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THE CABINET

**Wednesday, 24th April, 2013 at 8.15 pm in the Conference Room,
Civic Centre, Silver Street, Enfield, EN1 3XA**

Membership:

Councillors : Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Chris Bond (Cabinet Member for Environment), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Del Goddard (Cabinet Member for Business and Regeneration), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenner (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

NOTE: CONDUCT AT MEETINGS OF THE CABINET

Members of the public and representatives of the press are entitled to attend meetings of the Cabinet and to remain and hear discussions on matters within Part 1 of the agenda which is the public part of the meeting. They are not however, entitled to participate in any discussions.

AGENDA – PART 1

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATION OF INTERESTS**

Members of the Cabinet are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

DECISION ITEMS

3. URGENT ITEMS

The Chairman will consider the admission of any reports (listed on the agenda but circulated late) which have not been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) Regulations 2012.

Note: The above requirements state that agendas and reports should be circulated at least 5 clear working days in advance of meetings.

4. DEPUTATIONS AND PETITIONS

To note that no requests for deputations (with or without petitions) have been received for presentation to this Cabinet meeting.

5. ITEMS TO BE REFERRED TO THE COUNCIL

To confirm that the following items be referred to full Council:

1. Report No.203 – Amendments to the Policy for Footway Crossovers and Proposals for the Management of Associated Illegal Activity
2. Report Nos. 207 and 210 – Garfield School Re-provision of a 3FE School

6. FEBRUARY 2013 REVENUE MONITORING REPORT (Pages 1 - 14)

A report from the Director of Finance, Resources and Customer Services is attached. This sets out the Council's revenue budget monitoring position based on information to the end of February 2013. **(Key decision – reference number 3607)**

(Report No.202)
(8.20 – 8.25 pm)

7. AMENDMENTS TO THE POLICY FOR FOOTWAY CROSSOVERS AND PROPOSALS FOR THE MANAGEMENT OF ASSOCIATED ILLEGAL ACTIVITY (Pages 15 - 54)

A report from the Director – Environment is attached. This proposes amendments to the technical standards for footway crossover applications and seeks approval for adopting a policy for the management of illegal activity. **(Key decision – reference number 3664)**

(Report No.203)
(8.25 – 8.30 pm)

8. EMPTY PROPERTY COMPULSORY PURCHASE ORDER (CPO VIII)
(Pages 55 - 72)

A report from the Director of Health, Housing and Adult Social Care is attached. This invites Cabinet to authorise officers to make a compulsory purchase order on an empty residential property. **(Key decision – reference number 3671)**

(Report No.204)
(8.30 – 8.35 pm)

9. CONTRACT AWARD FOR UNDERTAKING A PROGRAMME OF ENERGY CONSERVATION WORKS TO CORPORATE BUILDINGS AND SCHOOLS
(Pages 73 - 84)

A report from the Director – Environment is attached. This sets out proposals to undertake a programme of energy conservation works to corporate buildings and schools by utilising the provisions of the Mayor of London's REFIT programme. (Report No.208, agenda part two refers) **(Key decision – reference number 3670)**

(Report No.205)
(8.35 -8.40 pm)

10. CONTRACT FOR RESIDENTIAL CARE SERVICES FOR PEOPLE WITH DEMENTIA AT PARKVIEW HOUSE (Pages 85 - 88)

A report from the Director of Health, Housing and Adult Social Care is attached. This reports on the outcome of the recent tender exercise. (Report No.209, agenda part two also refers) **(Key decision – reference number 3558)**

(Report No.206)
(8.40 – 8.45 pm)

11. GARFIELD SCHOOL RE-PROVISION OF A 3FE SCHOOL

A report from the Director of Schools and Children's Services and Director of Finance, Resources and Customer Services will be circulated as soon as possible. This details proposals for the re-provision of Garfield Primary School. (Report No.210, agenda part two also refers) **(Key decision – reference number 3698)**

