5 minutes but, with the agreement of the Mayor, may do so more than once in the debate.

- (iv) At the discretion of the Mayor the debate may take different forms including presentations by members, officers or speakers at the invitation of the second largest party.

- (v) Where officers are required to make a presentation this shall be confined to background, factual or professional information. All such requests for officer involvement should be made through the Chief Executive or the relevant Director.

- (vi) The debate should contain specific outcomes, recommendations or formal proposals

(Updated: Council 22/9/10)

- (vii) 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.

- (viii) The Majority Group will then be given the opportunity to say if, and how, the matter will be progressed.

- (ix) If requested by the Leader of the Opposition or a nominated representative, a vote will be taken

(updated Council: 22/9/10)

MUNICIPAL YEAR 2011/2012 REPORT NO. 181A**MEETING TITLE AND DATE:**

Council
25th January 2012

REPORT OF:

Council Commission to
 examine the August 2011
 disturbances in Enfield

Agenda – Part: 1**Item: 8****Subject:**

Final report and recommendations of the
 Council Commission to examine the August
 2011 disturbances in Enfield

Cabinet Member consulted:

Cllr. Christine Hamilton

Contact officer and telephone number:

Alison Trew 020 8379 3186

E mail: alison.trew@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 The cross party Commission to examine the August 2011 disturbances in Enfield was established by the Council at its meeting on 21st September 2011 to gather evidence on the causes of the disorder and asked to report its findings and recommendations back to Council.
- 1.2 The Commission has held eleven meetings, including a joint public meeting with the national Riots, Communities and Victims Panel, at which a wide range of written, survey, visual and oral evidence was considered. Demographic, economic and social data was studied and the Commission also reviewed external reports from the Cabinet Office, Metropolitan Police Service and the interim report of the Riots Communities and Victims Panel
- 1.3 The Commission's final report brings together the findings drawn from the evidence collected, and makes recommendations for actions that will contribute to preventing similar incidents recurring and improve the life opportunities and wellbeing of Enfield residents.

2. RECOMMENDATIONS

- 2.1 Council is asked to approve The Commission final report and recommendations for future action
- 2.2 Agree that the report be sent to the national Riots, Communities and Victims Panel to inform their final report and recommendations.

3. BACKGROUND

- 3.1 The disturbances that occurred in Enfield on Sunday August 7th 2011 were part of an extensive outbreak of violence and disorder that took place over a number of days across England.
- 3.2 During and immediately after the disturbances in Enfield on August 7th, there was communication and joint working between local councillors and MPs, both Labour and Conservative. At its meeting on 21st September 2011, the Council decided to establish a cross-party Commission to examine the August 2011 disturbances in Enfield.
- 3.3 Its terms of reference were:
 - i. To gather evidence to:
 - a. Examine the causes of the disturbances in Enfield in August 2011
 - b. Understand the reasons which led people to take part
 - ii. To submit findings to the national independent Riots, Communities and Victims Panel and in due course to Council
 - iii. To report back to Council on the outcome of the Commission's review and make recommendations on actions to address its findings
- 3.4 The Commission has held eleven meetings, including a joint public meeting with the national Riots, Communities and Victims Panel, at which a wide range of written, survey, visual and oral evidence was considered. Demographic, economic and social data was studied and the Commission also reviewed external reports from the Cabinet Office, Metropolitan Police Service and the interim report of the Riots Communities and Victims Panel.
- 3.5 Copies of the survey analysis will be placed in the members' library
- 3.6 The Commission's final report brings together the findings drawn from the evidence collected, and makes recommendations for actions that will contribute to preventing similar incidents recurring and improve the life opportunities and wellbeing of Enfield residents.
- 3.7 The recommendations listed have been developed as a direct response to the evidence provided to the Commission and to address specific issues raised.
- 3.8 The Commission recognises that the Council and its partners are already engaged in work on the issues and that the delivery of the Council's Business Plan objectives is also contributing.
- 3.9 However the Commission is convinced that reviewing and amending existing initiatives and developing new approaches to service provision

in the light of the evidence from the disturbances is crucial to building resilience and preventing future occurrences.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to have a Council Commission, thus losing the opportunity to identify the issues that contributed to the disturbances and propose initiatives to address these issues and reduce the likelihood of similar events happening again.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To take the opportunity of using first hand evidence on key issues relating to the causes of the disturbances and propose projects and initiatives to address them, reducing the likelihood of similar events recurring and improving the life opportunities and wellbeing of Enfield residents

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

6.1 Financial Implications

The Council Commission makes a number of recommendations aimed at reducing the risk of a recurrence of the troubles. The main focus is on increasing support to young people (up to the age of 25) in the Borough.

Some of the recommendations will be able to be funded from within existing resources. The remainder will need to be built into the medium term financial planning process. A full costing appraisal of all the recommendations has yet to be completed and it is recommended that this is done as soon as possible and a pool of funding is built into the medium term financial plan for an initial two years that can be drawn upon as and when projects and initiatives are approved.

The Council will also seek to utilise any central government funding made available for addressing issues arising from the August disturbances, or other external funding streams.

6.2 Legal Implications

- 6.2.1 There was no statutory obligation on the Council to set up the Council Commission. However, Section 2 of the Local Government Act 2000 provides the Council with the power to do anything it considers likely to promote or improve the social, economic or environmental wellbeing of their area or residents. The setting up of the Commission and the findings and recommendations it has made meet the well-being objectives. There is no

express prohibition, restriction or limitation contained in a statute against use of power in this way.

6.2.2 When Councils undertake any activity in pursuit of one or more of the wellbeing elements, the well-being power enables them to incur expenditure, and specifically (section 2 (4) identifies the provision of financial assistance as one means of doing so.

6.3 Property Implications

None

7. KEY RISKS

7.1 Given the nature of the riots there is an inherent risk of not knowing when sufficient initiatives have been put in place and this in turn could lead to spending too much money on the one hand and of not spending enough on the other. To mitigate against this, risks will need to be clearly identified with cost-effective mitigating actions.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Commission has found that inequality and/or perceptions of inequality were a key contributory factor to the disturbances. The recommendations seek to put in place initiatives that will help to address the issue.

8.2 Growth and Sustainability

Lack of employment and opportunity also identified as a key factor in people becoming involved in the disturbances. The Commission's report makes recommendations for increased work with schools, business and public bodies to improve skills and make employment more accessible.

8.3 Strong Communities

Young people, in particular, said that they felt marginalised and not part of their communities. The Commission's report contains recommendations that aim to provide opportunities for greater involvement and participation in community activities.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

9.1 When the report has been approved by Council arrangements will be put in place to monitor progress against the recommendations and evaluate the outcomes for residents

Background Papers: Commission Report

**Council
Commission to
examine the
August 2011
disturbances in
Enfield**

Final Report

Executive Summary

Introduction

- The cross-party Council Commission to examine the August disturbances in Enfield on Sunday 7th August was established at the Council meeting on September 21st 2011.
- Its terms of reference were to:
 - Examine the causes of the disturbances in Enfield
 - Understand why people took part.
 - Submit findings to the national Riots Communities and Victims Panel to inform their interim and final report
 - Report their findings back to the Council with recommendations to address the issues.

Context

- The disturbances in Enfield were part of an extensive outbreak of disorder. Although the damage, loss and destruction were less serious than in other boroughs, the effects on victims and residents should not be underestimated.
- In addition to the incidents on Sunday 7th August:
 - The Sony Distribution centre in Solar way was looted and set on fire during the night of 8th – 9th August, although this is being treated by the Police as a major crime unrelated to the disturbances.
 - On the evening of Tuesday 9th August, approximately 300 adults gathered in Enfield Town and other parts of the Borough to express their right to use Enfield's streets and facilities.

Methodology

- The Commission considered a wide range of evidence including:
 - Minutes of meetings held immediately after the disturbances
 - Respect for Enfield campaign launch
 - Interviews with key strategic representatives
 - Interviews with officers from Community Safety, Youth Offending service, Youth support Service and Probation service
 - Interviews with traders affected by the disturbances
 - Surveys of convicted adult and young offenders
 - Surveys of young people not directly involved in the disturbances
 - Demographic economic and social data
 - External reports

Causes of the disturbances

- The Commission has not been able to identify one clear cause of the August disturbances.
- Its conclusion was that a number of long term social and economic factors, combined with specific incidents, the summer holidays, good weather and

perceptions of current political and economic events combined to create a situation that led to the riots and disturbances.

THE POLICE

- Young people and adults in their twenties identified a general 'anger at the police' as a key contributory factor, unrelated to the police action during the disturbances.
- Young people believe that the Police should take more positive action to improve their relationship with young people and adults in their twenties.
- The operation of stop and search was singled out as a particular issue
- The view is widely held that there was an insufficient police presence as the groups gathered on the afternoon of August 7th.
- The Commission welcomes the initial findings of the Metropolitan Police Service's Strategic Review and the honesty with which the operational policing of the disturbances is being addressed.

Survey data

- Surveys of young people and adults in their twenties showed that the majority considered it wrong to riot and that the disturbances were not a good thing.
- The surveys identified a number of factors that respondents thought contributed directly to the riots taking place. These include:
 - Anger with the Police
 - Boredom
 - People just wanting to riot and loot
 - Peer pressure
 - Greed
 - The death of Mark Duggan was mentioned, but does not appear to have been a major reason

Other evidence

- Causes identified by people attending the meetings immediately after the disturbances and traders interviewed by the Commission include:
 - A level of organisation behind some looting
 - Opportunism and criminal intent
 - Lack of employment opportunities
 - Poor parenting
 - Lack of respect and responsibility
 - Proximity to Haringey
 - Copycat actions
 - Enfield has good shops with desirable stock

Wider Issues

The Commission identified a number of underlying causes that fuelled the events that sparked off the disturbances, which if not addressed will build up and may lead to further similar events. These include:

Marginalisation

- Young people are demonised by the media, causing fear and suspicion in their communities.
- Their positive achievements are rarely shown
- Little opportunity for them to participate in their local neighbourhood

Lack of aspiration

- Young people need to have the appropriate skills and direction to fulfil their full potential
- Lack of aspiration links to a feeling of disempowerment

Employment and skills

- The current economic situation means that Enfield's high unemployment levels, particularly in the 18-24 age group are likely to rise.
- There was a view among some young people that schools do not offer an appropriate careers and work experience programme
- Many Enfield residents lack the skills needed to access the available job opportunities

Greed / consumerism

- People of all ages feel that the consumer society and its focus on brands have created an expectation that people can have what they want.
- It is felt that some people define themselves and generate self-esteem through brands
- Boredom
- This was given by young people as one of the major causes of the disturbances
- Given that youth services have not been reduced in Enfield, perhaps what is on offer needs to be better communicated.

Parenting

- Many parents are under a lot of pressure and find themselves in situations they cannot control.
- Greater and targeted support is needed to help parents develop strategies to manage their children.

The media

- A wide range of people believed that the media had played a significant part in causing and spreading the disturbances.
- There was criticism of the rolling news coverage and the videos uploaded to YouTube, which made the disturbances look exciting and fun
- The use of social media to mobilise groups of people was also identified as an important factor.

Public transport

- Enfield's position, with good road and train services to central London and bus links to neighbouring Boroughs was identified as a contributory factor

RECOMMENDATIONS

The Commission believes that effectively addressing the key issues identified would significantly reduce the risk of recurrence and contribute to improved social cohesion, life chances and quality of life for Enfield residents.

Police

The Metropolitan Police Service should:

- Review the recruitment and deployment of officers in Enfield to reflect the changing demographic profile of the Borough
- Ensure their approach to young people and adults in their twenties is proportionate
- Continue to support and develop the Safer Neighbourhoods Team and Youth Engagement Panel
- Promote the Police Service as a realistic career opportunity

The Council should:

- Continue to act as a bridge between the Police and young people
- Encourage schools, youth services and young people's organisations to work closely with the Police

Police operations

The Police should;

- Examine its strategic approach and preparedness for future disorder
- Review the Resource Allocation Formula as, currently, policing levels in Enfield do not reflect the demographic changes, complex needs and crime levels in Enfield.

Communications

The Council should:

- Improve its communication to and interaction with young people, building on current good practice and using the full range of media to target communications appropriately
- Organise an annual programme of high profile events to promote and showcase young people's talents and achievements

Engagement with young people

The Council should:

- Continue to support and promote the Borough Youth service and Enfield's Youth Parliament
- Undertake a comprehensive review of all youth activities across the Borough
- Look at the current provision with a view to providing more activities for children aged 7-11
- Invest in more street-based and estate youth workers
- Continue to develop and promote the work of the Youth Engagement Panel
- Continue to support and promote Futureversity
- Continue to ensure sufficient activities are available for young people during the school holidays

Learning, opportunities and employment

The Council should:

- Work with schools to ensure a comprehensive approach to careers guidance
- Develop incentives to encourage the provision of more apprenticeships, work experience and first opportunities for young people
- Work with Headteachers to establish more work related learning programmes for less academic 14-16 year olds
- Work with the Youth Offending Service in matching young people with school exclusion and criminal records to appropriate learning and job opportunities
- Organise an annual programme of job fairs with partners for young people of all ages and abilities
- Help more young people aged 18-25 to access a wide a range of education and employment opportunities
- Develop a local volunteering and activity programme for young people and adults up to the age of 25
- Explore opportunities to work with the Princes Trust and other external organisations to develop a range of employment, training and education activities with young people and adults in their twenties.

Citizenship

The Council should:

- Organise a citizenship week with schools, colleges and youth organisations
- Promote citizenship and the balance between individual rights and responsibilities in all schools
- Encourage more ward councillors to engage with local schools
- Encourage schools and young people to apply for funding from the Enfield Residents Priority Fund for projects to improve their neighbourhoods

School Exclusions and poor attendance

The Council should:

- Work, through scrutiny, with school governing bodies to review school exclusion policies
- Encourage scrutiny of school exclusion figures annually and make recommendations for action
- Review and further develop programmes to reduce incidences of exclusion among young offenders and reintegrate them into appropriate learning settings or employment
- Encourage schools and the Education Welfare Service to review and further enhance their focus on pupils with poor attendance and prevent them from disengaging from school

Parenting

The Council should

- Invest in parenting classes and individual support

- Continue to encourage the Parent Engagement Panel to act as parent champions to promote the classes and support
- Explore alternative funding strategies for the Parent Engagement Panel post March 2013.

Next Steps

- The Commission's findings and recommendations will be presented to Council on Wednesday 25th January 2012
- If approved, the Commission expects implementation of the recommendations to begin immediately.
- Once approved, the Commission's report will be sent to the Riots, Communities and Victims Panel to inform their final report, recommendations and subsequent government action.
- The Commission will continue to monitor completed adult and young offender surveys and make visits to prison to interview offenders. They will also monitor progress on implementing the recommendations
- The Commission recommends that representations are made to Government and the Riots, Communities and Victims panel for funding to support the recommendations
- The Council should also actively pursue any other funding opportunities arising as a result of the riots.
- The Commission supports the Council and local MPs' continuing campaign against 'grant damping', which means that high need authorities, such as Enfield, do not receive their full allocation. This means a loss of £15m resources in 2011/12 and a further £8m in 2012/13.

1. INTRODUCTION

- 1.1 On the evening of Saturday 6th August 2011, few people living in Enfield watching events in Tottenham unfold on their televisions would have believed that, within 24 hours, similar disturbances and civil disorder would be taking place on their streets.
- 1.2 Although in comparison with the events in Tottenham and other riot hit areas in London and across the country, the damage, loss and disruption in Enfield were less serious, the Commission has found that the effects of the incidents that took place in Enfield on Sunday 7th August have had long-lasting physical and emotional effects on people who were directly involved. In the immediate aftermath the strength of partnership working between the Council, police, local businesses and community was tested and proved to be strong. There was also a strong community response, where businesses, associations and individuals came together to support one another and show their support for the Borough.
- 1.3 This report aims to identify the reason the disturbances spread to Enfield and explore the motivation of those who took part. The Commission has considered evidence from a wide variety of sources, in a very short period of time, to ensure they have as comprehensive a picture of events as possible. Members of the Commission would like to thank all those people who agreed to be interviewed, attended meetings or completed surveys. All the information you gave us has been used to inform the contents of this report.

2. CONTEXT

- 2.1 The disturbances that occurred in Enfield on Sunday August 7th 2011 were part of an extensive outbreak of violence and disorder that took place over a number of days across England.
- 2.2 On August 4th, Mark Duggan was shot dead by police in Ferry Lane, Tottenham. On Saturday August 6th, approximately 120 people marched peacefully from Broadwater Farm to Tottenham police station, to protest, on behalf of the Duggan family, over how they had been treated by the police.
- 2.3 Frustration among the protesters led to violence breaking out, with missiles being thrown at police, and police cars and a bus being set on fire. The number of rioters grew, looting began and a number of buildings were also set on fire. In the early hours of the morning on Sunday August 7th, the looting and violence moved to Wood Green.
- 2.4 Enfield was the site of the next period of sustained disturbances (see P4 for a detailed timeline). Further rioting also took place in south and east London during the evening of Sunday August 7th.
- 2.5 By Monday August 8th, the numbers of police officers deployed in London had risen to 6,000. Rioting was reported in 34 areas across

London, the most serious incidents taking place in Hackney, Clapham Junction and Ealing. Rioting and looting were also reported in areas across England.

- 2.6 Rioting continued into the early hours of the morning on Tuesday August 9th. During the same period, the Sony Distribution Centre in eastern Enfield was set on fire. Despite 16,000 police officers deployed on the streets of London,
- 2.7 rioting continued in London on the Tuesday evening, but the outbreaks were smaller. There were several incidences of 'vigilantes' taking to the streets across London. Incidences of serious rioting were reported in Manchester and Salford.
- 2.8 On the evening of Tuesday August 9th, a number of groups of people across London sought to 'reclaim the streets' from the rioters and protect their communities. The groups were monitored by the police and dispersed without serious incidents.
- 2.9 By the morning of Wednesday August 10th, nationally the violence had died down and the investigations and clean-up began.

3. TERMS OF REFERENCE

- 3.1 During and immediately after the disturbances in Enfield on August 7th, there was communication and joint working between local councillors and MPs, both Labour and Conservative. At its meeting on 21st September 2011, the Council decided to establish a cross-party Commission to examine the August 2011 disturbances in Enfield.
- 3.2 The members of the Commission are: **Councillor Christine Hamilton, Cabinet Member for Community Wellbeing and Public Health (Chair), Councillor Michael Rye (Vice Chair), Councillor Kate Anolue, Councillor Ingrid Cranfield, Councillor Denise Headley, Councillor Rohini Simbodyal**
- 3.3 Its terms of reference were:
 - i. To gather evidence to:
 - a. Examine the causes of the disturbances in Enfield in August 2011
 - b. Understand the reasons which led people to take part
 - ii. To submit findings to the national independent Riots, Communities and Victims Panel and in due course to Council
 - iii. To report back to Council on the outcome of the Commission's review and make recommendations on actions to address its findings

4. METHODOLOGY

- 4.1 The Commission held nine meetings, including a joint public meeting with the national Riots, Communities and Victims Panel, at which a wide range of written, visual and oral evidence was considered.

- 4.2 This included minutes and reports of meetings held immediately after the disturbances: meetings with businesses across the Borough; the launch of the Respect for Enfield campaign and the meeting held with the voluntary and community sector and community leaders; councillor-led ward meetings; the Youth Summit; and Enfield Racial Equality Council's Strategic Race and Equalities Forum.
- 4.3 The meeting held jointly with the national Riots, Victims and Communities Panel provided first-hand experiences from residents who were involved or affected by the disturbances; a range of opinions as to the causes of the disturbances; and ideas for preventing them happening again.
- 4.4 The Commission felt it was important to talk to key strategic representatives including the Borough Police Commander, Council Chief Executive, the Leader of the Council and Cabinet Member for Community Wellbeing and Public Health. The also took evidence from the Heads of Community Safety and the Youth Offending Service on the surveys of convicted offenders. In addition, the Enfield Youth Service Youth Participation Manager gave his views on the opinions and attitudes to the disturbances of local young people he is working with. The Probation Service also provided a written submission.
- 4.5 In order to understand why people took part in the disturbances, an important source of evidence was surveys conducted by the Police's Integrated Offender Management Team with adult offenders and the Youth Offending Service with young offenders.
- 4.6 Youth Offending Service clients who were not found to have participated in the riots, young people attending various Youth Support Service activities and ward councillors were also surveyed. Commission members also visited shops across Enfield where damage and/or looting had occurred to hear at first hand how owners/staff had been affected.
- 4.7 Data comparing demographic, economic and social factors across the London boroughs affected was collated to see if there were any common situations or issues that might have led to these areas being affected and others not. The Commission also watched CCTV footage of the disturbances in Enfield Town.
- 4.8 The Commission has also considered the findings of external reports including the Cabinet Office report 'The August Riots in England – understanding the involvement of young people', the Metropolitan Police Service's 'Strategy Review – early learning and initial findings' and the interim report of the Riots, Communities and Victims Panel. Initial findings from the Council Commission's work were submitted to the national panel and the final report and recommendations will be sent to inform their final report, which is due to be published in March 2012.