(Report No.207)
(8.45 – 8.50 pm)
TO FOLLOW

12. PONDERERS END: DELIVERY ARRANGEMENTS

A report from the Director of Regeneration, Leisure and Culture will be circulated as soon as possible. (Report No.219, agenda part two also refers) **(Key decision – reference number 3682)**

(Report No.217)
(8.50 – 8.55pm)
TO FOLLOW

13. PONDERERS END: PROPOSED PLANNING COMPULSORY PURCHASE ORDER

A report from the Director of Regeneration, Leisure and Culture and Director of Finance, Resources and Customer Services will be circulated as soon as possible. (Report No.220, agenda part two also refers) **(Key decision – reference number 3682)**

(Report No.218)
(8.55 – 9.00pm)
TO FOLLOW

14. CABINET SUB-COMMITTEES - MUNICIPAL YEAR 2013/2014

Members are asked to agree, in the light of the potential need for Cabinet Sub-Committees to meet before the May Cabinet meeting, that Councillor Doug Taylor (Leader of the Council) be given delegated authority to agree any required changes to the membership or composition of the existing Cabinet Sub-Committees. Any such changes to be ratified by the Cabinet at the next appropriate meeting.

Subject to any changes agreed as above, the existing membership of the Cabinet Sub-Committees would continue unchanged for the new municipal year.

15. ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS

No items have been received for consideration at this meeting.

16. CABINET AGENDA PLANNING - FUTURE ITEMS (Pages 89 - 90)

Attached for information is a provisional list of items scheduled for future Cabinet meetings.

17. NOTICE OF KEY DECISION LIST

Members are asked to consider any forthcoming key decisions for inclusion on the Council's Notice of Key Decision List.

Note: the next Notice of Key Decision List is due to be published on 30 April 2013, this will be effective from 1 June 2013.

18. MINUTES (Pages 91 - 104)

To confirm the minutes of the previous meeting of the Cabinet held on 20 March 2013.

19. MINUTES OF ENFIELD RESIDENTS' PRIORITY FUND CABINET SUB-COMMITTEE - 19 FEBRUARY 2013 (Pages 105 - 118)

To receive, for information, the minutes of a meeting of the Enfield Residents' Priority Fund Cabinet Sub-Committee held on 19 February 2013.

20. MINUTES OF POLICY CABINET SUB-COMMITTEE - 6 MARCH 2013 (Pages 119 - 122)

To receive, for information, the minutes of a meeting of the Policy Cabinet Sub-Committee held on 6 March 2013.

21. MINUTES OF ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE - 7 MARCH 2013 (Pages 123 - 128)

To receive, for information, the minutes of a meeting of the Enfield Community Capacity Building Fund Cabinet Sub-Committee held on 7 March 2013.

22. MINUTES OF LOCAL PLAN CABINET SUB-COMMITTEE - 18 MARCH 2013 (Pages 129 - 136)

To receive, for information the minutes of a meeting of the Local Plan Cabinet Sub-Committee held on 18 March 2013.

23. MINUTES OF ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19 MARCH 2013 (Pages 137 - 148)

To receive, for information, the minutes of a meeting of the Enfield Residents Priority Fund Cabinet Sub-Committee held on 19 March 2013.

24. MINUTES OF LBE/EREC - 12 FEBRUARY 2013 (Pages 149 - 156)

To receive, for information, the minutes of a meeting of LBE/EREC held on 12 February 2013.

INFORMATION ITEMS

25. EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT (Pages 157 - 158)

This information paper is an update to Cabinet on the result of the Council's recent assessment against the excellent level of the Equality Framework for Local Government.

(9.15 – 9.20 pm)

26. ENFIELD STRATEGIC PARTNERSHIP FEEDBACK

To note that there are no written updates.

27. DATE OF NEXT MEETING

To note that this is the last Cabinet meeting in the current municipal year.

The provisional date for the next meeting of the Cabinet is Wednesday 22 May 2013 at 8.15pm (this is subject to the agreement of the Council's calendar of meetings 2013/14 at the Annual Council meeting).

CONFIDENTIAL ITEMS

28. 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 any items of business listed on part 2 of the agenda on the grounds that they involve 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).
(Members are asked to refer to the part 2 agenda).

MUNICIPAL YEAR 2012/2013 REPORT NO. **202**

MEETING TITLE AND DATE:

Cabinet
24th April 2013

REPORT OF:

Director of Finance, Resources
and Customer Services

AGENDA PART 1
ITEM : 6

**Subject: February 2013 Revenue
Monitoring Report.**

**Cabinet Member Consulted:
Cllr Andrew Stafford**

Contact:

Richard Tyler: 0208 379 4732

1. EXECUTIVE SUMMARY

- 1.1 This report sets out the Council's revenue budget monitoring position based on information to the end of February 2013.
- 1.2 The report forecasts an outturn position of £837k underspend for 2012/13.

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1 Notes the £837k underspend revenue outturn projection.

3. BACKGROUND

- 3.1 The Council's revenue expenditure against budget is monitored by budget managers, supplemented by regular reports to the Corporate Management Board and Cabinet. These reports provide a snapshot of the revenue position for each Department and for the Council as a whole, and provide details of any projected additional budget pressures and risks, or any significant underspends.

REVENUE MONITORING

- 3.2 The Revenue Monitoring Report is a result of the monthly monitoring process carried out by Departments, which is based on the following principles to ensure accuracy, transparency and consistency:
 - Risk assessments, to enable greater emphasis to be placed on high-risk budgets throughout the year.
 - Comparisons between expenditure to date, current budgets and budget profiles.
 - Expenditure is predicted to the year-end, taking account of seasonal fluctuations and other determinants of demand.

- The 'Key Drivers' that affect, particularly, the high-risk budgets are monitored and reported to Department Management Teams.

- Action plans to deal with any areas that are predicting or experiencing problems staying within agreed budgets are produced.

3.3 This report provides information on the main budget variances as well as their causes that are affecting the Council. Although a full budget monitor is carried out each month within departments, the variations in this report are deliberately limited to +/- variances of £50,000 or over in order to provide a greater strategic focus.

4. February 2013 Monitoring – General Fund

4.1 A summary overview of financial performance is outlined below in Table 1. The intention of this is to provide the key highlight messages in a “dashboard” style summary. It is designed to capture the key messages across the Council’s main financial areas, namely:

1. Income and expenditure;
2. Balance sheet (liquidity, debtor/creditor management, investments and use of balances); and
3. Cash flow forecasting and management.

4.2 The inclusion of a colour-coded risk rating helps to focus attention on emerging issues that need addressing, where:

- Red = corrective action needs to be taken.
- Amber = close monitoring required.
- Green = on target, no emerging issue identified.

Table 1: Financial Performance Overview

Area of review	Key highlights	Risk Rating		
		Dec	Jan	Feb
Income and expenditure position	<ul style="list-style-type: none"> • Year end forecast variances of £837k underspend have been identified as at February 2013. These budget variances have been managed closely to ensure timely appropriate action is taken in order that overspending departments fall within budget at the end of the financial year. Reduced income levels were also closely monitored as part of this exercise. 	Green	Green	Green
	<ul style="list-style-type: none"> • A greater focus on budget profiling across all departmental budgets was applied in order to better reflect predicted net spending patterns throughout the year. 	Amber	Amber	Green
	<ul style="list-style-type: none"> • The HRA is projecting an underspend of £271k for 2012/13. The forecast takes account of the fact that in the current year there has been a significant increase in repair and maintenance costs. Similar increased costs are being experienced in neighbouring boroughs and are as a result of continued wet weather conditions in 2012/13. 	Green	Green	Green
Balance Sheet	<ul style="list-style-type: none"> • The current profile of cash investments continues to be in accordance with the Council's approved strategy for prioritising security of funds over rate of return. 	Green	Green	Green
	<ul style="list-style-type: none"> • The year end projections for General Fund balances are in line with the Council's Medium Term Financial Strategy target levels. 	Green	Green	Green