5. DISTURBANCES IN ENFIELD – TIMELINE

5.1 Sunday August 7th

- 5.1.1. In the morning, intelligence on social networking and other open sources suggested that trouble, similar to that in Tottenham, could spread to Enfield Town.
- 5.1.2. At 2.45pm, officers from Safer Neighbourhoods Teams were posted to the Town area to monitor the situation and assess whether the intelligence was accurate.
- 5.1.3. Police advised shops of the potential situation. All shops decided to close and a small number of police cleared the shops and Town area of members of the public.
- 5.1.4. By 4.00pm, on what was a warm, mainly sunny day, a large group of youths, with faces covered with bandanas, masks and hoodies, congregated around the Town, primarily in the Market Place, McDonald's and Cecil Road. Police officers were taunted with veiled threats, but stood their ground.
- 5.1.5. The CCTV footage seen by the Commission showed that the people involved in the rioting came from all ethnic backgrounds and ages and included young women.
- 5.1.6. A large group of 80-100 youths with faces covered gathered in Church Street by Starbucks and McDonald's. They picked up rubble, road work barriers and other objects, which it is believed were going to be used against the police. Members of the public warned police of this as they believed them to be in danger.
- 5.1.7. At about 6.25pm, the group began breaking the windows of HMV and when they succeeded a number of them entered the shop
- 5.1.8. The group then moved on and broke into Phones4U, stole goods and ran off. They also moved rubbish bins, road work barriers etc. into the road outside the Post Office to make a barricade. Pearsons was broken into and looted at the same time.
- 5.1.9. A police car arrived and stopped by the barricade. This was attacked by the group. The officers ran off and bricks, concrete blocks and poles were thrown at the car.
- 5.1.10. Officers from Safer Neighbourhoods Teams were replaced by Tactical Support Group/ Level 2 officers. A large number were deployed to maintain security in Church Street and disperse groups as they formed.
- 5.1.11. At 9.10pm, youths were seen in Little Park Gardens collecting bricks to use as weapons.

- 5.1.12. At 9.40pm, a large group gathered in the centre of the Town. They attacked G Mantella and the Betting Shop, smashing the shopfronts, causing extensive damage and stealing a large amount of jewellery. They then moved on to Cecil Road and attacked Argos with bricks and rubble.
- 5.1.13. At 9.55pm, shops in Colman Parade including the Healthcare Chemist and Fastsigns were attacked. The group was then seen moving down Southbury Road towards the A10, but by this time there were fewer people and they had split into smaller groups.
- 5.1.14. Groups moved on to the retail park and attacked many of the stores, breaking windows and causing damage to doors and metal shutters, which prevented them from looting the stock. However, they managed to enter Sports Direct and stole a large amount of cash and stock.
- 5.1.15. The disturbances then moved down Southbury Road where, around 10.00pm, a gang of more than 70 people attacked the Tesco Extra store, stealing £100,000 of stock. They then dispersed in all directions. Some groups headed south down the Hertford Road towards Edmonton, attacking shops, mainly those that contained something of value – mobile phones, video games – or those that had easily smashable glass windows.
- 5.1.16. Extensive looting in Edmonton was prevented by a large police presence and barricading Fore Street with police vans. An abandoned Post Office van was set alight and pushed into Fore Street.
- 5.1.17. Random acts of damage and/or looting continued into the early hours of the morning in various parts of the Borough.

5.2 Monday August 8th

- 5.2.1. Calm had returned to Enfield, although during the day there were a number of rumours and social messaging that further disturbances were being planned in parts of Enfield. However, although groups of youths gathered throughout the day and the police attended several incidents, there was little damage to property and the groups were dispersed.
- 5.2.2. Police numbers in Enfield were increased.
- 5.2.3. During the night of 8th – 9th August, the Sony Distribution Centre in Solar Way was attacked and set on fire after looting had taken place. The fire quickly took hold and the building was completely destroyed. This is thought to be the biggest arson in the UK, costing an estimated £30m. It took until 19th August before the fire was finally considered to be extinguished. Although it took place at the same

time as the disturbances, police are treating it as a separate major crime.

5.3 Tuesday August 9th

In the evening a group of approximately 300 adults gathered in the market place in Enfield Town to express their right to use the streets and facilities of Enfield. The police attended in force to prevent any confrontation and also monitored other similar groups gathering in other parts of the Borough, particularly around Ponders End High Street. The groups dispersed finally in the early hours of Wednesday August 10th.

6. WHAT WERE THE CAUSES OF THE DISTURBANCES?

6.1 Introduction

- 6.1.1. History tells us that civil disorder occurs periodically, either as a reaction to local issues or in response to national or international issues. The 2001 inter-racial riots in Oldham and other northern towns and the 1985 Broadwater Farm riots following the death of Cynthia Jarrett were precipitated by specific local grievances, while the 2010 student riots, nominally about the rise in student fees, were also aimed at globalisation, capitalism and the worldwide banking crisis.
- 6.1.2. What became immediately clear when the Commission started collecting and considering the available evidence is that there is not one clearly identifiable cause of the August disturbances. The death of Mark Duggan in Tottenham, which triggered the initial protests in Tottenham on Saturday August 6th, was mentioned as a factor by some people, but does not appear to have been a major reason for the events in Enfield that started on Sunday 7th August.
- 6.1.3. The Commission's conclusions are that there were a number of long term social and economic factors and ongoing local tensions that, when combined with specific incidents, the summer holidays, good weather and perceptions of the current political and economic events, combined to create a situation that led to the events in London and across the country of August 6th – 10th.

6.2 Why Enfield?

Comparing Enfield with other London Boroughs that experienced rioting showed some similarities. Enfield has a greater disparity of wealth than the London average. This was true of most, but not all of the areas affected. Enfield has a relatively young population and a high level of unemployment, particularly among 16-24-year-olds. Some of the boroughs affected shared this characteristic, but so did some areas, such as Redbridge, that were relatively unaffected. Given these facts, it is clear that there is nothing particular about Enfield as a place that led to the disturbances and therefore other factors need to be considered.

6.3 EVIDENCE SOURCES

The Commission undertook a number of surveys to gather evidence from as wide a range of opinion as possible. Surveys were conducted with convicted adult offenders; convicted young offenders; clients from the Youth Offending Service (YOS) not implicated in the disturbances; members of the Enfield Youth Support Service (YSS); and ward councillors. Additional evidence has been taken from minutes of the various meetings held and interviews conducted by the Commission.

6.4 General attitude of young people and adults in their twenties to the disturbances

- 6.4.1. Responses from all the surveys of young people showed an awareness of the disturbances in Enfield, but a lack of awareness of riots elsewhere, outside the Borough. There is no overwhelming evidence that the majority of those responding knew they were going to happen.
- 6.4.2. The majority of those who were convicted for taking part in the disturbances knew other participants, and a significant proportion of those who were clients of the YOS knew a large number of participants. Most of those completing the YSS survey stated they didn't know anyone involved, but those who did tended to know a large number of participants.
- 6.4.3. All surveys showed the majority of individuals considered it wrong to riot and that the disturbances were not a good thing. However, when participants were asked about others' perceptions, answers revealed a divergence in opinion. YSS users and convicted rioters believed other young people and adults in their twenties in Enfield would think riots are a bad thing; however, YOS clients believed that other young people and adults in their twenties in Enfield would consider a riot to be a good thing, despite their own negative perceptions of rioting.

6.5 Factors that contributed directly to the riots taking place

- 6.5.1. All the young people's surveys asked those responding to pick factors from a list that they thought contributed to the disturbances taking place. Across all the surveys the main factor identified was 'anger with the police' This was the top answer from the YOS clients and convicted rioters and was the second most common answer among YSS users behind 'boredom'.
- 6.5.2. Among YSS users the next main responses were 'people just wanting to riot and loot'; 'poor parenting'; 'peer pressure'; and 'anger at the Government'. YOS clients opted for 'boredom; 'people just wanting to riot and loot'; and 'greed' as their next main responses.
- 6.5.3. There was more wide-ranging discussion at the Youth Summit and a number of contributory factors were identified. Again, anger at the police was mentioned, as were anger at the death of Mark Duggan, peer pressure, opportunity, criminal intent, greed and poverty.

- 6.5.4. Responses from ward councillors identified boredom, opportunism, consumerism, lack of respect and irresponsible behaviour by the media as key causes of the disturbances. There was also a feeling that there was a level of organisation behind the events, although there was no evidence to support this. The Probation Service also believed that this was the case.

6.6 OTHER EVIDENCE

- 6.6.1. Those people who attended the Respect for Enfield meeting immediately after the disturbances, ward meetings or the joint public meeting held with the Riots, Communities and Victims Panel also believed that opportunism and criminal intent were important factors. These groups felt that there had been a level of organisation behind some of the looting. They also felt that there was a link to gang activity, although authorities in Enfield, London and other affected areas do not think that this was a factor.
- 6.6.2. Other suggested causes included lack of activities for young people; lack of employment opportunities; poor parenting; lack of respect and responsibility; and a general moral decline. These issues are elaborated below.
- 6.6.3. The Commission interviewed retailers who had been directly affected. Asked why they had been singled out, they cited proximity to Haringey; troublemakers copying the activity they had seen taking place in Tottenham; easy opportunities to cause random damage; and the fact that Enfield has good shops with desirable stock.

6.7 THE POLICE

- 6.7.1. Young people, as evidenced by the surveys, cited a general 'anger at the police', unrelated to the police action during the disturbances, as a key contributory factor. Those attending the Youth Summit believe that the police should take more positive action to improve the relationship between young people and adults in their twenties and the police. This was confirmed by the Youth Participation Manager, who said that young people and adults in their twenties felt that they were picked on disproportionately and subjected to stop and search, particularly BME young men.
- 6.7.2. There was a view expressed by shopkeepers in particular, but also by eyewitnesses, that there was an insufficient police presence initially on Sunday August 7th, which meant that people were not dispersed as they gathered, allowing large numbers of people to assemble. In his interview with the Commission, the Borough Commander, Chief Superintendent Dave Tucker agreed that, with hindsight, the police might have taken more direct action as the groups were gathering, particularly as the initial disorder was not focused against the police. However, in his opinion, to disperse the

number of people involved effectively would have required an extra 200–300 officers.

- 6.7.3. There has been wide ranging criticism of the way that the police managed the events in Enfield and elsewhere. Interestingly, a significant proportion of young people said that they did not think that the police had acted robustly enough.
- 6.7.4. The Commission was encouraged that in the Metropolitan Police Service's 'Strategic Review – early learning and initial findings', there was an acknowledgement that not enough officers had been deployed at first; and that officers were trained to deal with large-scale, fairly static riots, rather than fast-moving groups of rioters, continually dispersing and reforming.
- 6.7.5. There are a number of reviews currently taking place examining how the riots in London and across the country were policed, which will result in recommendations for the future of policing of major events and disturbances. The Council will consider the reports as they are published.

7. WIDER ISSUES

The issues listed below were all raised at meetings, in surveys and in discussions by many people, as underlying causes that fuelled the events that in turn sparked off the disturbances. There is a widespread feeling that unless these are addressed, pressure will build up and another incident such as the death of Mark Duggan could lead to further outbreaks of civil disorder.

7.1 Marginalisation

- 7.1.1 Attendees at the Youth Summit identified this as a key issue for young people, but it was also mentioned at many of the other meetings and interviews. The media constantly demonises and stereotypes young people and this causes suspicion and fear within their communities. The positive achievements and activities of young people are rarely shown. There is often little opportunity for them to participate in the local neighbourhood.
- 7.1.2 Evidence suggests that this is not just an issue for young people, as inequality, deprivation and poverty affecting whole families contribute to a feeling of marginalisation.

7.2 Lack of aspiration

Evidence from both young people and older people indicates that this is an issue. Families, schools and colleges and employers have a role to play in this to ensure that young people and adults in their twenties are given the skills and direction and support to enable them to achieve their full potential. Lack of aspiration links closely to feeling disempowered, as people believe that whatever they do they cannot change their situation.

7.3 Employment and skills

- 7.3.1 The current economic climate, which is likely to get worse before it improves, has made finding employment more difficult and means that those in work often do not feel they have job security. Enfield has high unemployment levels compared to the rest of London, particularly in the 18-24 age group, who were overrepresented among the rioters arrested.
- 7.3.2 Young people feel that schools do not offer a wide enough work experience opportunities, either in range or duration, or the opportunities to learn and practise practical skills. Volunteering should be made more accessible and linked to a more holistic approach to careers advice.
- 7.3.4 Many people in Enfield lack the skills they need to access the employment that is available. This not only includes academic qualifications and practical skills, but also softer skills such as self-confidence, time management and interview skills.
- 7.3.5 It is worth noting that this is being identified as a need by communities, voluntary groups and councillors in their local areas and has resulted in a number of skills-based project applications to the Enfield Residents Priority Fund.

7.4 Greed / consumerism

There was a wealth of evidence that people of all ages feel that the consumer society has created an expectation that people should be able to have what they want, when they want it and that the disturbances gave them the opportunity to achieve this. As most of the shops targeted were national or international companies, there was evidence that people therefore considered it a 'victimless' crime. There was also a sense that some people define themselves through brands and that this indicated a lack of self esteem. The media were held largely responsible for promoting this attitude.

7.5 Boredom

- 7.5.1 As evidenced by the surveys, many young people felt that boredom was a key factor in the disturbances. Given that there has not been a reduction in youth activities in Enfield, as there has been in Haringey and other boroughs, it was felt that what was on offer needs to be better communicated, or that young people should be consulted on what they would engage with. There was some evidence that young people tend not to consider youth clubs 'cool'.
- 7.5.2 The fact that 'fun and excitement' was listed as a reason for people joining in with the riots links to this – if there had been different activities would as many people have joined in?

7.6 Parenting

- 7.6.1 It was recognised by many that parents are under a lot of pressure and often find themselves in situations that they are unable to control. Many respondents thought that this was a particular issue for families from other cultures, where traditional ways of parenting are seen as unacceptable in Britain. Young people from families where the parents do not speak English, but they do, find themselves with greater power and are able to withhold information from their parents. Young people themselves also identified poor parenting as a contributory factor.
- 7.6.2 Greater and more targeted support is needed to help parents develop strategies to manage their children and local authorities, schools, and community groups have a role to play in providing such support.

7.7 The media

- 7.7.1 There was strong evidence that people believed that the media had played a key role in causing and spreading the disturbances. Repeated television coverage of the events in Tottenham, supplemented by YouTube footage taken with mobile phones, made the riots look exciting and something to want to be a part of.
- 7.7.2 In addition, the use of social media such as Facebook and Blackberry Messenger ensured that a large number of people could be mobilised and arrangements made to meet.
- 7.7.3 There was a view expressed that the police should be able to limit television output, message services and social media to prevent incidents developing and spreading. However the Commission support the Riots Communities and Victims Panel view that social media also played a useful role in dissuading some people from joining the disturbances and providing reassurance to communities and that simply shutting down the networks is not a solution.

7.8 Public transport

- 7.8.1 Enfield Town is a transport hub with good road connections via the A10 and A406 to Haringey and central London; train services directly to Liverpool Street and Moorgate/Kings Cross; and bus services that link to central London, but also to the neighbouring boroughs of Haringey, Waltham Forest and Barnet.
- 7.8.2 Some people expressed the view that the police should have the power to stop public transport and be more proactive in using their power to block off roads if they felt that this would reduce the likelihood of disorder occurring.

7.9 The Riots Communities and Victims Panel

The Commission's findings demonstrate that the causes of the disturbances in Enfield and the reasons people took part are similar to those of the national Riots Communities and Victims Panel. The

Commission's findings and the following recommendations will be sent to the Riots Communities and Victims Panel to inform the final report and their recommendations for action and investment by central Government.

8. RECOMMENDATIONS

The Commission has considered a wide range of evidence and concluded that there was no single reason why the disturbances took place in Enfield in August 2011.

Although it would be unwise to think that any recommendations would prevent similar events occurring, the Commission believes that there are a number of key issues that, if addressed effectively, would significantly reduce the risk of recurrence and contribute to improving social cohesion, life opportunities and quality of life for Enfield residents.

8.1 POLICING

8.1.1 Police Service should:

- a. Review the pace at which recruitment and deployment of officers in Enfield has reflected the changing demographic profile of the Borough, and report back to the Council by September 2012 on the measures it is taking to achieve a workforce that is representative of Enfield's communities.
- b. Ensure that their approach to young people and adults in their twenties, including implementation of such measures as stop and search, is, as a general rule, proportionate, polite and that young people and adults in their twenties are treated with respect.
- c. Continue to support and develop the work of the Safer Schools Teams in raising awareness of crime, building positive relationships with young people and reducing the incidences of them becoming victims of crime.
- d. Include initiatives aimed at promoting the Police Service as a realistic career option for young people in their ongoing work with schools.
- e. Continue to support and develop the work of the Youth Engagement Panel.

8.1.2 The Council should:

- a. Continue to act as a bridge between the Police and young people and adults in their twenties, providing and promoting opportunities for engagement.
- b. Continue to actively encourage schools, youth services and young people's organisations to work closely with the Police and participate in the full range of initiatives on offer.

8.2 Police operations

- 8.2.1 The Commission found that the policing methods used by the Metropolitan Police Service, particularly in the build up to the events that took place in Enfield on August 7th, contributed to the seriousness and duration of the disturbances.
- 8.2.2 The Commission acknowledges that there are a number of national and regional reviews of how the disturbances were policed. However they recommend that the Metropolitan Police Service:
- a. Critically examines its strategic approach and preparedness for future disorder and puts in place appropriate early intervention measures to prevent gatherings escalating into more serious disturbances.
- 8.2.3 The Commission believes that the number of police officers allocated to Enfield by the Metropolitan Police Services is inadequate. Policing levels are significantly lower than in other areas with similar or lower crime levels. Enfield has at least 100 fewer officers than Haringey and slightly higher crime rates in areas of work which are particularly problematic, including serious youth violence.
- 8.2.4 The Commission supports the representations that have been made to the Metropolitan Police at ACPO level requesting a review of the Resource Allocation Formula which does not use current information and consequently disadvantages Enfield. Our population is changing rapidly and is diverse in ethnicity, poorer and younger, with complex needs.

8.3 THE COUNCIL

The Commission acknowledges that the Council and its partners are already engaged in delivering services and initiatives to address some of the recommendations, but believes that reviewing and amending existing initiatives and developing new approaches to service provision in the light of the evidence from the disturbances is crucial to building resilience and preventing future occurrences.

8.4 MARGINALISATION

- 8.4.1 A major finding of the Commission is that young people and adults in their twenties do not feel part of mainstream life in Enfield. The Commission also found that desire for the latest goods, lack of self esteem and greed were contributory factors in the looting that occurred during the disturbances.
- 8.4.2 In the light of these findings, the Council should review how it communicates and engages with young people of all ages; recognise their achievements and encourage them to take an active role in their

communities; find ways of building self-confidence; and work to improve opportunities for all Enfield's young people.

8.5 Communications

The Council should:

- a. Send a clear message that is core to all its interactions with young people that they are values and part of Enfield's future'. The Council should also connect more effectively with all social and age groups encouraging everyone to be part of a local, more cohesive community.
- b. Work with young people to develop a young people's communications plan. This would use print and social media of all kinds to target communications appropriately and promote young people's talents and achievements and the contribution they make to Enfield.
- c. Organise an annual programme of high profile young people's events to promote and showcase young people's talents and achievements, building on existing events.