Area of review	Key highlights	Risk Rating		
		Dec	Jan	Feb
Cash flow	<ul style="list-style-type: none"> The Council's cash balances and cashflow forecast for the year (including borrowing) will ensure sufficient funds are available to cover planned capital and revenue commitments when they fall due. 	Green	Green	Green
	<ul style="list-style-type: none"> Interest receipts forecast for the year are on target with budget. 	Green	Green	Green

4.3 A summary of the departmental and corporate projected outturns and variances against budget is set out in Table 2 as follows:

Table 2: Net Controllable Budget

February 2013	Net Controllable Budget				
	Original Budget	Approved Changes	Approved Budget	Projected Outturn	Projected Variation
	£000s	£000s	£000s	£000s	£000s
Department					
Chief Executive	3,944	507	4,451	4,451	0
Environment	27,820	2,414	30,234	30,668	434
Finance, Resources & Customer Services	41,841	3,859	45,700	45,700	0
Health, Housing and Adult Social Care	94,619	8,970	103,589	103,142	(447)
Regeneration, Leisure & Culture	9,723	246	9,969	9,969	0
Schools & Children's Services	57,818	2,462	60,280	59,456	(824)
Total Department Budgets	235,765	18,458	254,223	253,386	(837)
Contribution to / from balances	0	(17,175)	(17,175)	(17,175)	0
Corporate Items	8,627	(1,283)	7,344	7,344	0
Government Funding	(122,892)	0	(122,892)	(122,892)	0
Council Tax Requirement	121,500	0	121,500	120,663	(837)

5. DEPARTMENTAL MONITORING INFORMATION – BUDGET PRESSURES & PROJECTED SAVINGS

5.1 Chief Executive's Department

The department is currently projecting a level spend for 2012/13.

5.2 Environment

The department is currently projecting a £434k overspend, explanations for variances over £50k (totalling £520k) are detailed below:

- +£400k Loss of income on Building Control fees due to the continued low level building construction activities in the current economic climate.
- -£144k Underspend on Fleet management, £289k saving in leasing charges due to the planned delay in the replacement of some refuse vehicles following an assessment of their condition earlier this year, and the revision of leasing repayment rates for vehicles purchased last year. This is partially offset by the loss of MOT test income following a decision to cease MOT tests service from September 2012.
- +£549k Reduction in parking receipts. A number of factors impact on this income, such as the slow economic recovery, footfall, drivers' behaviour and weather conditions, all of which need to be taken into consideration when projecting parking income. There has been a significant reduction in income in this financial year as compared to the same period last year. Enfield, like neighbouring boroughs, is experiencing a downward trend on the number of PCNs issued over the last five years, which has resulted in a significantly reduced parking receipt over time. Enfield continues to concentrate its effort in ensuring that PCNs are issued appropriately and has one of the highest rates for defending appeals in London. Where no payment occurs, bailiffs collection rates have increased from 12% to 18% over the last two years, which puts Enfield as the top performer in London.
- -£327k Underspend in the disposal costs for trade waste and dry commingled waste. The saving arising from the dry commingled waste disposal contract is due to the favourable material prices during 12/13 and Enfield is entitled to a share of the financial benefits based on the price sharing mechanism that operates in this contract. The movement from last month is due to savings on disposal costs for dry comingled waste being higher than originally anticipated.
- +£181k Loss of fees income in Architectural Services as a result of a reduction in the commissioning of work for capital programme.
- -£57k Underspend in Community Safety Unit due to savings on vacant posts which are partially offset by additional costs of CCTV maintenance as a result of the installation of additional CCTV cameras in recent years.
- -£82k Underspend in Highway Services following the receipt of settlement costs as a result of the successful appeal of a court case.

5.3 Finance, Resources & Customer Services

The department is currently projecting even spend. Explanations for variances over £50k are detailed below:

- A projected short-fall in income £25k from land charges resulting from the current economic climate. Citizenship fee, booking levels have been lower than anticipated. There is an £260k over spend from the cost of external legal costs for additional safeguarding demands. These costs will be funded from the specific provision within the Council's contingent items.