8.6 Engagement with young people

The Council should:

- a. Continue to support and promote the Borough Youth Support Service and Enfield's Youth Parliament
- b. Undertake a comprehensive review of all youth activities taking place in Enfield to identify gaps or duplication and to ensure that young people across Enfield have access to the service's activities.
- c. Work with primary schools and the Voluntary and Community Sector to provide more activities for children aged 7-11.
- d. Invest more in street-based and estate youth workers to provide a visible presence where young people congregate, to engage and build positive relationships with young people, including those who are most disaffected.
- e. Continue to work closely with the police on further developing and promoting the work of the Youth Engagement Panel, young people who are trained to listen and provide advice and guidance to young people who feel they cannot talk to anyone else.
- f. Continue to support and promote Futureversity, the extensive annual programme of activities for young people that attracts around 700 participants in summer 2011.

- g. Work with schools and other services for children and young people to ensure that sufficient activities are available for young people during the school holidays

8.7 Learning, opportunities and employment

The Council should:

- a. Work with schools to ensure provision of a comprehensive approach to careers guidance that includes more appropriate and continuing work experience, wider volunteering opportunities, and job application coaching.
- b. Develop a range of incentives with key business partners to encourage the private sector to provide more apprenticeships, work experience and first opportunities for young people.
- c. Work with Headteachers to promote and establish work-related learning programmes tailored to the needs of less academic 14- to 16-year-olds.
- d. Work with the Youth Offending Service to identify young people with significant school exclusion records or moderate criminal records, with the aim of matching them to appropriate learning and job opportunities.
- e. Work with JobCentre Plus and other partners to organise and promote an annual programme of job fairs for young people of all ages and abilities.
- f. Work with strategic partners, including the further education colleges that serve the borough, training providers, local businesses and the Voluntary and Community Sector to develop a range of education and employment initiatives for young people aged 18-25 to improve skills, qualifications and employability.
- g. Develop a local volunteering and community activity scheme for all young people and adults up to the age of 25.
- h. Explore opportunities to work with the Prince's Trust and other external organisations to develop a range of initiatives to get young people and adults in their twenties into employment, education and training.

8.8 Citizenship

The Council should:

- a. Organise a citizenship week with schools, colleges and youth organisations to improve knowledge of how local and national government work and how people can get involved.

- b. Work with schools and the Youth Support Service to ensure that citizenship and the balance between individual rights and responsibilities are promoted in all Enfield's schools.
- c. Encourage more ward councillors to engage with local schools to enable young people gain a full understanding of how the Council operates and how they can be involved in decision-making.
- d. Encourage schools and young people's groups to apply to the Enfield Residents Priority Fund for projects that will improve their neighbourhoods.

8.9 School exclusions and poor attendance

- a. Initial findings from the Youth Offending Service surveys with young offenders indicate a link between school exclusions and participation in criminal activities. The Commission believes that the Council should:
 - b. Work with school governing bodies, through scrutiny, to review school exclusion policies in Enfield and agree a consistent approach aimed at achieving positive outcomes for all young people.
 - c. Encourage the Children and Young People Scrutiny Panel to review school exclusion figures in detail annually and make appropriate recommendations for action.
 - d. Provide support to the Youth Offending Service to review and further develop programmes aimed at reducing incidences of exclusion and reintegrating young offenders into appropriate learning settings or employment.
 - e. Encourage schools and the Education Welfare Service to sustain and further enhance their focus on pupils with poor attendance, to try and prevent such pupils from disengaging from school.

8.10 Parenting

8.10.1. The Commission considered evidence from a wide range of sources that highlighted the importance of good parenting as a key factor in reducing disaffection among young people, building self esteem and encouraging a positive view of society. The Commission, therefore, recommends that the Council should:

- a. Invest in parenting classes and individual support to parents across the Borough and encourage Enfield's Parent Engagement Panel (PEP) to facilitate appropriate training and

continue to act as parent Champions to promote the classes and the range of support available.

- b. Explore alternative funding strategies for the PEP after March 2013 when the Enfield Strategic Partnership funding ends, whether this is by providing mainstream council funding or securing external resources.

9. Next Steps

- 9.1 The Commission's findings and recommendations will be presented to Council at its meeting on Wednesday 25th January 2012.
- 9.2 If approved by Council, the Commission will monitor implementation of the recommendations Action plans, targets and milestones will be developed and evidence of full implementation or significant progress reported within a year.
- 9.3 Once approved, the Commission's report will be sent to the national Riots Victims and Communities Panel, to inform their final report, recommendations and subsequent Government action.
- 9.4 The Commission's work does not end with this report. Members will undertake prison visits to interview offenders and will meet again in six months time to review consider the data from offender surveys feedback from the prison visit.
- 9.5 The Commission supports the Council and local MPs' continuing campaign on 'grant damping', which means that high need authorities, such as Enfield, do not receive their full allocation. This means a loss of £15m resources in 2011/12 and a further £8m in 2012/13
- 9.6 The Commission recommends that representations be made to Government and the Riots Communities and Victims Panel for funding to support the recommendations in this report. The Council should also take advantage of any other external funding opportunities arising as a result of the riots.

MUNICIPAL YEAR 2011/2012 REPORT NO. **162**

MEETING TITLE AND DATE:

Cabinet 14th December 2011
Council 25th January 2012

JOINT REPORT OF:

Director - Environment and
Director of Finance,
Resources and Customer
Services

Agenda – Part: 1	Item: 9
<p>Subject: North London Waste Authority Levy Change and Household Waste and Recycling Centre Transfer</p> <p>KD No: 3414</p> <p>Wards: All</p>	
<p>Cabinet Members Consulted: Cllr Bond & Cllr Stafford</p>	

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1. EXECUTIVE SUMMARY

- 1.1 This report sets out the background to the North London Waste Authority (NLWA), the current statutory default levy arrangements and the proposed changes pending repeal of the Refuse Disposal (Amenity) Act 1978.
- 1.2 The report then explains the rationale for the recommendations going forward to:
 - 1.2.1 Vary the NLWA levy from 2012/13 by amending the Joint Waste Disposal (Levies) (England) Regulations 2006 (SI no 248)unanimously by Enfield and the six other constituent boroughs with regards to the costs for the Household Waste and Recycling Centres only.
 - 1.2.2 Agree to transfer the Household Waste and Recycling Centre to the NLWA, on appropriate Lease terms following the repeal of the Refuse Disposal (Amenity) Act 1978 from April 2012.

2. RECOMMENDATIONS

- 2.1 Members are recommended to approve the following resolution set out below, in order to vary the NLWA levy in respect of Household Waste and Recycling Centres only from the 2012/13 financial year.

“The London Borough of Enfield agrees that the revisions to the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006 as set out at Appendix 1 should apply to the apportionment of the North London Waste Authority levy with effect from 1st April 2012 until such time as a further resolution is agreed unanimously by this Council and the six other constituent councils of the North London Waste Authority and such further resolution becomes effective, or further statutory provisions take effect and supersede the Appendix.”

- 2.2 Members are recommended to agree to transfer a leasehold interest in the Household Waste and Recycling Centre at Barrowell Green to the NLWA on 1st April 2012 following the repeal of the Refuse Disposal (Amenity) Act 1978 from April 2012. This would be subject to securing assurances from the NLWA as set out in paragraph 3.20 delegated to the Director Environment and Cabinet Member for Environment.

3. BACKGROUND

- 3.1 The NLWA is a Statutory Joint Waste Disposal Authority (JWDA) for 7 North London boroughs. The NLWA area jointly disposes of almost one million tonnes of rubbish every year, making it the second largest waste disposal authority area in the country. The current waste disposal contract, awarded in 1994, expires in December 2014. The NLWA in partnership with the 7 Waste Collection Authorities (WCAs) is now in the process of procuring a replacement contract. The WCAs will not be a party to this contract but the terms of this contract will impact on the WCAs through their relationship with NLWA.
- 3.2 The replacement contract between NLWA and its contractor, yet to be appointed, will be to design, build and operate the new waste facilities

across North London which will require significant investment. Therefore due to the level of investment required the new contract is for up to 30 years. This duration of contract is normal for waste infrastructure projects and helps to smooth the capital repayment costs. The new proposed contract will replace the current facilities including the energy from waste facility with more sustainable waste solutions which will be brought forward by bidders through the invitation to submit detailed solutions and which will be designed to increase recycling, and mitigate the increasing cost of waste disposal due to landfill tax increases.

- 3.3 The replacement contract currently includes Household Waste and Recycling Centres (HWRCs), however there is the option not to award this element if it does not offer value for money and therefore not enter in to the lease.
- 3.4 To date, to progress the replacement waste disposal contract, the following has been approved by Cabinet:
- The formal adoption of the North London Joint Waste Strategy and retrospective environmental impact assessment
 - Enfield's Affordability envelope – a signed letter accepting and acknowledging each borough's share of the NLWA's future waste treatment costs based on a reference project and the associated waste collection costs.
 - The signed Memorandum of Understanding - a high level document that reflects many of the principles in the proposed IAA and which served to agree the Councils' (WCAs') intention to work with the NLWA and other six boroughs.
 - The Statement of Principles - that contained more specific principles to be included in a future IAA.
 - The Inter Authority Agreement (IAA) – the document will govern the interface between the NLWA and its seven WCAs with regards waste management over the life of the NLWA's proposed future waste management contracts. These contracts are currently in the process of being procured and are expected to last for 30 years.
- 3.5 Through the approval of the IAA the Council has agreed to decisions surrounding the following areas:
1. The responsibilities of each of the parties,
 2. How any changes will be managed,

3. How the costs of the services will be apportioned between the boroughs,
4. The requirement for the WCAs to meet a 50% recycling target
5. The tonnages each WCA is guaranteeing to deliver by waste stream, and
6. The transfer of HWRCs and the development of the HWRC network.

3.6. Of relevance in this report are points 3 and 6 above.

Current Levy / Charging Mechanism

3.7 The costs in relation to HWRCs can be split into three areas:

- a) Operational and maintenance costs
- b) Transport and disposal of residual waste
- c) Purchase of land for further / new sites

3.8 All HWRCs are currently operated by WCAs in line with their obligations under Section 1 of the Refuse Disposal (Amenity) Act 1978 (RDA). Each WCA currently pays for the operation and maintenance of its own sites.

3.9 The costs of transport and disposal of the residual waste from HWRCs is currently borne by the NLWA and levied to all WCAs based on their number of Council Tax band D equivalent properties (which is the default statutory position set out in the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006).

3.10 The costs of purchasing of land for further sites are currently borne by the WCA in which the site is going to be located.

IAA Charging Mechanisms for HWRCs

3.11 The IAA proposes a new method of cost apportionment which moves away from the default statutory position set out in the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006.

3.12 The IAA commits the signatory parties (of which Enfield is one) to changes in relation to the Levy by which the costs of the NLWA's activities are recovered from the WCAs in relation to HWRCs controlled by the NLWA. The IAA draft currently requires that the costs of these will be apportioned based on a periodic visitor survey, and the costs of transporting and disposing of residual waste from those WCAs that do not transfer their sites is apportioned on the same basis.

- 3.13 The IAA requires these changes to be introduced at Service Commencement (i.e. the date at which the first new facility for the receipt of waste delivered by the Constituent Boroughs is commissioned under the NLWA's new contract) which is expected to be in 2016/17. The IAA reflects that the current default levy arrangements would apply prior to this date with a mechanism available for this to be varied in the interim if the required unanimous agreement can be reached.
- 3.14 However to achieve this, unanimous agreement is required from all 7 WCAs (Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest), in the form of a Council Resolution. To date all WCAs with the exception of Barnet have agreed this and subject to Barnet's approval this will take effect from the commissioning of the first facility which is anticipated to be in 2016/17.
- 3.15 Payment under the IAA is structured as follows:
- WCAs will continue to pay the levy in accordance with the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006 until 1st April 2012. This method applies a flat rate per tonne which does not reflect the actual treatment cost per tonne of household waste and then all other costs (administration and HWRC residual waste) are apportioned via the number of council tax band D properties in each borough each year.
 - If agreed by the parties until the date that the 'Charging Mechanism' comes into effect (which is on service commencement, which is anticipated to be 2016), Transitional Menu Pricing (TMP) may take effect. This is defined as a transitional recharge arrangement for the recovery of the NLWA's costs from the WCAs based on a menu of costs which will be considered in good faith by the NLWA and the WCAs. The detail of this in relation to HWRCs is set out in this report and if agreed by all boroughs through Council Resolutions will form part of Schedule 4.
- 3.16 This report neither recommends nor seeks approval to any other transitional charging beyond HWRCs to be included in schedule 4 of the IAA.

Transfer of Household Waste and Recycling Centres (HWRCs)

- 3.17 As currently drafted in the IAA, the WCAs agree to transfer the HWRCs to the NLWA by April 2012 if listed in Schedule 5. Barrowell Green is currently listed. However a final decision on this has not been made pending further information regarding the proposed service provision and cost apportionment.

- 3.18 In addition the Government has clearly set out its intention to repeal section 1 of the Refuse Disposal (Amenity) Act 1975 (RDA) from the 1st April 2012. This will remove the duty for WCAs to run HWRCs. NLWA have a duty to arrange for places to be provided for residents to dispose of their household waste under section 51 of the Environmental Protection Act 1990.
- 3.19 Due to the pending repeal of the RDA 1975, the desire to manage the HWRC network under one arrangement for consistency across the network and economies of scale ahead of the main contract in 2016/17, options have been considered by the NLWA in consultation with borough officers to try to achieve this.
- 3.20 Subject to the following assurances from NLWA that:
- a) The same service level provision in the interim years, for example opening hours and range of materials to be recycled
 - b) NLWA or its subtenant will maintain the site in a reasonable state of repair throughout the period of the Lease,
 - c) the operational costs of the service will offer better value for money or the same as they currently are in the interim period
 - d) The terms of the Lease of Barrowell Green Recycling Centre are acceptable to this Council.
- 3.21 It is proposed that the HWRC is transferred to the NLWA by a lease excluded from the security of tenure provisions of the Landlord & Tenant Act 1954 at a peppercorn rent for the term of the contract as set out in the IAA. Transfer of HWRC operations is under the following provisions:
- The site is to be used for waste management only
 - The transfer is on the basis of a lease at a peppercorn rent closely linked to the Waste Management Contract duration.

Proposal to vary the Levy for HWRCs from 2012/13 until the IAA

- 3.22 At a meeting of Directors of Environment and Finance from the Constituent Boroughs on 13th October 2011 the Directors formed an officer consensus to propose to vary the levy for HWRC's only from 2012/13 until service commencement of the main replacement contract anticipated to be 2016/17 as follows to ensure the minimal budgetary impact and the maximum budget certainty:
- 3.22.1 All costs in relation to the transport and disposal of residual waste to be apportioned based upon the proportion of Council Tax Band D equivalent properties (both for sites in the NLWA's control and those that continue to be operated by constituent Boroughs);

- 3.22.2 All other costs in relation to existing sites (including planning, construction, equipping and operation of HWRCs, including staffing, utilities, premises, reuse, recycling, composting (costs and/or income)) are apportioned in accordance with the constituent council within which each HWRC is situated; and
- 3.22.3 That the costs of the NLWA's proposed freehold purchase of land at Cranford Way from Haringey to construct a replacement for an existing HWRC within the Borough are apportioned based upon the results of a recent visitor survey at the nearby site that the proposed Cranford Way HWRC is proposed to replace. After Service Commencement any costs of land at Cranford Way will be apportioned in line with the IAA.
- 3.23 The details of this and the amendments are set out in Appendix 1.
- 3.24 The following apportionment will apply both during the interim period as set out above and after service commencement. They will be reflected as such in the IAA:
- 3.24.1 With the exception of the land at Cranford Way, all of the costs (including the freehold or leasehold purchase of land) in relation to any new HWRCs are levied based upon the proportion of the total households from each WCA within a two mile radius of that site. After the site is operational a new visitor survey will be undertaken and the above costs will be apportioned in accordance with it for the next financial year. The visitor survey will in any case be updated periodically by the NLWA. The proportion of costs relating to visitors from outside of the NLWA area will be borne by the WCA in which the HWRC is situated as it can reasonably be expected those boroughs will have some residents using sites outside the NLWA area at no cost to the NLWA. This is broadly reflected at present in the draft IAA in relation to all sites post-service commencement will be amended accordingly to reflect this more defined approach.
- 3.24.2 The IAA reflects that existing sites will be transferred to the NLWA on a leasehold basis at peppercorn rent. It is therefore proposed so that the IAA can be promptly executed that the levy is varied to reflect that any premises costs such as rent that are charged by any WCA is levied in full from that WCA by the NLWA to neutralise it.
- 3.25 By agreeing the revision to the JWDA's Regulations 2006 in this report for the levying of HWRC costs from 2012/13 this will provide boroughs with the flexibility to transfer their sites at the most suitable time over the coming years without being financially disadvantaged during the years they continue to operate them directly or through existing contracts.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to agree to amend the Levy and continue with the statutory default until the IAA becomes effective. The default position in relation to the levying of HWRC costs in NLWA control is that all costs would be levied in relation to the proportion of Council Tax Band D equivalent properties, including those WCAs that do not transfer HWRCs to the NLWA in that year. The costs in relation to any sites still under the control of a WCA would continue to be borne by that WCA as they are currently. Therefore, under this arrangement there will not only be considerable shifts in the amount that each WCA pays for the service against the current pattern but any WCA that do not transfer their HWRCs will not only solely bear the operating costs of any such sites but also a proportion of the operating costs of any sites that do transfer based on their proportion of Council Tax Band D properties.
- 4.2 To agree to the amendment to the levy but not to transfer the HWRC until 2016/17 or service commencement.

5. REASONS FOR RECOMMENDATION

- 5.1 The variations allow the costs of HWRCs operated by the NLWA to be levied broadly in line with how the costs currently fall whilst they are in WCA control, and for any land purchased for the development of new HWRCs to be apportioned based on the anticipated and surveyed number of visitors to that site from each WCA.
- 5.2 The proposal also allows for boroughs to transfer sites gradually rather than with an ultimate date of April 2012 as contracts end. The current levy arrangements would financially penalise boroughs in this respect.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 The proposed amendments to the levy in respect of HWRCs as set out in this report are designed to allow authorities to transfer their HWRCs to the NLWA with minimal disruption to their current budgetary positions. The rationale for this approach is set out in the report.
- 6.1.2 The proposed transitional arrangement will be effective from April 2012 up until service commencement (2016/17). After that, if all seven boroughs sign up to the IAA, then all future costs associated with HWRCs will be apportioned on the basis of visitor survey.

- 6.1.3 The NLWA estimates that purchase of the Land at Cranford Way will cost Enfield a maximum £89 per annum.

6.2 Legal Implications

- 6.2.1 NLWA is established as a London Waste Disposal Authority under Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985. Schedule 1 lists Enfield as one of seven Constituent Councils of the NLWA.
- 6.2.2 The Council has a duty to deliver for disposal all waste which is collected by the Council to places that the NLWA directs under section 48(1) of the Environmental Protection Act 1990 (the EPA). This does not include any waste that the Council has made arrangements for the recycling of (section 48(2) of the EPA).
- 6.2.3 Any contract that the NLWA enters into for the disposal of waste delivered to it by the WCAs will impact upon the Council. This is because the Council will have to pay the NLWA for services delivered under the waste services contract (for greater detail on this, please see the financial implications above). As the Council will not be a party to the contract that the NLWA enters into, following on from the current procurement exercise, the IAA provides an interface between the NLWA and the WCAs concerning the waste disposal contract including payment and the HWRCs.
- 6.2.4 With reference to the proposed lease of Enfield's HWRC, the Council must comply with the provisions of s123(1) of the Local Government Act 1972. Under this section the Council has the power to dispose of land held by it in any manner it wishes. Under sub-section (2) the council is required to obtain the Secretary of State's consent unless it is intending to dispose the land by way of a short tenancy, i.e. a tenancy which is for a term not exceeding seven years. The proposed lease is for a term of 30 years therefore the consent may be required.
- 6.2.5 It is for the Council to decide whether any proposed disposal requires specific consent under the 1972 Act, since the Secretary of State has no statutory powers to advise authorities that consent is needed in any particular case. Property Services has advised at paragraph 6.3.3 that the transfer by way of lease for a peppercorn represents a disposal for best consideration reasonably obtainable given the proposals set out at paragraphs 3.20 and 3.21. As such, in these circumstances the disposal of the land by way of lease is not considered to require the consent of the Secretary of State.

- 6.2.6 Before entering in to the lease the Council must carefully consider the terms of a proposed lease to NLWA to ensure that those items in paragraph 6.3.3.3 are addressed. The Council should ensure that the heads of terms of the proposed lease are agreed as soon as possible and the disposal complies with the Council's Property Procedure Rules.
- 6.2.7 In respect of the acquisition of property the Council has the power to acquire by agreement interests in land under s.120 of the Local Government Act 1972 for the purposes of any of their functions or for the benefit, improvement or development of the area. Any such acquisition should be in consultation with Property Services and be accordance with the Council's Property Procedure Rules.

6.3 Property Implications

- 6.3.1 Any transfer of the Council's property must accord with the 'best value' principle and the Council's Property Procedure Rules. It is understood that the proposed transaction is essentially a contract for the provision of a service (waste disposal) by a contractor partner (yet to be appointed), which will utilize the existing Waste Recycling Centres, belonging to the seven constituent Boroughs, by means of leases. The contractor will only be able to use these sites to perform its contract with these Boroughs.
- 6.3.2 The two property issues to be considered in this proposed transaction by this Council are a) the Leasing of Barrowell Green Recycling Centre to the NLWA which will sublease it to the successful operator following a tender process and b) the reference to the NLWA purchasing additional sites, including any additional site within this Borough.
- 6.3.3 a) The Leasing Issues:
- 6.3.3.1 It is understood that the seven constituent Boroughs have agreed in principle already, via the IAA, that each Recycling Centre will be leased to the NLWA and the future subtenant, at peppercorn rents, rather than the existing use market rents. It is assumed that the premise for this is that the contractor would merely pass on the rental charges to the NLWA which would add this to the levy charged to the Boroughs.
- 6.3.3.2 Provided that the Lease of Barrowell Green Recycling Centre and the other sites are completely tied into the Waste Management Contract, it is reasonable to state that this proposed disposal at a peppercorn rent is at the best consideration reasonably obtainable in the circumstances and this is in tandem with the IAA Agreement.

6.3.3.3 However, the other terms of the proposed draft lease, which has been forwarded to Legal and Property Services, cannot be recommended for agreement, without substantial amendment. Such terms include
i) the length of lease to be granted together with break clauses (if appropriate), ii) responsibilities for operational costs iii), the ability or otherwise to assign or sublet the lease, iii) the condition of the premises upon handover together with repairing and maintenance responsibilities, iv) the way in which capital improvements should be treated at the end of the lease in term, v) user clauses controlling the days/hours of use and the precise use of the site itself, and other terms usually found within a commercial lease.

6.3.4 These other terms of the Lease will need to be negotiated in order that officers confirm that they are the best terms reasonably obtainable.

6.3.5 b) Purchase of additional sites

Section 3.24 of this Report and other supporting information, refers to the possible purchase of additional freehold or leasehold sites in due course. If, for example, this occurs in this Borough, it is understood that this Council would have to pay most of the acquisition cost, but would not be able to negotiate the purchase of the site and the site would not belong to this Borough at the end of the 30 year Waste Management Contract. The details of this proposed arrangement require further investigation.

6.3.6 It is recommended that agreement to the final Lease and Contract terms, in so far as they relate to This Council, should be delegated to the Director – Environment and Director of Finance and Corporate Resources and Customer Services, in consultation with the Cabinet Member for Environment and Cabinet Member for Finance and Property.

7. Human Resources Implications

Consultation has already taken place with staff currently employed at the Recycling Centre, and this consultation should be regular and ongoing. Where TUPE applies, the Council will act in accordance with TUPE regulations.

8. KEY RISKS

It is important that the Council along with the other 6 boroughs in the NLWA approve the recommendation to vary the levy so that Enfield has the flexibility to transfer Barrowell Green at the appropriate time, rather than with an ultimate date of April 2012 which through the current levy arrangements could financially penalise Enfield and the other boroughs in this respect.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

The variation to the levy and the transfer of the site has no direct implications relating to fairness and equality, but should help ensure that all Enfield residents receive an efficient waste collection and recycling service in future years.

9.2 Growth and Sustainability

The transfer of the HWRC site should deliver economies of scale and enhanced performance and so seeks to support the reduction in waste and increases in recycling in North London.

9.3 Strong Communities

None.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 The NLWA and WCAs agree to the 50% recycling target for 2020 and that 40% will arise from WCAs waste collection systems whilst 10% will come from NLWA's waste services contract which includes HWRC's.

10.2 In Enfield, through the roll out of the wheeled bin service borough wide which will be complete by autumn 2012 this target is achievable, based on the roll out to date.

Background Papers

Report No.206 - Approval of the Inter Authority Agreement Statement of Principles between the North London Waste Authority and Enfield Council (Cabinet – 13th July 2011 - KD 3277).

Glossary

ISOS	Invitation to Submit Outline Solutions
ISDS	Invitation to Submit Detailed Solutions
CFT	Call for final Tenders
IAA	Inter Authority Agreement
WCA	Waste Collection Authority
NLWA	North London Waste Authority
SRF	Solid Recovered Fuel

TMP
HURC
GMT
MTG

Transitional Menu Pricing
Household Waste and Recycling Centre
Guaranteed Minimum Tonnage
Minimum Tonnage Guarantee

 STATUTORY INSTRUMENTS

**Appendix 1 - Alternative Form of Levy Regulations to be
adopted by NLWA constituent authorities
LOCAL GOVERNMENT, ENGLAND**

FINANCE

The Joint Waste Disposal Authorities (Levies) (England)
Regulations 2006 **No. 248**
(As amended for the NLWA area)

*Made - - - - 6th February 2006
Laid before Parliament 8th February 2006
Coming into force - - 1st March 2006*

The Secretary of State for the Environment, Food and Rural Affairs makes the following Regulations in exercise of the powers conferred by sections 74 and 143(1) and (2) of the Local Government Finance Act 1988(a).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Joint Waste Disposal Authorities (Levies) (England) Regulations 2006 and come into force on 1st March 2006.

(2) These Regulations apply to England only.

(3) In these Regulations—

“the 1985 Order” means the Waste Regulation and Disposal (Authorities) Order 1985(b);

“the 1992 Regulations” means the Levying Bodies (General) Regulations 1992(c);

“constituent council” means, in relation to a joint waste disposal authority, a council specified in relation to that authority in Schedule 1 to the 1985 Order;

“financial year” means any period of twelve months beginning with 1st April;

“joint waste disposal authority” means any of the authorities established under the 1985 Order and named in Schedule 1 to that Order.

(a) 1988 c. 41. Section 74 was amended by the Local Government Finance Act 1992 (1992 c. 14), sections 117(1) and Schedule 13 paragraph 72(1) and (2), the Local Government (Wales) Act 1994 (1994 c. 19), section 20(4) and Schedule 6, paragraph 21, the Environment Act 1995 (1995 c. 25), section 120 and Schedule 1, the Greater London Authority Act 1999 (1999 c. 29), section 105, the Criminal Justice and Court Services Act 2000 (2000 c. 43), section 74 and Schedule 7, Part II, paragraphs 84 and 85, the Courts Act 2003 (2003 c. 39), section 109(1), and Schedule 8, paragraph 305(a), the Regional Assemblies (Preparations) Act 2003 (2003 c. 10), section 17(6) and paragraphs 3(1) and (2) of the Schedule, and the Fire and Rescue Services Act 2004 (2004 c. 21), section 53(1) and Schedule 1, paragraph 68(1) and (2). The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2, Schedule 1.

(b) S.I. 1985/1884, amended by the Radioactive Substances Act 1993 (1993 c. 12), section 50 and Schedule 6, Part IV, S.I. 1986/564 and 2001/1149.

(c) S.I. 1992/2903 amended by S.I. 2001/3649.

Scope

2. These Regulations apply in relation to levies—

- (a) issued by joint waste disposal authorities; or
 - (b) anticipated by constituent councils of joint waste disposal authorities,
- in respect of any financial year beginning on or after 1st April 2006.

Levies

3.—(1) A joint waste disposal authority may, in accordance with these Regulations, issue levies on its constituent councils to meet all liabilities falling to be discharged by it for which no provision is otherwise made.

(2) A levy on a constituent council shall be issued by giving the council a demand stating the date or dates on or before which a payment or payments in respect of the levy are required to be made and the amount of that payment or each of those payments.

(3) Subject to paragraph (4) the demand shall be given before 15th February in the financial year preceding that to which the levy relates.

(4) In relation to a levy for the financial year beginning on 1st April 2006, the demand shall be given before 3rd March 2006.

(5) The failure by a joint waste disposal authority to give a demand before the dates specified in paragraphs (3) and (4) shall not render the demand invalid because it is issued on or after those dates.

Apportionment of levies

4.—(1) Subject to regulation 5, the amount to be levied by a joint waste disposal authority in respect of any financial year from each of its constituent councils shall be determined by apportioning the total amount to be levied by that authority in that year between those councils as follows—

- (a) in such proportions as all the constituent councils may agree; or
- (b) in the absence of such agreement, by a combination of the following proportions—
 - (i) the costs incurred by the joint waste disposal authority in the disposal or treatment of household waste delivered to it by its constituent councils shall be apportioned between the constituent councils in proportion to the tonnage of household waste delivered by each of these councils to the joint waste disposal authority within the last complete financial year for which data are available;
 - (ii) the costs incurred by the joint waste disposal authority in the disposal or treatment of business refuse that is deposited at places provided by the constituent councils under section 1 of the Refuse Disposal (Amenity) Act 1978(a) shall be apportioned between the constituent councils in proportion to the tonnage of business refuse deposited at such places within the area of each of these councils within the last complete financial year for which data are available; ~~and~~
 - (iii) the costs incurred by the joint waste disposal authority in the planning, construction, equipping and operation of sites provided under section 51(1)(b) of the Environmental Protection Act 1990 (HWRCs), including contract payments, staffing, utilities, premises, reuse, recycling, composting (costs and/or income) and relevant management costs, but excluding the cost of removing residual waste and its disposal (the authority's duty under the Refuse Disposal (Amenity) Act 1978), shall be apportioned between those constituent councils in whose area an HWRC is situated proportionate to the authority's relative costs applicable to each HWRC, such that the authority's above costs of each HWRC are paid in full by the constituent council in which it is situated.
 - (iv) the costs incurred by the joint waste disposal authority in the purchasing of Cranford Way HWRC shall be apportioned between the constituent councils in the following proportions:

Barnet	0.61%
Camden	0.04%
Enfield	0.38%
Hackney	0.19%
Haringey	97.89%
Islington	0.80%
Waltham Forest	0.08%

(v) the costs incurred by the joint waste disposal authority in the purchasing of any further HWRCs shall be apportioned between the constituent councils in proportion to the number of households in each constituent council that exist within a two-mile radius of the entrance to the HWRC until a visitor survey has been undertaken by the Authority. Once a visitor survey has been undertaken by the Authority for any such HWRC the costs as at clause (iii) above shall be recovered from the constituent councils from the next financial year onwards in proportion to such visitor survey; visitors from outside the Authority's area shall be treated as visitors from the borough in which the HWRC is situated. Further visitor surveys may be undertaken by the Authority in future years, which shall be used in place of previous visitor surveys from the financial year after they are undertaken, including for the avoidance of doubt Cranford Way; and

(vi) ~~(iii)~~ all other costs not falling within paragraphs (i) ~~or~~ (ii) (iii) (iv) or (v), shall be apportioned between the constituent councils by reference to the relevant proportion.

(2) For the purposes of paragraph 1(b) (vi) ~~(iii)~~, "the relevant proportion" is the relevant proportion determined in accordance with paragraphs (5) to (7) of regulation 6 of the 1992 Regulations but as if, in those paragraphs, the references to —

(a) "levying body" were references to a joint waste disposal authority; and

(a) 1978 c.3. Section 1 has been prospectively repealed, in relation to England and Wales, by the Environmental Protection Act 1990 (1990 c.43) section 162 and Schedule 16, Part II, as from a day to be appointed. Amended by the Environmental Protection Act 1990, section 162, Schedule 15, paragraphs 19(2) and (3) and S.I. 1985/1884. Modified, in relation to the area of a London waste disposal authority, by S.I. 1985/1884.

(b) “relevant authority” and “billing authority” were references to a constituent council.

(3) Where paragraph (1)(b) applies to the determination of a levy to be issued in respect of any financial year beginning on or after 1st April 2007, a constituent council shall, within the period beginning on 1st December and ending on 31st January in the financial year preceding the financial year in respect of which the levy is to be issued, inform the joint waste disposal authority of—

- (a) the tonnage of household waste delivered to the joint waste disposal authority for disposal or treatment within the last complete financial year for which data are available;
- (b) the tonnage of business refuse that was deposited at places provided by the constituent council under section 1 of the Refuse Disposal (Amenity) Act 1978 within the last complete financial year for which data are available; and
- (c) the council tax base, determined in accordance with paragraphs (6) and (7) of regulation 6 of the 1992 Regulations, for its area, in respect of which a levy will be issued or it anticipates that a levy will be issued in the immediately following financial year.

(4) In this regulation—

“household waste”, has the same meaning as in section 75 of the Environmental Protection Act 1990(a);

“business refuse” means refuse falling to be disposed of in the course of a business, and

“refuse” has the same meaning as in section 1(7) of the Refuse Disposal (Amenity) Act 1978.

Special provisions relating to the Greater Manchester Waste Disposal Authority

5.—(1) The amount to be levied by the Greater Manchester Waste Disposal Authority in respect of any year from the council of the metropolitan district of Wigan shall not include any amount relating to the Authority’s waste disposal functions and, accordingly, that amount shall be borne by the other constituent councils of the Authority in such proportions as they may agree or, in default of agreement, in the proportions specified in regulation 4(1)(b).

(2) In this regulation, “waste disposal functions” means functions vested in the Greater Manchester Waste Disposal Authority by virtue of regulation 5 of, and Schedule 2 to, the 1985 Order which are not exercisable by the Authority in the metropolitan district of Wigan.

Interest on unpaid levies

6.—(1) Where any amount of a levy is not paid by the due date for payment specified in the demand issued under regulation 3, the constituent council shall be liable to pay to the joint waste disposal authority interest, calculated in accordance with paragraph (2), on the amount of the levy issued under these Regulations which remains unpaid after the due date for payment.

(2) The interest payable under paragraph (1) shall be simple interest calculated from day to day on the unpaid amount from the due date for payment until the date when payment is made at a rate equivalent to 2 per cent. above the highest base rate quoted from time to time by any of the reference banks.

(3) For the purposes of paragraph (2) “reference banks” shall be interpreted in accordance with paragraphs (3) to (5) of regulation 10 of the 1992 Regulations (interest on unpaid levies).

(a) 1990 c.43, Section 75 was amended by the Environment Act 1995 (1995 c. 25) section 120(1) and (3), Schedule 22, paragraphs 88 (1) to (4) and Schedule 24. There is other amending legislation in relation to Scotland. Modified by S.I. 1994/1056, regulation 19, Schedule 4, Part I, paragraph 9, to include “Directive waste” as defined in regulation 1(3), Schedule 4, Part II of those Regulations.

Anticipation of levies

7.—(1) A constituent council making calculations in accordance with section 32 or, as the case may be, section 43 of the Local Government Finance Act 1992^(a) (“the calculations”) for a financial year (“the year”) may anticipate a levy to be issued on it in accordance with these Regulations for the year by a relevant joint authority in any case where—

(a) such a levy has not been issued by the relevant joint authority on the constituent council at the time the calculations are made; and

(b) the relevant joint authority issued a levy for the preceding financial year.

(2) Subject to paragraph (3), where pursuant to paragraph (1) a constituent council anticipates a levy to be issued by a relevant joint authority for the year, the amount of the levy so anticipated shall be equal to the constituent council’s estimate, at the time the calculations (or last calculations) are made, of the amount of the levy which it considers likely will be issued on it for the year by the relevant joint authority.

(3) Where a levy has previously been anticipated by a constituent council for the purposes of the calculations for the year, the amount of the levy which may be anticipated by the constituent council for the purposes of any substitute calculations for the year shall be equal to the amount previously anticipated.

(4) Notwithstanding that a constituent council making calculations for a financial year anticipated a levy to be issued on it in accordance with these Regulations by a relevant joint authority—

(a) where the relevant joint authority issues a levy on the constituent council in accordance with these Regulations, the constituent council shall pay to the relevant joint authority a sum equal to the amount of the levy; and

(b) where the relevant joint authority does not issue a levy on the constituent council in accordance with these Regulations, the constituent council shall not be liable to pay any sum to the relevant joint authority only by virtue of having anticipated a levy from the relevant joint authority.

(5) In this regulation, a “relevant joint authority”, in relation to a constituent council, means a joint waste disposal authority with power under these Regulations to issue a levy on that council.

Transitional provisions

8.—(1) Save as provided in paragraph (2), the 1992 Regulations shall cease to apply to levies issued or anticipated in accordance with these Regulations in respect of any financial year beginning on or after 1st April 2006.

(2) In relation to levies issued or anticipated in respect of the financial years beginning on 1st April 2006 and on 1st April 2007—

(a) regulation 4 of these Regulations (apportionment of levies) shall apply to the levies issued by the joint waste disposal authorities specified in the first column of the Schedule to these Regulations in the proportions specified in the second column of that Schedule for each of those financial years; and

(b) regulation 6 of the 1992 Regulations (apportionment) shall continue to have effect in relation to the proportion of the levy not covered under sub-paragraph (a).

^(a) 1992 c.14. Sections 32 and 43 were amended by the Police Act 1997 (1997 c. 50), section 134(1), Schedule 9, paragraphs 67 and 68(2) and (3), the Criminal Justice and Police Act 2001(2001 c. 16), section 137, Schedule 7, Part 5(1), the Local Government Act 2003 (2003 c. 26), section 127(2), Schedule 8, Part 1, the Serious Organised Crime and Police Act 2005, section 174(2), Schedule 17, Part 2 and S.I. 1994/246, 1995/234, 1996/56, 1999/296, 2000/717, 2005/190. There is other amending legislation in relation to Wales. Modified by S.I. 1993/22, 1995/161 and 1995/2889. Section 43 is disapplied by the Greater London Authority Act 1999 (1999 c. 29), section 85.

6th February 2006

Ben Bradshaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 8(2)

TRANSITIONAL ARRANGEMENTS

<i>JOINT WASTE DISPOSAL AUTHORITIES</i>	<i>PROPORTION OF THE TOTAL LEVY FOR 2006 AND 2007 TO WHICH REGULATION 4 APPLIES</i>
North London Waste Authority West London Waste Authority Western Riverside Waste Authority Merseyside Waste Disposal Authority	33.3% for the financial year beginning on 1st April 2006 66.6% for the financial year beginning on 1st April 2007
Greater Manchester Waste Disposal Authority	50% for the financial year beginning on 1st April 2006 75% for the financial year beginning on 1st April 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations confer a power on joint waste disposal authorities established under the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884) (the “1985 Order”) to issue levies on their constituent councils for the purpose of meeting their expenses in respect of financial years beginning on or after 1st April 2006 where, but for section 117 of the Local Government Finance Act 1988 (rates and precepts: abolition), they would have a power under article 7 of the 1985 Order (levies) to require the councils to pay those expenses. These Regulations apply to England only.

The Regulations include provisions as to when levies are to be issued (regulation 3), the apportionment of levies between authorities (regulation 4) as well as special provisions for the Greater Manchester Waste Disposal Authority (regulation 5). The Regulations also make provision for interest on unpaid levies (regulation 6) and the anticipation of levies (regulation 7).

Regulation 8 includes transitional provisions providing for the Levying Bodies (General) Regulations 1992 (S.I. 1992/2903) to cease to apply to levies issued or anticipated by joint waste disposal authorities in respect of any financial year commencing on or after 1st April 2006 except as specified in that regulation and the Schedule to the Regulations.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of business.