- Property Services have continued to be affected by the general downturn in the economy with lower occupancy rates of commercial/ industrial sites and the resultant loss of rentals. This loss of income will be funded from the specific provision within the Council's contingent items. (+£400k).
- An underspend from Concessionary Fares of (£157k) is due to the low take-up of taxi cards and additional income blue card renewals. It is proposed to put part of this underspend into an earmarked reserve to meet any future increases in concessionary fares.
- There is a £200k overspend in the Customer Services resulting from the transfer of the Community Alarm services being transferred into the service. It is anticipated these costs can be contained from other areas within the department.

5.4 Health, Housing & Adult Social Care

The department is currently projecting an underspend of £447k. This includes a proposal to contribute £800k from the central contingency towards a corporate reserve to be set out and agreed in the 2012-13 Outturn report to Cabinet in July, including the use of HHASC grants to be utilised in future years.

Explanations for variances/ movements over £50k are detailed below:

- -£419k Strategy & Resources are projecting an underspend. This is due to the release of underspends in previously ring-fenced Housing supporting people funds of £336k and £83k relating to the Direct payments contingency which is no longer required.
- -£272k Projections in Mental Health Services continue to project an underspend as a result of variations in the net cost of client care packages.
- +£0k Learning Disabilities are projecting a break even position for year end. The movement in month is £380k. This is as a result of £66k variation in client activity and achievement of agreed savings. It has also been agreed to fund additional pressures within Learning Disabilities service for Ordinary residence of £250k from the Care purchasing contingency. The remaining £64k will be contained by the service through further delivery of agreed savings and management of client activity in the last month of the year.
- +£0k The Customer Pathway are projecting a break even position. This is a movement of £166k in month. This is as a result of reduced client commitments within Complex care purchasing, as a result of the strategic shift to providing clients with more community based care, thus reducing the average cost of client care packages.
- -£334k The underspend in Provider services is a result of an increase in client income due to increase in service users. Movement from last month of £59k is due to variations in projected income.

- -£222k The movement in month is as a result of a one-off contribution of £250k from the Care purchasing contingency to fund Learning difficulties ordinary residents pressures.

Community Housing

The Community Housing Division is currently projecting an underspend of £215k for 2012/13. Any overspend or underspend on this service will be managed within the Initiatives Reserve Fund, of which projected balance is £2.9m at 31st March 2013.

The projected variances over £50k are set out below:

Temporary Accommodation:

- +£596k overspend on rents. The current projections show that the number of Private Sector Leases are declining and as a result the Council is having to increase the usage of the more expensive nightly paid annexes, to house homeless tenants. It is relevant to note there is a potential overspend of £980k on rents for the year (this includes £384k funded from Initiatives Reserve). This level of pressure on rents is forecast to continue next year.
- -£180k underspend on costs of repairs due to reduction in property numbers where the Council has a repairs liability.
- -£124k underspend on furniture costs due to reduction in property numbers where furniture has to be provided.
- -£52k underspend on salaries due to vacancies.
- -£227k underspend on bad debt provision contributions due to improvement in collection rates.
- -£123k Additional income due from Home Office for housing casework supporting former Asylum seekers.
- £123k Additional expenditure on new business incentives to stem reducing numbers in the Private Sector Leases and Private Lease annexes portfolio.
- -£98k underspend on refunds recovered by the service from previous deposits scheme.

Housing Other:

- -£53k underspend on HRA recharges due to changes in HRA/GF staff time split.

5.5 Regeneration, Leisure & Culture

The department is currently projecting a nil variation from approved budget and there are no current variances over £50k to report.