STATUTORY INSTRUMENTS

2006 No. 248

LOCAL GOVERNMENT, ENGLAND

FINANCE

The Joint Waste Disposal Authorities (Levies) (England)
Regulations 2006

(as amended for the NLWA area)

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Appendix 2 – Indicative Costs of HWRC Levy Options

Using site operating costs as advised by Borough Technical Officers (as of 05 October 2011), and finalised visitor survey results (June - October 2011)

	Summers Lane, Barnet IS transferred		Summers Lane, Barnet IS NOT transferred*			
	Financial Status Quo	Visitor survey	Default Council Tax	Financial Status Quo	Visitor survey	Default Council Tax
	Option 1a	Option 2a	Option 3a	Option 1b	Option 2b	Option 3b
Operating costs:	New levy arrangements required. Operating costs of each site paid by host borough to NLWA through new, amended levy arrangements, net effect neutral relative to current position	New levy arrangements required. Operating costs of each site paid to NLWA by each borough according to new Visitor Survey. New levy arrangements required	Use existing default levy; no change required. Operating costs of each site paid by boroughs to NLWA according to current Council Tax levy arrangements	New levy arrangements required. As at Option 1a except that NLWA bears no operating costs for Summers Lane as it has been retained by Barnet. Barnet pays its costs of operating Summers Lane separately.	New levy arrangements required. As at Option 2a except that NLWA bears no operating costs for Summers Lane as it has been retained by Barnet. Under the Visitor Survey Barnet is treated as if outside the NLWA area as Barnet pays its costs of operating Summers Lane separately.	Use existing default levy; no change required. As at Option 3a except that Barnet continues to pay a proportion of all other site operating costs according to current Council Tax levy arrangements. It also pays its costs of operating Summers Lane separately.
Disposal costs:	Disposal paid to NLWA according to current Council Tax levy arrangements, as at present.	Disposal paid to NLWA according to new levy arrangements based on Visitor Survey.	Disposal paid to NLWA according to current Council Tax levy arrangements.	Disposal paid to NLWA according to current Council Tax levy arrangements	Disposal paid to NLWA according to new levy arrangements based on Visitor Survey of all sites (incl Barnet, as NLWA is still arranging disposal).	Disposal paid to NLWA according to current Council Tax levy arrangements
Balance of OPERATING costs						
Barnet**	£617,654	£562,846	£611,631	£0	£0	£483,454
Camden	£327,237	£316,386	£423,062	£327,237	£317,650	£334,403
Enfield**	£472,855	£492,137	£482,685	£472,855	£481,783	£381,531
Hackney	£0	£112,723	£333,251	£0	£111,190	£263,413
Haringey	£462,210	£502,807	£379,122	£462,210	£460,176	£299,671
Islington	£242,136	£206,466	£385,259	£242,136	£204,826	£304,522
Waltham Forest	£825,210	£753,938	£332,292	£825,210	£754,024	£262,655
TOTAL	£2,947,302	£2,947,302	£2,947,302	£2,329,648	£2,329,648	£2,329,648
Balance of DISPOSAL costs						
Barnet	£651,886	£489,254	£651,886	£651,886	£490,914	£651,886
Camden	£450,906	£305,276	£450,906	£450,906	£307,438	£450,906
Enfield	£514,453	£995,263	£514,453	£514,453	£996,297	£514,453
Hackney	£355,184	£100,661	£355,184	£355,184	£100,767	£355,184
Haringey	£404,074	£438,286	£404,074	£404,074	£434,084	£404,074
Islington	£410,615	£289,146	£410,615	£410,615	£288,189	£410,615
Waltham Forest	£354,162	£523,395	£354,162	£354,162	£523,591	£354,162
TOTAL	£3,141,281	£3,141,281	£3,141,281	£3,141,281	£3,141,281	£3,141,281
Sum of operating AND disposal costs						
Barnet*	£1,269,540	£1,052,100	£1,263,517	£0	£0	£1,135,340
Camden	£778,143	£621,661	£873,968	£778,143	£625,088	£785,309
Enfield**	£987,308	£1,487,400	£997,138	£987,308	£1,478,080	£895,984
Hackney	£355,184	£213,384	£688,435	£355,184	£211,957	£518,597
Haringey	£866,284	£941,094	£866,284	£866,284	£894,260	£703,746
Islington	£652,751	£495,611	£795,874	£652,751	£493,015	£715,137
Waltham Forest	£1,179,372	£1,277,333	£686,454	£1,179,372	£1,277,615	£516,817
TOTAL	£6,088,583	£6,088,583	£6,088,583	£5,470,929	£5,470,929	£5,470,929

*If Barnet's HWRC (Summers Lane) is not transferred (Options 1b, 2b, 3b), Barnet incurs the costs of operating Summers Lane in addition to the sums levied by the NLWA as shown in this table (£617,654 in this model)

** Excludes £150,000 as the forecast cost for a one-off repair to the concrete at Barrowell Green, as advised by LBE - or appropriate share thereof.

Cost of transport and disposal is calculated as the average cost of disposal for each site in the 2011/12 NLWA budget x residual tonnage and then apportioned according to the visitor survey results.

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MUNICIPAL YEAR 2011/2012 REPORT NO. 160A

MEETING TITLE AND DATE:

**Cabinet – 14 December
2011**

**Council – 25 January
2012**

REPORT OF:

Director of Finance
Resources and Customer
Services

Agenda – Part: 1	Item: 10
Subject: Concessionary Travel Policy	
Wards: All	
Cabinet Member consulted: Cllr Chris Bond	

Contact officer and telephone number:

James Rolfe – 020 8379 4601

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

1. EXECUTIVE SUMMARY

Enfield currently does not have a policy covering the concessionary travel service. This policy clearly outlines the processes used to determine the eligibility of those customers who do not automatically qualify for travel concessions (Blue Badge/Disabled Persons Freedom Pass/Taxicard), and clearly sets out the whole processes used within the service. This policy is based on legislation set out by the Department for Transport and the Transport Act 2000.

This policy does not amend or change any processes/practices we currently have in place.

2. RECOMMENDATIONS

- 2.1 To approve the Concessionary Travel policy and to implement the same with immediate effect.

Please note as members have already received a copy of the Policy document with the Cabinet agenda for December a copy has not been circulated with the Council agenda. If required, copies of the document have been left in the Members Library and Group Offices or can be obtained from the Governance Team Manager.

3. BACKGROUND

The London Borough of Enfield provides the following concessionary transport services for eligible residents:

Freedom Pass: The scheme allows free travel on buses, tube, national rail (London network), DLR and Tramlink, for older and disabled people who reside in the Borough.

Blue Badge: The Blue Badge scheme gives free and dedicated parking close to amenities for drivers and passengers with mobility related disabilities, or who are blind. Blue Badge holders are able to park on yellow lines for up to three hours and are also exempt from the central London congestion charge. A pass is valid for a 3-year period whereupon pass holders have to reapply;

Taxicard: is a London-wide door-to-door licensed taxi and private hire vehicle service for those with long term mobility problem, or severe sight impairment, who have difficulty in using mainstream public transport such as tubes, buses and trains. The scheme in Enfield allows members to take a maximum of eight subsidised trips per month. "Long term" means that the effect of the impairment has lasted or is likely to last at least 12 months.

The Concessionary Travel policy will give a clear, consistent, and robust overview of whole processes of the concessionary travel service, setting out clearly how we determine issue of relevant travel concessions (Blue Badge/Disabled Persons Freedom Pass/Taxicard).

The policy is based on the legislation set out by the Department for Transport and criteria contained in the Transport Act 2000, key stakeholders. Age UK, Enfield, Enfield Disability Action and related council services have been consulted on the content of the document.

4. ALTERNATIVE OPTIONS CONSIDERED

Not to implement the policy.

5. REASONS FOR RECOMMENDATIONS

The policy will give the concessionary travel service a robust and consistent approach in delivering the service, and will give customers a clear and concise overview of how this is done in line with Department for Transport reforms and guidance.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

None.

6.2 Legal Implications

6.2.1 The Council has the power to implement the recommendation contained within this report under the Greater London Authority Act 1999 as amended by the Transport Act 2000 (sections 240(1) and (2))

6.2.2 The entitlement to a Freedom Pass is governed by the Concessionary Bus Travel Act 2007 which states that free travel should be provided for elderly and disabled people, from 9.30am until 11pm on weekdays and all day weekends and bank holidays, on registered local bus services anywhere in England

6.2.3 The entitlement to a blue badge is governed Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended by the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2000, and the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 as well as Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000

6.2.4 The Taxicard is not governed by a statutory authority and does not have a statutory basis on which it is issued. The related discretionary eligibility criteria are determined by the Council in conjunction with London Councils and the Mayor

6.2.5 The recommendation contained within this report are in accordance with the Council's powers and duties under the above legislation and the Council's duties under the Equalities Act 2010..

6.3 Property Implications

None.

7. KEY RISKS

In cases where applicants challenge a decision made, there is a risk if no set policy is in place of the council defending the decision in a comprehensive and robust manner.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Gives a clear, concise and consistent approach on how Enfield council delivers concessionary travel services. The policy will ensure that only those eligible for concessions receive them/help in reduction of fraud and dealing with appeal processes.

8.2 Growth and Sustainability

Concessionary travel plays a vital role in helping older and disabled people to maintain independence and an active role in the local community. This will ensure only those eligible will be able to gain benefit from the concession.

8.3 Strong Communities

Having a policy in place will provide customers with a clear outline of what they can expect when applying for travel concessions. This will also protect the council should any challenge arise, in how we conduct our business in this area.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

Not applicable

10. HEALTH AND SAFETY IMPLICATIONS

Not applicable

Background Papers

Concessionary Travel Policy

Purpose of Document

MUNICIPAL YEAR 2011/2012 REPORT NO. 179A

MEETING TITLE AND DATE:

**Cabinet – 18 January
2012**

**Council – 25 January
2012**

REPORT OF:

Director of Finance,
Resources and Customer
Services

Agenda – Part: 1	Item: 11
Subject: Corporate Procurement Strategy and Sustainable Procurement Policy 2011- 2015	
Wards: All	
Cabinet Member consulted: Cllr Andrew Stafford	

Contact officer and telephone number:

David Levy,

E mail: david.levy@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval to adopt a new Corporate Procurement Strategy 2011-2015.
- 1.2 The Strategy incorporates the Council's Sustainable Procurement Policy which will enable the Council to have a more robust approach to the sustainable procurement of Goods, Services and Works and incorporate socio-economic and environmental considerations into procurement practice.

2. RECOMMENDATIONS

2.1 It is recommended to:

- Agree the Corporate Procurement Strategy and Sustainable Procurement Policy.

Please note as members have already received a copy of the Strategy document with the Cabinet agenda for January a copy has not been circulated with the Council agenda. If required, copies of the document have been left in the Members Library and Group Offices or can be obtained from the Governance Team Manager.

3. BACKGROUND

3.1 Sustainable procurement is a key mechanism through which local authorities can address social, economic and environmental objectives via the contracts it awards. Sustainable procurement can deliver benefits to the local community such as:

- Increasing local employment opportunities
- Putting money back into the local economy
- Making the Borough a better place to live and work through increased opportunities, markets and skills
- Reducing carbon emissions from Council activities
- Delivering efficiencies

3.2 Enfield Council currently has a 3rd party spend of £350m per annum. By effective procurement the Council can have a positive impact on the environment, the local economy and deliver social responsibility through sustainable procurement.

3.3 The policy outlines the Council's commitment to make spending decisions in a way that achieves both value for money for the Council on a whole life cycle basis, and also wider economic, social and environmental benefits.

3.4 The Corporate Procurement Strategy and Sustainable Procurement Policy will be delivered in conjunction with other Council strategies, policies and action plans that have been developed to ensure the theme of sustainability continues to figure as a 'golden thread' across the Council to ensure we deliver our sustainable aims and objectives. Complementing strategies/policies and action plans include:

- Sustainable Communities Strategy Carbon Management Plan
- Climate Change Project Board Action Plan
- Council's Fairtrade Policy

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Consultation has taken place amongst key stakeholders across the Council including the Strategic Procurement Network (key officers with expertise in procurement & commissioning from across Directorates), the Strategic Procurement Board and the 'Mayor of London's Green Procurement Code' advisory consultant in the development of this policy and action plan.

5. REASONS FOR RECOMMENDATIONS

5.1 To provide a clear policy direction on effective and sustainable procurement across the Council and enable us to be in a good position to influence partners and the supply chain when procuring Goods, Services and Works.

- 5.2 To agree a way forward to ensure the Council continues its commitment to working towards achieving 'Gold' accreditation of the Mayor of London's Green Procurement Code.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

Expenditure under the sustainable procurement policy will be met from within existing group budgets.

6.2 Legal Implications

6.2.1 The Local Government Act 2000 placed a duty on local authorities to prepare a community strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the UK and gave authorities the power to do anything they consider is likely to achieve the promotion of the area's well-being in that sense.

6.2.2 The Corporate Procurement Strategy Sustainable Procurement Policy is in accordance with the Councils Constitution, in particular Contract Procedure Rules and EU law (Public Contracts Regulations 2006) ("the Rules"). The Council will continue to monitor the policy to ensure continued compliance with the Rules.

6.2.3 EU Directive 2004/18/EC acknowledges that assessing the most economically advantageous tender balances price with other characteristics which may include "environmental performance and/or other sustainability criteria".

6.2.4 The Sustainable Procurement Policy will ensure that all tenders for goods, works and services are assessed upon the basis of the whole life costing of quotations, not simply lowest price, to ensure value for money in accordance with the Best Value principles under the Local Government Act 1999.

6.3 Property Implications

None.

7. KEY RISKS

- 7.1 Approval of the Sustainable procurement policy will impact upon the procurement of a range of services and contracts throughout the

Council. To ensure that the policy is embraced and embedded across the authority, Corporate Procurement will roll out training to those staff involved in the procurement process. Training will be delivered by existing staff and there are no foreseeable cost implications associated with this.

- 7.2 Corporate Procurement will continue to engage local businesses and the Third Sector to assist in the implementation of the Sustainable Procurement Policy.
- 7.3 Having a corporate procurement strategy will:
- mitigate the risk of non-compliance with the Local Government Act 2000;
 - It will provide a clear framework to support high levels of probity and accountability in the spending of public money;
 - Risk of not achieving value for money is reduced;
 - It should help enable in considered risk taking to achieve quality outcomes; and
 - Overall, to mitigate and manage risk to ensure continuity of quality service delivery to customers.

OPPORTUNITIES

- As mentioned under paragraph 3, "Background", above opportunities include making a positive impact on the local economy; and
- To provide clear policy direction and be able to influence partners and the supply chain when procuring goods and services".

8 IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Through the development and implementation of this policy and the Council's Corporate Procurement Strategy we will strive to:

- Communicate the sustainable procurement policy to staff, suppliers and stakeholders.
- Promote and embed best practice for sustainable procurement.
- Ensure that procurement processes are appropriate to the scale and risk involved so that they are not unduly onerous.
- Publish our contracts register and forthcoming tendering opportunities on our procurement web pages and work with national and regional portals as appropriate.
- Ensure our procurement processes are open, fair and transparent.

8.2 Growth and Sustainability

Through the development and implementation of this policy and the Council's Corporate Procurement Strategy we will strive to:

- Engage with a diverse range of suppliers and ensure that all businesses have an equal opportunity of competing for Council contracts.
- Support SME, Voluntary/Third Sector organisations to bid and win Council business
- Train staff on sustainable procurement across the Council, its partners and share good practice.
- Identify opportunities for supported businesses (those with more than 50% disabled employees) and ring fence as appropriate

8.3 Strong Communities

Through the development and implementation of this policy and the Council's Corporate Procurement Strategy we will strive to:

- Develop a Community Benefit Toolkit
- Research and establish apprenticeships and work placement schemes with suppliers
- Encourage a positive contribution from our suppliers to the local communities in which they work.
- Develop contractual provisions where appropriate

9 PERFORMANCE MANAGEMENT IMPLICATIONS

- 9.1 The policy will ensure that all tenders for goods, services and works are assessed upon the basis of the whole life costing of quotations, not simply lowest price.
- 9.2 Yearly assessment against the Mayor of London's green procurement code action plan will demonstrate the Council's progress towards achieving Gold accreditation.

10 HEALTH AND SAFETY IMPLICATIONS

None.

Background Papers

None.

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MUNICIPAL YEAR 2011/12 REPORT NO. 188

MEETING TITLE AND DATE:
Council 25th January 2012

REPORT OF:
Director - Environment

Contact officer and telephone number:

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Agenda – Part: 1	Item: 12
Subject: Delegated Authority within the Environment Department and Adoption of Section 16 London Local Authorities and Transport for London Act 2003	
Cabinet Member consulted: Cllr Chris Bond	

1. EXECUTIVE SUMMARY

This report sets out the delegated authority arrangements within the Environment Department and updates arrangements in respect of delegated powers within the Divisions for Planning & Environmental Protection, Highways & Transportation, Waste, Street Scene & Parks; and the Community Safety Unit; as a consequence of changes in structures, posts and legislation. It also recommends that the Council adopts legislation to exercise powers to tackle unlawful vehicle crossovers.

2. RECOMMENDATIONS

- 2.1 To agree the delegated authorities outlined in this report and set out in detail at Appendices A - H.
- 2.2 The Council passes a resolution to adopt section 16 of the London Local Authorities and Transport for London Act 2003.

3. BACKGROUND

- 3.1 This report updates previously agreed delegations to incorporate changes arising from new legislation and changes to the designations of posts following restructures within the Environment Department.
- 3.2 This report adds relevant delegated authority concerning Street Naming and Numbering and Traffic Orders into a single scheme of delegation for the Department.
- 3.3 There have not been any significant national legislative changes since the previous report to Council on 31st March 2010.
- 3.4 On 27th April 2011, the Council formally sealed model bye-laws for specific parks and open spaces following formal consultation process and approval by the Department of Communities and Local Government. These bye-laws are designed to tackle antisocial behaviour and vandalism in parks and will be enforced by the Parks Police duly authorised in accordance with this Scheme of Delegation. The effect of these bye-laws will be to change the maximum penalty for such offences from £20 to £500.
- 3.5 Delegated arrangements for planning enforcement are made through the Planning Committee.
- 3.6 Proceedings are issued in the name of the Assistant Director of Legal Services where she has conduct of the case.
- 3.7 The Highways and Transportation Division is assessing proposals to deal with the illegal activity of driving across footways where there is no properly constructed footway crossover. Section 16 of the London Local Authorities and Transport for London Act 2003 provides enforcement powers to London Boroughs to tackle these issues. This legislation is subject to the Council passing a resolution to adopt these provisions.

4. ADOPTION OF SECTION 16, LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003.

- 4.1 Section 16 of the London Local Authorities and Transport for London Act 2003 provides powers to London Boroughs to tackle vehicles crossings over footways and verges, which have not been constructed by the highway authority.
- 4.2 It enables the Council to serve notice on the occupier of such a property, where vehicles habitually are taken across a kerbed footway or verge in the highway, to cease within a period not less than 28 days. Such notices can be appealed to the County Court.

- 4.3 In circumstances where the notice is not complied with, the Council may carry out such works to prevent vehicles from being taken across the footway or verge and recover its costs from the occupier. In addition, anyone contravening such a notice served on them is liable to a fine (level 3) not exceeding £1,000.
- 4.4 To adopt this provision, the Council must pass a resolution. This provision of the Act will become effective once the Council has published in a local newspaper circulating in their area and in the London Gazette a notice of the passing of the resolution and the general effect of the provisions of this Act coming into operation.
- 4.5 The effective day can be fixed no earlier than the expiration of three months from the publication of the notice in paragraph 4.4.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not passing a resolution to bring in to effect s.16 of the London Local Authorities and Transport for London Act 2003.
- 5.2 Not adopting the delegated authorities.

6. REASONS FOR RECOMMENDATIONS

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

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

7.1 Financial Implications

- 7.1.1 There are no specific financial implications arising from Recommendation 2.1.
- 7.1.2 Should S16 of London Local Authorities and Transport for London Act 2003 be adopted, any costs arising from enforcement works will be met from within existing budgets.

7.2 Legal Implications

- 7.2.1 Pursuant to Section 101 of the Local Government Act 1972 a local authority may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority or by any other local authority
- 7.2.2 Section 16 of the London Local Authorities and Transport for London Act 2003 ("the 2003 Act") provides London authorities with powers as set out in the body of this report.

7.2.3 It should be noted that in order to use such powers the Council must first formally adopt section 16 of the 2003 Act by the passing of a resolution and the placing of notices in both a local newspaper and the London Gazette which should advise of:-

a) The passing of the resolution by the Council to adopt section 16 and the date when such powers provided by the section are to take effect;

b) The general effect of the provisions of section 16
The effective date should be no earlier than the expiry of 3 months from the publication of the said notices.