5.6 Schools & Children's Services

The SCS department is currently projecting an underspend of £824k. Within this there are individual budget areas with projected variances over £50k. Explanations for these (totalling £802k underspend) are detailed below:

- Intervention. There is an underspend of £70k in the salary budget resulting from a delay in appointing to a number of posts.
- Children Centres are reporting an underspend of £126k. This is due to anticipated costs associated with the additional advice sessions, regarding the new Welfare Reforms, being contained within the Commissioning budget.
- 2 Year Olds are reporting an underspend of £51k for the first time this month due to non-placement in approved settings.
- Sufficiency and Access- an underspend of £59k is due to a combination of staff vacancies -£11k, an increase in income from Early Years training programme- £7k and the cost of moving the IF teams from De Bohun to the Civic totalling £7k less than anticipated. In addition £34k will not be spent on staff projects due to staff illness.
- Schools Building Project. £100k underspend. This budget includes the provision for the manager of the Primary Expansion project whose costs will be charged to a number of capital projects resulting in a revenue saving.
- Legal Expenses. The legal disbursements budget is likely to overspend by at least £62k of which £22k is due to SEN appeals and £39k to employment tribunals /payments.
- Children Centres Development Team. £75k underspend. This quarter Children Centres have had restricted capacity to deliver additional services resulting in a £75k saving.
- Catering Service. £250k underspend. This is based on current levels of income & expenditure. The increase in underspend is primarily as a result of an increase in meal numbers which has generated additional income.
- Safeguarding Management - The underspend of £209k results mainly from a scaling back of the recruitment into the vacant graduate social work trainee posts. In addition an underspend of £50k has resulted following a Pilot Inspection for LAC conducted by OFSTED and a Mock Inspection commissioned from Children's Improvement Board focusing on CP practise. These costs have been significantly reduced thereby increasing the underspend this month. A review of the equipment budget has identified further savings this month.
- The Children in Need Team is reporting a £97k overspend due to these teams needing to be fully staffed to provide a safe service. The overspend has reduced this month due to a review and reduction in the number of agency staff following the appointment of permanent social workers.

- Prevention of Care Section 17 – is overspending by £53k due to Housing (Rent and Deposits) expenditure for families requiring support to avoid children coming into care.
- No Recourse to Public Funds £153k overspend. The projection is based on current requests for funding and does not include a projection for any unknown new cases that may arise before the year end. There have been 2 new families in January which have increased the overspend this month by £11k.
- The Adolescent Support Team £180k underspend. This is a new service and the team was not fully staffed until early autumn, resulting in salary underspends in the first part of the year. A new underspend has been identified this month due to a delay in moving to new team premises which will not now happen this financial year.
- In House Fostering –This budget is now underspending by £194k which is an increase of £48k this month mainly as a result of the provision for possible future placements being removed.
- The LAC care purchasing budgets are reporting an overspend of £121k, an increase of £23K. The reason for the increase is a secure remand placement arising during January with a projected cost of £16k plus 2 new placements and some extended placements in Residential resulting in an additional cost of £54K. However the provision of £50k for new placements which had been included in earlier estimates has been removed.
- LAC Support Costs Section 20 - Following a review of actual expenditure to date and future commitments an underspend of £75k is now expected on this budget.
- The LAC team is projecting an overspend of £61k as it is fully staffed in order to meet caseload pressures.

The key risks associated with these projections are:

- The LAC external care purchasing budget projections will show increased spending if new placements are made or existing placements are extended beyond their current projected end dates.
- Youth Justice Secure Remand Pressures – in November the first impact of the new Youth Sentencing proposals started to impact upon the Council as those young people remanded into secure custody will immediately obtain LAC status. This could increase LAC caseloads resulting in additional staffing costs at the end of the year.
- Welfare Benefit Changes - although these will not be introduced until April there is a risk that an impact will be felt before then, particularly in relation to those services that support homeless families.
- Youth Service - The My Place Project is nearing completion, however there is a potential dispute with the contractor which could result in additional costs to the council which cannot be funded from the capital budget. Project officers are currently assessing the contractors claim. A provision of £100k has been included in this month's projection but this may not be sufficient.