7.2.4 The recommendations contained within this report are within the Council's powers and duties.

8. KEY RISKS

The Council is at risk of legal challenge to any of its enforcement action where staff operate with powers that have not been properly delegated.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

The Scheme of Delegation ensures that the Council has defined and transparent decision making. If approved, the proposals will help tackle antisocial behaviour and vandalism in parks, and the illegal activity of driving across footways to the benefit of all residents.

9.2 Growth and Sustainability

The recommendations in the report fully accord with this Council priority

9.3 Strong Communities

The recommendations in the report fully accord with this Council priority.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no specific performance management implications.

Background Papers

None.

APPENDIX A

Delegated Authority within the Environment Department.

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

APPENDIX B

Delegated Authority within the Planning & Environmental Protection Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management, in respect of those matters listed in paragraphs 1.2-1.24 below.
- 1.2 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix F.
- 1.3 That the Assistant Director Planning and Environmental Protection, and Head of Regulatory Services have delegated power to appoint Proper Officers pursuant to sections 69 and 72 of the Weights and Measures Act 1985.
- 1.4 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management and Team Leaders under the direction of the Service Head, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix F;
- 1.5 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.6 That there be delegated to Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix F.
- 1.7 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of

Business & Technical Services and Head of Development Management the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix F, subject where appropriate to officers holding the appropriate qualification;

- 1.8 That there be delegated to the Assistant Director Planning and Environmental Protection and Head of Regulatory Services the power to institute proceedings and bring contempt of court action in relation to the Enterprise Act 2002 and for Trading Standards Team Leader to be delegated the power to seek and receive voluntary undertakings under the aforesaid legislation.
- 1.9 That there be delegated to the Assistant Director, Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, and Team Leaders;
 - 1.9.1 Power to authorise officers to serve and sign in their own name all improvement and prohibition notices in food safety and health & safety enforcement.
 - 1.9.2 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix F.
 - 1.9.3 Power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with the legislation listed at Appendix H.
 - 1.9.4 All authorisation, variation, revocation, enforcement and prohibition notices under; local authority pollution control enforcement.
 - 1.9.5 The power to institute civil proceedings under section 2 of the Local Government Act 2000 to protect the economic, social or environmental well-being of the community.
- 1.10 That the powers of suspension and forfeiture provided by the Consumer Protection Act 1987 and the European Communities Act 1972 be delegated to the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Team Leaders;
- 1.11 That there be delegated to the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, Head of Business & Technical Services and Head of Development Management, the power to authorise officers to sign licences (as required by various statutes in Appendix F and listed at Appendix G) on behalf of the Head of Development Management and the powers of the Council as registration authority under the various statutes in Appendix G.

- 1.12 That in cases of serious consumer fraud the Assistant Director, Planning and Environmental Protection, Head of Regulatory Services and Team Leaders under the direction of a Head of Service be delegated authority to institute proceedings under the Criminal Law Act 1977, Criminal Attempts Act 1981, Common Law Conspiracy to Defraud and Fraud Act 2006.
- 1.13 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services, and Head of Business & Technical Services, be responsible for the discharge of the functions of the Local Authority relating to the appointment and duties of Trading Standards Officers, Fair Trading Officers, Environmental Health Officers, Environmental Protection Officers or Technical Officers in the Service;
- 1.14 The Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be empowered pursuant to Schedule 1 Section 14 of the Pollution Prevention and Control Act 1999, to appoint as inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made;
- 1.15 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be responsible for arranging for the signature and service of Notices under the provisions of Sections 80 and 80(A) Environmental Protection Act 1990;
- 1.16 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be empowered pursuant to section 108 of the Environment Act 1995 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.17 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be empowered pursuant to Schedule 1, Part 1 paragraph 14 of the Pollution Prevention Control Act 1999 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.18 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be authorised to:
 - 1.18.1 Appoint Animal Welfare Officers to enter premises and to take action under enactments listed in Appendix F;
 - 1.18.2 Instruct, on behalf of the Council, such veterinary surgeon(s) to enter any premises to advise as necessary on action to be

taken under the animal welfare legislation listed in Appendix F.

- 1.19 That the Assistant Director Planning and Environmental Protection, Head of Regulatory Services be given delegated authority to appoint;
 - 1.19.1 A Consultant in Communicable Disease Control and their deputies to perform duties on behalf of the Council in respect of Notifiable Disease, Infections and food poisoning and for action under Section 47 of the National Assistance Act 1948 and
 - 1.19.2 Council Public Analysts in accordance with Section 27 of the Food Safety Act 1990 and Agricultural Analysts for the purposes of the Agricultural Act 1970;
- 1.20 The Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services be empowered:
 - 1.20.1 pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and
 - 1.20.2 pursuant to Section 39 of the Health and Safety at Work etc Act 1974, to authorise any such Inspectors to prosecute before a Magistrates' Court for any offence under the said Act or Regulations made there under and
 - 1.20.3 be given delegated powers to arrange for other people to accompany Inspectors on Inspections of Work Places under the provisions of the Health and Safety at Work etc. Act 1974 and
 - 1.20.4 on behalf of the Local Authority be given delegated powers to endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the Local Authority, or vice versa and;
 - 1.20.5 be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975;
- 1.21 That named officers as authorised by the Assistant Director Planning and Environmental Protection, Head of Regulatory Services and Head of Business & Technical Services, be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which

satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).

- 1.22 That the Assistant Director Planning and Environmental Protection and Head of Regulatory Services be authorised to take appropriate enforcement action against (including prosecution) contraventions of non-mandatory trading legislation in cases where they determine it is expedient to do so in the interests of consumer protection, fair trading or wider public protection considerations;
- 1.23 That the powers of the Council to provide advice to consumers of goods and services under Section 69(5) of the Weights and Measures Act 1985 be delegated to staff duly authorised for that purpose by the Assistant Director Planning and Environmental Protection and Head of Regulatory Services.
- 1.24 That the Assistant Director Planning and Environmental Protection and Head of Regulatory Services be authorised to appoint suitably qualified officers to exercise powers under the Proceeds of Crime Act 2002 for the recovery of assets.
- 1.25 That the Assistant Director Planning and Environmental Protection and Head of Business & Technical Services be authorised to name streets and number properties in accordance with Council policy under the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 2003.
- 1.26 That the Assistant Director Planning and Environmental Protection be authorised to agree protocols which delegate functions for the enforcement of part III of the Consumer Credit Act 1974 and delegate the power to prosecute to Birmingham City Council for any matters associated with or discovered during an investigation by the illegal money lending team against illegal money lenders operating within the London Borough of Enfield.

APPENDIX C

Delegated Authority within the Waste, Street Scene and Parks Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships in respect of those matters listed in paragraphs 1.2-1.7 below.
- 1.2 That the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix F.
- 1.3 That the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix F;
- 1.4 That the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix F.
- 1.6 That there be delegated to the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix F, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Waste, Street Scene & Parks; Head of Operations and Head of Strategy & Partnerships to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with those offences associated with litter and dog fouling listed in appendix H.

APPENDIX D

Delegated Authority within the Highways and Transportation Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services, in respect of those matters listed in paragraphs 1.2-1.8 below.
- 1.2 That the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendices F & G.
- 1.3 That the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix F;
- 1.4 That the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix F.
- 1.6 That there be delegated to the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix F, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Assistant Director Highways and Transportation, Head of Traffic & Transportation and Head of Highway

Services, the power to authorise officers of Highway Services to issue Fixed Penalty Notices pursuant to regulations 19 (1) and 20 (1) of The Traffic Management Permit Scheme (England) Regulations 2007 and s70 and s74 of the New Roads and Street Works Act 1991* and to appear on behalf of the Council in any Magistrates Court in relation to proceedings instituted by them in furtherance of prosecution for these offences and for any other offences under the New Roads and Street Works Act 1991, as amended by the Traffic Management Act 2004, for which an offence is committed.

- 1.8 That the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).
- 1.9 That there be delegated to the Assistant Director Highways and Transportation, Head of Traffic & Transportation and Group Leaders authority to commence the process to make Traffic Orders under the Highways Act 1980 (sections 25, 116 and 118) and the Town & Country Planning Act 1990 (sections 247 and 249). That said officers may proceed to confirm such Orders if unopposed.
- 1.10 That the Assistant Director Highways and Transportation, Head of Highways Services, Head of Traffic & Transportation and Head of Parking Services be delegated power to authorise officers to serve and sign in their own name any fixed penalty notice in accordance with those offences under the Highways Act 1980 listed in appendix H.
- 1.11 That the Assistant Director Highways and Transportation be authorised to exercise powers under section 96 of the Highways Act 1980 for the removal and retention of trees in accordance with the Council's Highway Strategy.

APPENDIX E

Delegated Authority within the Community Safety Unit

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety, in respect of those matters listed in paragraphs 1.2-1.23 below.
- 1.2 That the Head of Community Safety be appointed as a Proper Officer and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix F.
- 1.3 That the Head of Community Safety, be authorised pursuant to Section 223 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix F;
- 1.4 That the Head of Community Safety be authorised under Section 222 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Head of Community Safety the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix F;
- 1.6 That there be delegated to the Head of Community Safety the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix F, subject where appropriate to officers holding the appropriate qualification;
- 1.7 That there be delegated to the Head of Community Safety the power to seek an Antisocial Behaviour Order in either the Magistrates' Court or County Court.
- 1.8 That there be delegated to the Head of Community Safety the power to sign a Dispersal Order made under section 30 of the Antisocial Behaviour Act 2003.
- 1.9 That there be delegated to the Head of Community Safety the power to seek closure orders for 'crack houses' and brothels under part 1 of the Antisocial Behaviour Act 2003 and section 18 of the Criminal Justice and Immigration Act 2008.

- 1.10 That there be delegated to the Head of Community Safety the power to seek 'gang' injunctions under section 37 of the Policing and Crime Act 2009.
- 1.11 That the Head of Community Safety be delegated power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to enforce The London Borough of Enfield Byelaws for Pleasure Grounds, Public Walks and Open Spaces sealed by the Council on 27th April 2011 and confirmed by the Secretary of State on 25th August 2011.
- 1.12 That there be delegated to the Head of Community Safety power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to serve and sign in their own name any fixed penalty notice in accordance with those offences litter dog fouling and dog control orders listed in appendix H.
- 1.13 That the Head of Community Safety be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).

APPENDIX F**Legislation enforced by Environment Department**

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

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

20.	Cancer Act 1939
21.	Caravan Sites Act 1968
22.	Caravan Sites & Control Of Development Act 1960
23.	Charities Act 2006
24.	Children & Young Persons (Protection From Tobacco) Act 1991
25.	Children & Young Persons Act 1933
26.	Children & Young Persons Act 1963
27.	Children and Young Persons (Protection from Tobacco) Act 1991
28.	Clean Air Act 1993
29.	Clean Neighbourhoods & Environment Act 2005
30.	Computer Misuse Act 1990
31.	Companies Act 2006
32.	Construction Products Regulations 1991
33.	Consumer, Estate Agents and Redress Act 2007
34.	Consumer Credit Act 1974
35.	Consumer Protection Act 1987
36.	Control Of Pollution Act 1974
37.	Control of Pollution (amendment) Act 1989
38.	Copyright Designs & Patents Act 1988
39.	Copyright, etc and Trademarks (Offences & Enforcement) Act 2002
40.	Crime and Disorder Act 1998
41.	Criminal Attempts Act 1981
42.	Criminal Damage Act 1971
43.	Criminal Justice & Public Order Act 1994
44.	Criminal Justice Act 1988
45.	Criminal Justice and Immigration Act 2008
46.	Criminal Justice and Police Act 2001
47.	Criminal Law Act 1977
48.	Crossbows Act 1987
49.	Dangerous Dogs Act 1991
50.	Dangerous Wild Animals Act 1976
51.	Development Of Tourism Act 1969

52.	Edmonton Urban District Council Act 1929
53.	Education Reform Act 1988
54.	Employment Of Women, Young Persons & Children Act 1920
55.	Employment Agencies Act 1973
56.	Energy Conservation Act 1981
57.	Environment Act 1995
58.	Environmental Protection Act 1990
59.	Enterprise Act 2002
60.	Estate Agents Act 1979
61.	European Communities Act 1972
62.	Explosive (Age Of Purchase & C.) Act 1976
63.	Explosives Act 1875
64.	Fair Trading Act 1973
65.	Fireworks Act 2003
66.	Fire Safety & Safety of Places of Sport Act 1987
67.	Flood and Water Management Act 2010
68.	Food & Environment Protection Act 1985
69.	Food Safety Act 1990
70.	Forgery & Counterfeiting Act 1981
71.	Fraud Act 2006
72.	Gambling Act 2005
73.	Greater London Council (General Powers) Act 1972
74.	Greater London Council (General Powers) Act 1973
75.	Greater London Council (General Powers) Act 1978
76.	Greater London Council (General Powers) Act 1981
77.	Greater London Council (General Powers) Act 1982
78.	Greater London Council (General Powers) Act 1984
79.	Guard Dogs Act 1975
80.	Hallmarking Act 1973
81.	Health Act 2006
82.	Health & Safety at Work etc Act 1974
83.	Health and Social Care Act 2008
84.	Highways Act 1835

85.	Highways Act 1980
86.	Housing Act 1985 (as amended)
87.	Housing Act 1996
88.	Housing, Grants, Construction & Regeneration Act 1996
89.	Housing Act 1988
90.	Housing Act 2004
91.	Hypnotism Act 1952
92.	Intoxicating Substances (Supply) Act 1985
93.	Knives Act 1997
94.	Legal Services Act 2007
95.	Licensing Act 2003
96.	Local Government (Misc. Provisions) Act 1976
97.	Local Government (Misc. Provisions) Act 1982
98.	Local Government Act 1972
99.	Local Government Act 2000
100.	London Buildings Acts (Amendment) Act 1939
101.	London Local Authorities Act 1990
102.	London Local Authorities Act 1991
103.	London Local Authorities Act 1994
104.	London Local Authorities Act 1995
105.	London Local Authorities Act 1996
106.	London Local Authorities Act 2000
107.	London Local Authorities Act 2004
108.	London Local Authorities Act 2007
109.	London Local Authorities & Transport For London Act 2003
110.	London Local Authorities & Transport For London Act 2008
111.	London Olympic Games and Paralympic Games Act 2006
112.	Malicious Communications Act 1988
113.	Medicines Act 1968
114.	Mobile Telephones (Re-Programming) Act 2002
115.	Motorcycle Noise Act 1987
116.	National Lottery Act 1993
117.	New Roads and Street Works Act 1991

118.	Noise Act 1996
119.	Noise & Statutory Nuisance Act 1993
120.	Offensive Weapons Act 1996
121.	Offices Shops & Railways Premises Act 1963
122.	Olympic Symbol Etc (Protection) Act 1995
123.	Package Travel, Package Holidays & Package Tours Regs 1992
124.	Performing Animals (Regulation) Act 1925
125.	Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983
126.	Poisons Act 1972
127.	Policing and Crime Act 2009
128.	Pollution Prevention & Control Act 1999
129.	Planning (Listed Buildings & Conservation Areas) Act 1990
130.	Prevention Of Damage By Pests Act 1949
131.	Prices Act 1974
132.	Proceeds of Crime Act 2002
133.	Property Misdescriptions Act 1991
134.	Protection Of Children (Tobacco) Act 1986
135.	Protection From Eviction Act 1977
136.	Protection From Harassment Act 1997
137.	Public Health (Control Of Diseases) act 1984
138.	Public Health Act 1936
139.	Public Health Act 1961
140.	Public Health Acts Amendment Act 1907
141.	Refuse Disposal (Amenity) Act 1978
142.	Riding Establishments Act 1964 and 1970
143.	Road Traffic Act 1988
144.	Road Traffic (Foreign Vehicles) Act 1972
145.	Road Traffic Offenders Act 1988
146.	Road Traffic Regulation Act 1984
147.	Safety Of Sports Grounds Act 1975
148.	Scrap Metal Dealers Act 1964
149.	Sunday Trading Act 1994
150.	Tobacco Advertising And Promotion Act 2002

151.	Town & Country Planning Act 1990
152.	Trade Descriptions Act 1968
153.	Trade Marks Act 1994
154.	Trading Schemes Act 1996
155.	Traffic Management Act 2004
156.	Unsolicited Goods & Services Act 1971
157.	Unsolicited Goods & Services (Amendment) Act 1975
158.	Vehicles (Crime) Act 2001
159.	Violent Crime Reduction Act 2006
160.	Video Recordings Act 1984
161.	Video Recordings Act 1993
162.	Video Recordings Act 2010
163.	Water Act 1989
164.	Water Industry Act 1991
165.	Water Resources Act 1991
166.	Weights & Measures Act 1985
167.	Wildlife & Countryside Act 1981 not sure of relevance/powers
168.	Young Persons Employment Act 1938
169.	Zoo Licensing Act 1981

APPENDIX G

LICENSES AND REGISTRATIONS

NO.	LICENCE/ REGISTRATION and LEGISLATION
1.	Animal Boarding (Animal Boarding Establishments Act 1963)
2.	Animal Welfare Act 2006
3.	Auctions and Sales by Competitive Bidding (Greater London Council (General Powers) Act 1984)
4.	Civil Marriage/partnership venues (Marriage Act 1949 and Civil Partnership Act 2004)
5.	Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
6.	Dog Breeders (Breeding and Sale of Dogs (Welfare) Act 1999)
7.	Explosives Storage (Manufacture and Storage of Explosives) Regulations 2005)
8.	Food Premises Registration (Food Safety Act 1990, Food Premises (Registration) Regulations 1990, as amended).
9.	Gambling Act 2005
10.	Hairdressers/Barbers Registration (Greater London Council (General Powers) Act 1967)
11.	Hire of Pleasure craft licences (Public Health Acts Amendment Act 1907 section 94)
12.	Hypnotism Licences (Hypnotism Act 1952)
13.	Licensing Act 2003
14.	Motor vehicle salvage (Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002)
15.	Movement of Pigs (Animal Health Act 1981)
16.	Occasional Car boot Sales (London Local Authorities Act 1996)
17.	Performing Animals (Performing Animals (Regulation) Act 1925)
18.	Permits for Pollution control (Pollution Prevention and Control Act 1999)
19.	Pet Shops (Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983)
20.	Poisons (Poisons Act 1972)
21.	Registration of Cooling Towers (The Notification of Cooling Towers and Evaporative Condensers Regulations 1992)
22.	Riding Schools (Riding Establishments Act 1964 and 1970)
23.	Scrap Metal Dealers (Scrap Metal Dealers Act 1964)

24.	Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982
25.	Skips, scaffolding and other lawful interference with the highway (Highways Act 1980)
26.	Special Treatments (London Local Authorities Act 1991 as amended)
27.	Street Trading (London Local Authorities Act 1990)
28.	Zoo Licences (Zoo Licensing Act 1981)

APPENDIX H**FIXED PENALTY NOTICES**

Act	Section	Description of Offence
AntiSocial Behaviour Act 2003	43(1)	Graffiti and Flyposting
Clean Neighbourhoods and Environment Act 2005	3,4 and 6(1)	Exposing vehicles for sale on a road. Repairing vehicles in the course of a business on a road.
Refuse Disposal (Amenity) Act 1978	2A(1)	Abandoning a vehicle
Environmental Protection Act 1990	88(1)	Litter
Environmental Protection Act 1990	94A(2)	Street Litter Control Notices and Litter Clearing Notices
Environmental Protection Act 1990	Schedule 3A, para 7(2)	Unauthorised distribution of literature on designated land
Control of Pollution (Amendment) Act 1989	5B(2)	Failure to produce authority to carry controlled waste
Environmental Protection Act 1990	34A(2)	Failure to furnish documentation (waste transfer notes)
Environmental Protection Act 1990	47ZA (2)	Offences in relation to waste receptacles
Clean Neighbourhoods and Environment Act 2005	59(2)	Offences under Dog Control Orders
Clean Neighbourhoods and Environment Act 2005	73(2)	Failure to nominate key-holder (within an alarm notification area) or to notify local authority in writing of nominated key-holder's details.
Highways Act 1980 Schedule 22A and 22B	132(1)	Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway
	137(1)	Wilful obstruction of highway
	138	Erecting a building, fence or hedge on highway
	139(3)	Depositing builder's skip on highway without permission
	139(4)(a)	Failure to secure lighting or other marking of builder's skip
	139(4)(b)	Failure to secure marking of builder's skip with name and address
	139(4)(c)	Failure to secure removal of builder's skip
	139(4)(d)	Failure to comply with conditions of permission

	140(3)	Failure to remove or reposition builder's skip
	141(3)	Failure to comply with notice requiring removal of tree or shrub
	147A(2)	Using of stall etc. for road side sales in certain circumstances
	148(a)	Depositing material etc. on a made-up carriageway
	148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
	148(c)	Depositing anything on highway to the interruption of user
	148(d)	Pitching of booths, stalls or stands or encamping on highway
	151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
	152(4)	Failure to comply with notice requiring removal of projection from buildings
	153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
	155(2)	Keeping of animals straying or lying on side of highway
	161(1)	Depositing things on highway which cause injury or danger
	169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)
Environmental Protection Act 1990	80(4A)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
Estate Agents Act 1979 as amended by the Consumers, Estate Agents and Redress Act 2007	23B(1) and schedule 4	Engaging in Estate Agency Work without being a member of an approved redress scheme. (Penalty Charge Notice)
Health Act 2006	6(5) and 9	Failure to comply with a duty to display no smoking signs in smoke free places and smoke free vehicles.
	7(2) and 9	Smoking in a Smoke Free Place
Town and Country Planning Act 1990	224(3)	Displaying advertisement in contravention of regulations (in respect of Estate Agents Boards only)
London Local Authorities Act 1990	34(1)	Contravention of condition of street trading licence or temporary licence

and 2004	34(2)	Making false statement in connection with application for street trading licence or temporary licence
	34(3)	Resisting or obstructing authorised officer
	34(4)	Failure to produce street trading licence on demand
	38(1)	Unlicensed street trading
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 Regulation 40	5(2)	Failure of relevant person to make available free of charge a valid energy performance certificate to a prospective buyer or tenant
	5(5)	Failure of relevant person to make available free of charge a valid energy performance certificate to the person who ultimately becomes the buyer or tenant
	5A(2) to 5A(4)	Energy Performance Certificates on marketing of properties
	6(2)	Failure to provide energy information with the particulars when selling/renting property
	9(2)	Failure to give to the owner an energy performance certificate on completion of construction of the building
	10	Failure to give a recommendation report with an energy performance certificate
	16(2)	Failure to comply with duties relating to display energy certificates and advisory reports
	21(1)	Failure to comply with the duty in relation to a relevant air-conditioning system to ensure that the system is inspected by an energy assessor at regular intervals not exceeding five years.
	23	Failure to keep the most recent inspection report made by an energy assessor
	24	Failure to comply with duty on new relevant person who has not been given the inspection report to have the system inspected
39(4)	Failure to provide upon request of the enforcing authority a valid energy performance certificate and recommendation report, an advisory report; or an inspection report.	

COUNCIL QUESTIONS – 25 JANUARY 2012**Question 1 from Councillor Lavender to Councillors Simon, Chairman of Overview and Scrutiny Committee & Savva, Chairman of the Older People & Vulnerable Adults Scrutiny Panel.**

On 30th December a delegated decision number 1/57/11-12 was published for the expenditure of over £6.8 million in relation to social care. That decision contained no information whatsoever about how that money was to be spent and therefore no audit trail linking the decision to the expenditure. I accept that the fact this occurred was due to an oversight by the spending department.

Nevertheless it is the role of Overview and Scrutiny to scrutinise such decisions.

Had Councillors Simon or Savva, read this report? If so, were they comfortable with the total and complete lack of information, reporting and lack of audit trail? If not, why did they not call in this decision for review? If Councillors Simon and Savva do not consider this to be a decision worthy of scrutiny can they give the council an indication of what they would consider scrutinising or calling in without being prompted to do so by the opposition?

Reply from Councillor Simon (as amended 19 January 2012)

“Thank you to Councillor Lavender for pointing out an administrative error. While the details were indeed omitted, I can assure him that the items he refers to were heavily scrutinised. If he cared to ask any of his members or any member sitting on the Older People & Vulnerable Adults or Health & Well Being Scrutiny Panels he would have been informed that they did address all the issues he refers to. I would like to thank all the members from both sides who sit on these Panels and all officers and co-optees for their hard work and input.

The background to this report is that all Local Social Services Authorities were notified of the funding to be transferred by the Dept of Health through the NHS to Councils, for spend on social care activities that also benefit Health. This formed part of the 2010 government spending review commitments. The confirmed allocation is for 2011/12 & 2012/13, but with no guarantee that it will continue. The money has been treated as non recurrent and the department has sought to spread benefits from it into future years rather than restrict it to two.

Enfield is expected to agree areas of spend with the Local NHS. The Health Cabinet Sub-Committee agreed the broad areas of expenditure in April 2011. In addition areas of funding have in their own right already been the subject of decision at Cabinet and in the case of the Stroke Strategy at full Council. This report deals with the allocation of the funding transfer as a whole. This decision has been on the forward plan for some time.

Both the Older People & Vulnerable Adults and the Health & Wellbeing Scrutiny Panels want to see improved outcomes for our residents. The development of new

services and improved pathways of care which reflect best practice have been outlined in the joint commissioning priorities across health and social care. These have been considered and welcomed by Scrutiny Panel members.

Draft strategies (and their implementation where applicable) covering many areas of the spending plan within the Key Decision have been scrutinised by the Panels and their working groups. These include primary care development; end of life care; reablement and intermediate care; stroke services; dementia services; personalisation of care (including brokerage, community equipment and adaptations); safeguarding; and telecare/assistive technology.”

Question 2 from Councillor Ibrahim to Councillor Taylor, Leader of the Council

Would the Leader comment on the proposals for change to council tax benefit subsidy

Reply from Councillor Taylor

“I am concerned about the Government’s disappointing response to the consultation and have written to Bob Neill, Parliamentary Under Secretary of State, to ask that the new grant is linked to caseload and updated annually when funding is considered as part of the next Spending Review.

The letter sets out detailed figures regarding the potential financial impact of localising council tax benefits over the next three years. The range of scenarios created by localisation is set out below. In Enfield, the current trend in increasing caseload of 2.8% per year and forecast council tax increases of 3% results in an additional cost of £10m by 2015/16. Line 3 also shows that a 1% increase in deprivation (caseload) alone creates over £1m of additional cost pressure.

Budget Pressure	Caseload Increase (2015/16)		
	1.0%	2.8%	3.5%
	£'000	£'000	£'000
1. Council tax levels	3,574	3,640	3,667
2. Housing growth	476	485	489
3. Increasing deprivation	1,192	3,398	4,277
4. Council tax non-collection	2,306	2,306	2,306
5 Administration costs	500	500	500
Impact	8,048	10,329	11,239

The response to the consultation acknowledges these concerns but also refers to deriving funding for the next two years using Office of Budget Responsibility forecast spending on benefits. It would have been helpful if the response had set out these

forecasts or given precise reference as to where the information is available. Nevertheless, using the OBR forecast of council tax receipts in the Autumn Statement, our three year increase in benefit cost will only be £5.8m, well below any of our forecasts above. By the time of the next Spending Review Enfield Council may face serious underfunding purely due to the interim arrangements proposed.

The move of council tax benefits from managed to departmental expenditure limits has created a significant risk to many authorities in deprived areas which at a time of public expenditure cuts can only increase deprivation and its consequences.

If the objective of this policy is not to put financial pressure on local authorities but to anticipate that these cuts will be passed on to residents then a large number of residents will receive bills for Council tax they have not received in the past.

I urge the Minister to consider delaying the 10% cut in council tax benefits and ensure distribution of grant continues to follow need as the priority over incentives to cut benefit costs."

Question 3 from Councillor Lavender to Councillor Lemonides, Chairman of the Audit Committee

The previous administration increased the head count and resources available to the Internal Audit department. The rationale behind the increase in head count and resources was that the savings realised or the losses prevented, would exceed the defrayed costs. Given this was undoubtedly the case, does Councillor Lemonides support recent cut backs in the head count and resources available to Internal Audit?

Reply from Councillor Lemonides

The current internal audit structure is the result of an externally conducted service review with the aim of aligning the service to best practice in both the public and private sectors. The Council has retained a significant Internal Audit Plan which compares favourably with other authorities in benchmarking. The mixed approach of both an in-house team and a highly regarded external provider in PWC is designed to ensure that the Council is better equipped to tackle control and assurance issues."

Question 4 from Councillor Simbodyal to Councillor Orhan, Cabinet Member for Children & Young People

Do you welcome the Labour Party review of preparing school pupils for work?

Reply from Councillor Orhan

"We welcome the Labour Party's review relating to preparing young people for work. We place huge importance on preparing young people to be successful in the workplace. Our aim is to ensure that young people are helped to achieve

academically whilst also developing the social, emotional and interpersonal skills required by employers. We support schools, colleges and workplace providers to work collaboratively in order to provide a broad range of appropriate pathways which meet the needs of young people, whether academic or vocational. We are working with schools and other partners to ensure that young people are given high quality information, advice and guidance to enable them to make informed and appropriate choices at key points such as the end of Y9, Y11 and Y13.

It is very important that young people develop the personal discipline and motivation that is so valued by employers. In partnership with the Enfield Business Partnership and other agencies young people in Enfield are offered opportunities for work experience during their time in KS4. Schools also have comprehensive programmes of personal and social education which emphasise the importance of punctuality, reliability, adaptability and resilience. As we prepare for the participation age to rise to 17 in 2013 and then to 18 in 2015 we need to develop and improve still further the preparation for work we offer our young people and will study with interest any recommendations the Labour Party recommendations.”

Question 5 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

Can he inform Council how much has been spent in preparing for consultation and/or implementing 20 mph zones including staff time since May 2010 including the proposed spend on those zones currently out to consultation? Can he also give the sum total of the areas covered both in length of roads and number of hectares.

Reply from Councillor Bond

“£800k was allocated to 20 mph zones in 2010/11 and a further £1.3m has been allocated in 2011/12. At present it is proposed to allocate £550k to 20 mph zones in 2012/13, which includes construction of the 20 mph zones that were recently consulted on. This all comes from the £3m+ allocated annually to the Council by TfL for traffic work. The 20 mph zones implemented in 2010/11 totalled 179 hectares, and those that will be implemented in 2011/12 will cover 353 hectares.”

Question 6 from Councillor Levy to Councillor Taylor, Leader of the Council

Can the Leader of the Council comment on the likely level of council tax in 2012/13 and could he comment on any issues relating to a council tax freeze?

Reply from Councillor Taylor

“The Government has announced a one off grant for 2012/13 payable to Councils that do not increase their Council Tax. The grant is equivalent to a 2.5% increase and equates to just over £3m for Enfield. The Council Tax level for 2012/13 will be set at full Council on 29th February. It should be noted that this grant will balance the budget using one-off funding and is therefore both eroding the taxbase and storing up funding gaps for the future when the grant drops out. We all need to be fully

aware of the funding gap this will create from 2013/14 onwards.”

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

Can he inform the council in relation to the proposed introduction of 20 mph zones, why has he not disclosed the full estimated costs of each scheme in the consultation leaflets?

Reply from Councillor Bond

“The size and design of these schemes can vary significantly, or even be dropped, following public consultation. Therefore schemes are only designed in outline prior to consultation and an accurate estimate cannot be given. I also note that such estimates were never given in consultations carried out by the previous administration.”

Question 8 from Councillor Robinson to Councillor Bond, Cabinet Member for Environment

Will the Cabinet Member for Environment, give an update on the introduction of 20mph zones

Reply from Councillor Bond

“In line with our manifesto commitment we are forging ahead with the introduction of 20 mph zones in all residential streets around all schools in the borough. Since May 2010 we have constructed 8 new 20 mph zones serving 13 schools. I have recently approved reports for a further 8 20 mph zones, serving 14 schools, and these will be constructed over the next 3 months. Another 7 20 mph zones have just completed the public consultation stage, and subject to analysis of the responses, these will be constructed in the summer of this year. All the remaining schools will be treated in 2013.”

Question 9 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

Can he inform the council in relation to the proposed introduction of 20mph zones, given the existence of a variety of different means of achieving speed reduction some of which were successfully implemented by the previous administration, and the known disadvantages of speed cushions, including delays to emergency services, why has he not offered the public alternative measures to the installation of speed cushions?”

Reply from Councillor Bond

“Alternative measures that can be used to create 20 mph zones include chicanes, pinch points and traffic islands. These measures are not as effective as speed

cushions and remove a great deal of parking. In heavily parked areas, such as the proposed 20 mph zone, residents would not support large scale removal of parking. The proposed speed cushions are not being introduced on roads frequently used by the emergency services. They can also be straddled by fire tenders and by the front wheels of ambulances. Councillor Neville claims that the alternative measures he introduced were successful, but they performed poorly compared to speed cushion based 20 mph zones introduced when we were last in power. For example the Tottenhall Road area saw a 73% reduction in casualties (33 collisions in 3 years before to 11 in 3 years after) and the Chalfont Road area saw a 54% in casualties (28 collisions in 3 years before to 13 in 3 years after)."

Question 10 from Councillor Buckland to Councillor Bond, Cabinet Member for Environment

Can the Cabinet Member for Environment give the Council an update on the Forty Hall lottery bid?

Reply from Councillor Bond

"The Heritage Lottery Bid for the park and landscape has been successful and is valued at £1.8M. The Council has match funded this with £200K.

The Parks team are meeting with the Heritage Lottery Fund on 25 January to agree the formal sign off of the funds.

The project plan is in place and already agreed with the HLF and following the meeting in January the process begins to appoint a project officer and undertake the works (including tenders for the contracts etc) over a main 2 year development period."

Question 11 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

What detailed analysis was undertaken of the several proposed zones issued for consultation two weeks before Christmas and how many man hours were spent on such analysis?

Reply from Councillor Bond

"Analysis of road casualty data and speed and volume surveys was undertaken, together with on site surveys and office design work. Approximately 75 hours was spent on each of the seven schemes recently consulted on. In order to compensate for consulting over the Christmas period residents were given 5 weeks to respond rather than the usual 3."

Question 12 from Councillor Brett to Councillor Bond, Cabinet Member for Environment

Can the Cabinet Member for Environment give an update on the Forty Hall Green Way?

Reply from Councillor Bond

“I am pleased to say that I approved a report on the 19 December that gives the go ahead to implement the Forty Hall Greenway in the summer. This scenic route will encourage walking and cycling and for the first time allow wheelchair access to this route. It will also encourage people to visit Forty Hall by means other than the car and allow parents to park in the Forty Hall car park and walk their children down to Forty Hill School.”

Question 13 from Councillor Lavender to Councillor Bond, Cabinet Member for Environment

Can he inform the Council, in relation to the proposed introduction of 20mph zones, why these zones are so excessively large? Why in particular do most of them incorporate many roads that are so remote from the schools, that are to be protected from any speeding vehicles, that the measures that would be introduced in these roads, whilst causing inconvenience to their residents, would be very likely to have no, or a very negligible, effect on the safety of children attending those schools?

Reply from Councillor Bond

“All the streets within the proposed 20 mph zones are within easy walking distance of the schools. As well as reducing road danger these zones will encourage parents and children to walk to school. Most child casualties do not occur right outside schools but in the wider areas around them. Simply treating a short bit of road right in front of the school will not do nearly as much to reduce road danger and encourage walking.”

Question 14 from Councillor Levy to Councillor Bond, Cabinet Member for Environment

What are the costs to the Council of the fare increases imposed by Mayor Johnson?

Reply from Councillor Bond

The cost to Enfield of the Freedom Pass concession is £9.8m for the current financial year (2011/12).

The TfL settlement for the whole of London next financial year is £294.6m, which is a 6.92% increase compared with 2011/12. The main drivers of the increase are higher fares and growth in the number of journeys made by Freedom Pass holders. The Mayor announced on 2 December that fares would increase by RPI +1% (6%) on the Underground, DLR and Overground services and by RPI (5%) on buses and trams. This hike in fares has a significant impact on the cost to the Council of the

Freedom Pass concession, which will increase by £800k to £10.6m in 2012/13.

Question 15 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

With reference to the introduction of Sunday parking charges in Enfield Town can he tell the Council:

1. When was the public consulted on this proposal, by what means and with what result, and on when did he publish a decision to proceed following any such consultation?
2. How many businesses will be affected by the decision?
3. How many churches and churchgoers will be affected?
4. How many vehicles are likely to be affected by the charges?
5. Whether on street restrictions will be extended to Sundays and if so, how many vehicles will be displaced taking account of the answers to 2 & 3 above?

Reply from Councillor Bond

“Following extensive consultation I approved a revised set of parking charges in February 2011. The Report (ENV 10/70) included proposals for the introduction of charges in Enfield Town on Sundays to help reduce congestion, ensure a better turnover of spaces and encourage more people to consider more sustainable means of travelling to the Town Centre. The matter was subsequently considered by the Overview and Scrutiny Committee in March 2011 and my decision confirmed.

Additional waiting restrictions will be introduced imminently on the main roads in Enfield Town to prevent obstructive parking and to help maintain access to and around the town centre. Those vehicles that currently park on the main roads will have to make alternative arrangements. Whilst I appreciate that this may be inconvenient for some individuals, we have to take into account the wider need to improve access to the town centre as a whole.”

Question 16 from Councillor Stafford to Councillor Taylor, Leader of the Council

This time last year the Conservative Group were deriding the ability of our Front Bench (Cabinet) and questioning our capability to deliver the budget and offering us their expertise by forming a coalition.

Can the Leader please inform whether he has been advised that the Conservative Group have now amended their view (as - despite unprecedented Government cuts) the budget will be delivered on time and on schedule?

Reply from Councillor Taylor

“Despite unprecedented cuts in funding we have balanced the budget and operated in a prudent and responsible manner. The extent of reduction contrasts with the cuts savings of the previous administration. I am sure that the opposition must now recognise that their role is no longer one of control. I would contrast the debacle of current Government economic policy with our own approach to deficit management. Perhaps the Leader of the Opposition Group could suggest to George Osborne that he ask the Labour administration for advice. He dearly needs some help.”

Question 17 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

In relation to the introduction of Sunday parking charges:

- has he read the transcript of the judgement of Mr Justice Collins in granting leave to apply for judicial review of Westminster City Council's decision to introduce charges for Sunday parking in parts of the City? and
- Can he indicate any significant difference between Westminster's proposals and his for Enfield?
- In the light of the Westminster case in which the city council was effectively ordered to defer implementation pending a full hearing, can he tell the council why he has declined at the very least to defer the implementation of the new charges in Enfield until the resolution of the Westminster case, as I requested him to do by letter/email around 16th December?

Reply from Councillor Bond

“I have taken independent external legal advice to obtain a detailed understanding of the background to the Westminster case. There were 12 grounds of challenge and permission was only granted on two: one a fact specific issue relating to parking stress in Westminster; the other relating to Westminster's approach to the consultation.

It would not be appropriate to go into the detail of this legal advice, for reasons that I am sure Councillor Neville will appreciate. However, I am clear that the grounds for introducing Sunday parking charges are sound and that the consultation exercise that we carried out was robust. There is therefore no reason to delay the introduction of the charges, which will help achieve a better turnover of spaces, encourage some people to walk, cycle or use public transport to visit the town centre, and help reduce congestion.”

Question 18 from Councillor Savva to Councillor Taylor, Leader of the Council

“Can you comment on the Institute for Fiscal studies report published on January 4th 2012 and the implications it suggests of current Government policy for families?”

Reply from Councillor Taylor

“Thank you for giving me the opportunity to comment on this very detailed report, “The Impact of Austerity Measures on Households with Children”, commissioned by the Family & Parenting Institute.

It raises a number of issues of concern around falling income for the UK’s poorest families and predicts a rise in increased child poverty, both of which are likely to result in an increase in demand for local authority support services. The report predicts that the UK’s poorest families will be disproportionately hit by the Government’s austerity measures. The IFS predicts that families with children will lose more through tax and benefit changes than pensioners or childless adults, both before and after the introduction of universal credit (UC).

The report finds that the introduction of universal credit, rising cost of childcare and below inflation pay settlements are among the key factors in the drop in income. It highlights “a very real concern” as single parents face the challenge of finding a flexible job in a tough labour market, as well as meeting their childcare costs.

Some of the key findings from this very comprehensive report are:-

- Median income among families with children will fall by 4.2% between 2010 and 2015, largely due to benefit changes.
- For a couple with 2 children this equates to £1,250 less per year by 2015, “significantly” steeper than the 0.9% drop felt across all households and the fall in income of £215 a year for couples with no children.
- Larger families will be affected most; the median household with three children will see their income drop by almost 7% by 2015, while those with just one child will see income fall by 3.3%.
- The study found that families in the poorest tenth of the population would be about 10% worse off than they would have been had no changes been made to the tax and benefit system. Even after the introduction of UC this group loses more than the average, at just over 6%.
- Lone parents not in employment would be particularly disadvantaged. They would lose more than 12% of their income on average by 2014/15, or £2,000 per year.
- The IFS estimates that around 500,000 more children will fall into absolute poverty by 2015/16. The measure, as defined by the Child Poverty Act 2010, is where family income is below 60% of the middle income in 2010/11.
- More than half the children, 300,000, will come from households where the youngest child is under five.”

Question 19 from Councillor Neville to Councillor Bond, Cabinet Member for Environment and Councillor Goddard, Cabinet Member for Business and

Regeneration

Could they explain to Council how they reconcile the recent decision to impose car park charges on Sundays at Palace Gardens and other car parks in Enfield Town with exercise of their powers and duties to promote the economic well being of the area?

Reply from Councillor Bond

“As Councillor Neville will recall from the Overview and Scrutiny Committee back in March 2011, we commissioned a detailed study to examine the link between parking charges and town centre vitality before increasing the revised charges. The report by Colin Buchanan & Partners concluded that there was no published evidence to confirm that an increase in parking charges would result in long term harm to the town centre. This conclusion is supported by evidence from the Palace Exchange Car Park which already charges to park on Sundays but remains well used.

In fact, by ensuring a better turn over of spaces, our proposals should help increase the number of space available for shoppers on Sundays.

£1 for up to 1 hour and £2 for up to 2 hours

800 vehicles on Sunday 06/11/2011

The Secretary of States’ statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contravention. Para. 13 states:

13. Enforcement authorities should design their parking policies with particular regard to:

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty;
- Improving road safety;
- Improving the local environment;
- Improving the quality and accessibility of public transport;
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and
- Managing and reconciling the competing demands for kerb space.”

Question 20 from Councillor Hasan to Councillor Orhan, Cabinet Member for Children and Young People

Would the Cabinet Member for Children and Young People give an update on the percentage of child protection conferences held within the statutory timescales?

Reply from Councillor Orhan

“We are currently reporting 100% figure for the time gap between Strategy meetings

and Conference date.

However, we are awaiting a government response to the Munro report which will give guidance to local authorities on timescales for children's social care work. Once this guidance has been issued by the DfE we will implement any changes around timescales for initiating child protection investigations and conferences. We remain vigilant and proud of the excellent work our staff are doing in a highly sensitive area of our work."

Question 21 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

In relation to his decision to implement Sunday parking charges on 8 January:

- (i) can he confirm that he is familiar with the statutory Guidance issued by the Secretary of State for Transport in February 2008, and explain how the decision fits within the criteria set down in paragraph 13 of the Guidance; and
- (ii) does he accept that the statutory Guidance explicitly discourages using parking charges to raise revenue; and
- (iii) the Cabinet Member for Finance & Property has said equally explicitly that the purpose of the proposal was to raise revenue;
- (iv) can he tell the Council how much income he is expecting from the introduction of Sunday charging, and the costs of implementation and enforcement?

Reply from Councillor Bond

"I am familiar with para. 13 of the February 2008 Statutory Guidance. I am also familiar with the more current Operational Guidance to Local Authorities published in November 2010. Paragraph's 3.1-3.6 and Section 8.2 of my Portfolio Report from February 2011 very clearly highlighted the legal framework that applies to the setting of both on and off-street parking charges.

I was not present when the Cabinet Member for Finance & Property may have spoken about parking charges so cannot comment on what he may have said. However, as the relevant decision maker, I have always been absolutely clear that the proposed charges have been introduced for proper traffic management reasons.

Unlike the report he commissioned in May 2008 on Sunday parking that was clearly a revenue raising scheme on the back of parking residents

The gross income generated by the introduction of Sunday charges in Enfield Town is estimated to be in the region of £100k per year. The marginal cost associated with the introduction of the Sunday charges was relatively low as, most of the costs were incurred when the borough-wide on and off-street charges were revised earlier in the year. The additional enforcement cost associated with the introduction of

Sunday charging is not clear at this stage but is likely to be at least £12k per year, assuming that only two Civil Enforcement Officers are deployed.”

Question 22 from from Councillor Simbodyal to Councillor Orhan, Cabinet Member for Children and Young People

Would the Cabinet Member for Children and Young People give an update on the achievements of The Enfield Parent Engagement Panel (PEP), Enfield Training Services and Enfield Community Learning Service and of the Enfield Council and Living Well.

Reply from Councillor Orhan

“Enfield Parent Engagement Panel (PEP) was successfully launched in September 2011 with 49 Parent Champions (PC) graduating. A further **75** parents are currently being trained or are awaiting training to become Parent Champions.

Achievements/Actions

- **8** parents have just completed a 12 week intensive breastfeeding course and will be assisting health visitors/midwives in and around Children Centres in Enfield.
- **30** parents have expressed an interest in becoming named Crime Parent Champions having attended initial one day awareness training. **18** will be trained in February to deliver LEAP (a 6 week programme) working in partnership with YEP (Youth Engagement Panel). The LEAP programme is delivered in schools and the Youth Offending Service with a focus upon conflict resolution in order to reduce youth crime.
- We have over **20** parent practitioners trained to deliver accredited parenting programmes alongside professionals. Parents deliver alongside professionals in schools and children centres across the Borough.
- Volunteering in Schools- Parent Champions are working in schools with reading and writing projects, In particular our ROMA Parent Champion is working between Eldon and Nightingale Academy with a focus upon transition and preventing ROMA young people dropping out of secondary school.
- Volunteering in the Community Parent Support Service- Parents will be joining Community Parent Support Advisors as they go into all schools on a rolling basis to promote the service.
- Parent Champions within the Community are also:
 - Supporting other parents to meet with respective professionals to meet additional needs such as school teachers, educational psychologists, health visitors, Parent Support Advisors
 - Encouraging parents to join their local PEPs
 - Discussing and delivering key messages within their community
- PEP & Parent Champions will also agree Health action plan for the next year.
- PEP is meeting with Child Poverty coordinator in order to devise an action plan outlining the role of PEP and Parent Champions in reducing Child Poverty

PEP Strategic Involvement

- Influencing strategies at local level, coordinated workshop with PEP parents joining Councillors, Borough Commander, Chief Executive and many others to influence development of strategic plans
- Members of the Young People's Life Opportunities Committee, Health Scrutiny Board and Parenting Strategy Steering group
- Coordination of a Parents Summit following the August disturbances
- Influencing practice at National level parent Champion delivered key note speech to Social Workers at the Community Care live conference (May 2011).
- Parent Champions met with Sarah Tether (Children's Minister) at Westminster in May and December 2011 to discuss what is happening in Enfield promoting how early intervention can protect and safeguard children

Project Recognition

On the 5th of December the PEP won the first London Safeguarding award from London Councils for emerging practice' category for "Safeguarding Across Cultural Divides".

Both the Enfield Training Services (ETS) and the Enfield Community Learning Service (ECLS) were inspected by Ofsted in April 2011 and the quality of the provision was judged to be **Good**. The arrangements for safeguarding adults and children were judged to be **Outstanding** which is a fantastic achievement.

The Enfield Training Services provides work-based training programmes to young people and offers local young people provision for Advanced Apprenticeships. It works with a wide range of people - apprentices and foundation learners, excluded pupils, future job fund and Enfield work out participants and a range of others.

Achievements include:-

- Success Rates (Apprenticeships)
98.6% Business Administration
80.0% Hairdressing
- Youth Mark Silver Award for ETS
- Framework for Excellence Survey
8.5/10 Learner satisfaction
9.3/10 Employer satisfaction

The Enfield Community Learning Service provides courses and other learning and development opportunities for adults, young people and children, the programmes includes education, family learning, study support, out of school hours learning, and manages externally funded training and curriculum enrichment projects.

Achievements include:-

- 1678 enrolments
- 342 enrolments on ESOL courses
- 259 learners achieved qualifications

- Retention of 95%
- Achievement rate of 89%
- 11 primary and 6 secondary schools participated in Playing for Success activities involving 226;
- 88 students attended Lee Valley Athletics Centre Academy & Star Track holiday programmes;
- Managed a WebEx pilot project with 6 supplementary schools to explore the use of online meetings and lessons;
- Set up physical activity programmes in schools, leisure centres sports clubs and community settings for over 1000 young people.”

Question 23 from Councillor Lamprecht to Councillor Bond, Cabinet Member for Environment

On each Area Forum residents are usually provided with information of activities undertaken and forthcoming.

Why was there no mention of the upcoming consultation at the Bowes, Southgate Green and Palmers Green Ward Area Forum on upcoming 20mph zones at:

- Firs Farm Primary School 20 mph zone
- Oakthorpe Road (St Anne’s Catholic High School) 20mph zone

Leaflets for the Firs Farm 20mph have been delivered to residents but the consultation is not available on the consultations page of the web site. Why? Residents can comment at www.enfield20mph.co.uk but there are no plans.

Why was this the case?

Reply from Councillor Bond

“The decision to go out to public consultation on these schemes had not been finalised at the time of the last Bowes, Southgate Green and Palmers Green Ward Area Forum, and so was not reported. If Councillor Lamprecht had looked more closely he would have seen that plans were in fact viewable on our consultant’s website. There was also a link on the Councils website to our consultant’s website.”

Question 24 from Councillor Buckland to Councillor Orhan, Cabinet Member for Children and Young People

“Would the Cabinet Member for Children and Young People give an update on the work of the Enfield teenage pregnancy team work?”

Reply from Councillor Orhan

“The Enfield Teenage Pregnancy team continue to work hard with young people in conjunction with the Youth Service, schools, parents, the voluntary sector and partner agencies. They are currently looking to introduce more innovative and

modern ways of reaching young people and are leading on a social networking strategy to include Facebook, Twitter and Text Messaging.

Achievements include:-

From having one of the worst situations in London in 2006 Enfield has become one of the most improved London boroughs. Enfield has the second largest decrease in Teenage Pregnancy rate in London. Our achievements have been recognised in The Guardian national press putting Enfield in a very positive light.

The text messaging service has recently won a Highly Commended award in Advice and Guidance category of prestigious *Children and Young People Magazine Awards 2011* and I would like to take this opportunity to thank the team for this achievement.”

Question 25 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

“Following the increase in off street parking charges at the Palace Gardens Centre introduced in April 2011, can he tell the council how much revenue was generated by the issue of tickets for up to two hours parking for the period from the introduction of the higher charges to the most recent date on which data is available and likewise for the preceding equivalent period.”

Reply from Councillor Bond

For the two periods requested above income generated across all of the Council's Enfield Town car parks for periods up to 2 hours from the commencement of the financial year for a forty week period the income generated was:-

2010/11 £551,855.10
2011/12 £690,807.60”

Question 26 from Councillor Lavender to Councillor Bond, Cabinet Member for Environment

“Does the Cabinet member for Environment support the decision of the Council not to consult residents about the Trent Park New Year's Eve All night event? This seems to have been acknowledged as a failing at the Licensing Committee which determined the matter. What action does he propose to take to ensure that residents are properly consulted in future?”

Reply from Councillor Bond

“The Council complied fully with its statutory responsibility in terms of consultation for a licence. The notice was published in accordance with the regulatory framework.

In future any other event that requires a licence will be managed in line with the regulatory guidance and framework.”

Question 27 from Councillor Rye to Councillor Taylor, Leader of the Council

“At the Overview and Scrutiny Committee Meeting to hear a call in on the sale of The Bourne car park, a member of the public asked, why the Council had not consulted the public, given that the Enfield Compact states that there will be public consultation on issues directly affecting residents. Cabinet Members present at this meeting were unable to answer this question. Would he inform the Council, when the Enfield Compact on public consultation applies and when it does not apply?”

Reply from Councillor Taylor

“The Enfield Compact is a partnership agreement about how Enfield’s statutory sector and the voluntary and community sector will work together. The Enfield Compact states that 12 weeks should be the standard period for written consultations with the statutory sector and the voluntary and community sector. The Compact does not relate to direct consultation with households and individuals.”

Question 28 from Councillor Kaye to Councillor Charalambous Cabinet Member for Culture, Sport & Leisure

“I note that the overwhelming majority of the Olympic Working Group are verbal updates. This makes it very difficult for you to liaise with group members and obtain a steer on issues prior to any decisions being taken and increases the risk of call in. Will Councillor Charalambous ensure that reports are prepared in future?”

Reply from Charalambous

“Officers have been instructed to provide written briefings and reports wherever possible. It should be noted that with the 2012 London Games less than 200 days away and with the volume of information that is being provided verbal updates are sometimes necessary to ensure Members are fully informed of the current situation. Wherever possible this will be kept to a minimum.”

Question 29 from Councillor Lavender to Councillor Stafford Cabinet Member for Finance and Property

“Would Councillor Stafford please confirm to the Council the costs to the Council (including actual or lost opportunity costs) of funding any trade unions either with cash, free offices or funded posts?”

Reply from Councillor Stafford

“The budget for trade union facility time is currently £53,380p.a. In addition, the unions have been given the use of 2 rooms within the Civic Centre which accommodate up to 8 people.

These are the same facilities and nominal costs as those of the previous 8 years of the Conservative administration.”

Question 30 from Councillor Laban to Councillor Orhan Cabinet Member for Children & Young People

“Could the Cabinet Member for Children & Young People explain to the council what action her department is taking to help Starks Field Primary School in Edmonton now that its Key Stage 2 results make it one of the worst performing primary schools in the country?”

Reply from Councillor Orhan

“There is so much excellent progress and an enormous amount of work taking place in our schools and in this Authority, especially at a time of unprecedented attack on education and massive cuts to our budgets and I just want to take a moment to thank everyone for all the hard work.

But let me assure you Councillor Laban that as soon as the results became known in July the Head and Deputy Head of School Improvement visited the school to set up intensive programmes of support, monitoring and evaluation. The first visits identified where teaching and provision were weak or inadequate and targeted intervention was put in place. All staff have been trained in assessment for learning and effective lesson planning. LA consultant or Advanced Skills Teacher support is in place for literacy, numeracy from years 1 to 6 and the Foundation Stage.

In order to strengthen leadership and management, the LA recruited and initially funded a very experienced deputy head teacher. A whole school review was undertaken in September and the outcomes shared with the Chair of Governors and the Director at a meeting where the imperative for rapid improvement was shared with the head teacher. An action plan was produced, shared with and accepted by the school leadership.

A further review was carried out on the 9th and 10th of January which identified some improvements, particularly in Y6, where the quality of teaching is now good with outstanding features.

The associate deputy head is ensuring that the school’s self-evaluation is increasingly rigorous and accurate. The Deputy Head of School Improvement is the school’s designated Improvement Adviser and makes regular visits at which the leadership is held to account for pupil progress.

I continue to be vigilant and my Director continues to hold regular meetings with the Chair, head teacher and officers to review progress.”

Question 31 from Councillor Laban to Councillor Orhan, Cabinet Member for Children & Young People

“What action is the Cabinet Member for Children & Young People taking to improve primary school provision in the borough considering that 11 Enfield Schools did not meet the target of 60% level 4 English and Maths at Key Stage 2?”

Reply from Councillor Orhan

“The results for 2011 are still not validated and the final list of schools below the floor has not been confirmed. I am happy to provide Councillor Laban with more details of the work of our School Improvement services and how we priorities and work with schools who at times may have to deal with some challenging circumstances.”

Question 32 from Councillor Laban to Councillor Orhan Cabinet Member for Children & Young People

“Could the Cabinet Member for Children & Young People explain the rationale behind allowing Bowes Primary School to manage additional provision in the borough when there are 25 other schools in Enfield which achieve better Key Stage 2 results?”

Reply from Councillor Orhan

“Bowes Primary school has been judged to be outstanding by Ofsted in three consecutive inspections. The head teacher has been accredited by the National College for School Leadership as a National Leader in Education and as such is expected to take a leading role in securing school improvement within the LA. Whilst not the highest results in Enfield, the school is judged by Ofsted to have outstanding achievement and teaching given the starting points and capabilities of the children. Bowes School is currently being considered for designation as a, flagship Teaching School, in accordance with the current government’s policies. The Foundation Stage provision at the school is outstanding and held up as a model of excellent practice by the LA Early Years Adviser. The school and its head teacher have an outstanding track record of providing high quality and effective support for schools in challenging circumstances. Another consideration has been the stability and security and strength of the leadership at Bowes, which means the LA is confident that Bowes has the capacity to lead on additional provision without damaging the quality of education at the school. Therefore with these qualities, I am extremely proud that Bowes School, its staff and head teacher is part of the family of schools in this Authority.”

Question 33 from Councillor Laban to Councillor Charalambous, Cabinet Member for Culture, Sport & Leisure

“Could the Cabinet Member for Culture, Sport & Leisure update the council on the progress of building works at Southgate and Albany Leisure Centre?”

Reply from Councillor Charalambous

“Albany Leisure Centre build programme has begun and is currently due to be completed and open on the 23rd April. This is currently 8 weeks behind the anticipated completion date, following delays associated with work to a Gas Main that was not anticipated at the design stage of the project. The Council, Fusion, Project managers and the builders are working hard to mitigate these projected delays and it is hoped to reduce them between now and April. Albany's changing facilities will be upgraded with a gym and studio being added, this will make the facility a multi use facility rather than a predominately swimming site as it was in the past.

Southgate Leisure Centre build programme has begun and is currently due to be completed and open on the 10th August. Work is well underway with the centre being kept open through the use of temporary accommodation. This accommodation has inconvenienced some local residents but the Council and Fusion are working hard to minimise the impact. Southgate developments will provide improved gym and studio space modernising the services that can be provided. It will also provide much improved changing and reception facilities. The life of this forty year old facility will be extended by at least twenty years.”

Question 34 from Councillor Neville to Councillor Goddard, Cabinet Member for Business and Regeneration

“Following the August riots in Enfield Town several meetings with representatives of businesses were held, at which undertakings were given to provide in particular the Palace Gardens Traders Association and the Enfield Town Business Association information on what bids were being made for the funds set up by the Mayor of London and the government respectively to assist those town centres affected by the riots and their progress. Could he explain why it is that as at 9th January this year, despite repeated requests no information has been provided to either of the associations and since his officers seem unable to tell the businesses, could he tell the council what the position is in relation to Enfield Town?”

Reply from Councillor Goddard

“The Director of Regeneration, Leisure and Culture and the Head of Sustainable Communities have met with Enfield Town Business Association and Enfield Business Retailers Association (who are commissioned to run town centre management in Enfield) several times since the disturbances. The ETBA has a representative from the Palace Gardens Management and some of the Palace Gardens retailers. The first two meetings were concerned with the immediate aftermath of the riots in terms of exchanging information and ensuring that businesses benefited from rate rebates and grants where they were eligible. These meetings also focussed on increasing confidence and footfall in Enfield Town and EBRA, with the help of the ETBA, planned and implemented the ‘We Love Enfield Campaign.’ This has been funded by the Council and will be recouped from the High Street Fund. At the last meeting on 9th November 2011 the Association and EBRA were keen to look toward the future in terms of reviewing future proposals for Enfield

Town following the riots. That discussion has been scheduled for the ETBA meeting on 18th January 2012.”

Question 35 from Councillor Neville to Councillor Bond, Cabinet Member for Environment

Following publication of "The Council Business Plan 2011 /14", could he explain the figures shown on page 43 of the Plan under the heading "Street Cleanliness", relating to litter and graffiti respectively and their significance?

Reply from Councillor Bond

The results reported in the Council Business Plan relate to the period between April 2010 and March 2011. They show that there was an unacceptable level of litter in only 5% of inspected locations, which compares with 8% in 2009-10 and 10% in 2008-09.

This result meant that the 10% target, which had originally been agreed with Defra and the Government Office for London as part of the 2008-11 Local Area Agreement (LAA) back in 2008, was easily surpassed.

Also, as part of the LAA, the Council agreed to achieve a 5% target for the level of graffiti in the borough in 2010-11. As the Council Business Plan outlines, this 5% target was achieved.

This figure also indicates an upward trend – this means that the level of cleanliness is improving and the cleanliness of borough roads is at its best level ever.“

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