Schools Budgets - These variations do not form part of the General Fund position

The Schools Budget is currently projecting a £7k underspend as compared to last months projected underspend of £28k. The underspend is due mainly to the following variances over £50k:-

- An increase in the number of children eligible within the Nursery Education Grant is more than was originally anticipated resulting in a projected overspend of £200k. However this figure is likely to reduce see 'Schools Risks.'
- The 3-4 Year Old Increased Participation project will not now be developed in 2012/13 resulting in an underspend of £100k. A further report is to be submitted to the schools forum.
- The Admissions service is projecting an underspend of £85k resulting from the relocation of Bowes at Swan Annexe and a reduction in the number of students both continuing and being placed at College
- Behaviour Support are reporting underspends totalling £112k of which STC Eldon is reporting £40k primarily due to staff vacancies, STC Swan a small underspend of £3k and Swan Behaviour Support Team is projecting a £75k underspend due to unbudgeted buyback income. Outturn projections are dependent on a large investment in I.T. currently being undertaken and the underspend could increase if this project is not completed by year-end.
- The Child Learning Disability team is projecting an underspend of £80k due to 4 vacancies arising earlier in the year. The recruitment process has started and appointments are planned. The variance from last month is due to recruitment taking longer than previously estimated.
- School Bulge Classes. In order to provide the additional primary school places, a number of schools have opened bulge classes from the February half term. The estimated cost of setting these up is £200k

Schools Risks

Nursery Education Grant - We are still waiting for the final school nursery numbers to be submitted. Although new nursery classes have opened in the maintained sector this appears to have resulted in numbers falling in existing nursery classes rather than an overall increase as predicted. PVI numbers and adjustments for the spring term 2013 are still being finalised.

6. OTHER GENERAL FUND ITEMS

6.1 Treasury Management

Cash balances are falling now with the reduction of income from direct debit council payments. (The majority of our Council tax income is received over the first ten months of the year).

As stated in earlier monitors the Council planned to borrowed during the last quarter to avoid the cost of carry. The Council plans to borrow £20m before the end of the

end of the financial year to finance the 2012/13 capital programme.

Given the fact the low interest rate environment is likely to remain for an extended period. As a result of the delay in our borrowing an underspend has arisen. It is proposed to apply the Interest saving to the Equalisation Account. This will be reported in the Outturn report to Cabinet in July.

As at 28th February the Council's treasury position was as follows:

Borrowing & Investments	Position 28th February £m	Position 31st January £m
Long term borrowing	244.1	244.1
Short-term borrowing	26.0	26.0
Total borrowing	270.1	270.1
Total investments	(39.5)	(56.2)
Net debt	230.6	213.9

An analysis of the investments held as at 28th February is shown below:

London Borough of Enfield Investments at 28th February 2013

Financial Institution	Principal	Start Date	Effective Maturity	Rate	Days to Maturity	Lowest Credit Rating
Santander UK PLC	£5,500,000	28/02/2013	01/02/2013	0.60%	1	A
HSBC Bank PLC	£3,760,000	28/02/2013	01/02/2013	0.40%	1	AA-
Royal Bank of Scotland PLC	£5,400,000	28/02/2013	01/02/2013	0.80%	1	A-
Barclays Bank PLC	£7,500,000	10/01/2013	10/04/2013	0.45%	41	A
Lloyds TSB Bank PLC	£7,500,000	06/02/2013	07/05/2013	0.70%	68	A
Nationwide Building Society	£7,500,000	11/01/2013	11/04/2013	0.44%	42	A
Federated Prime Rate Capital Management	£2,300,000	31/01/2013	01/02/2013	0.42%	1	A
Total - Investments	39,460,000		Average	0.56%		
Number of Investments	7					
Average Investment Size	£ 5,637,143					

*Where the maturity shows one day this means that cash can be called back on demand.

6.2 Corporate Items (Including Contingency & Contingent Items)

The Council maintains a general contingency of £1.0m. There are also a number of contingent items set aside for various purposes. These are monitored and allocated to departments throughout the year.

6.3 Enfield Residents Priority Fund (ERPF)

The Residents Priority Fund was split into one third revenue funding and two thirds capital funding and the financing of the Fund was included as part of the budget build up for 2012/13. Each project bid is evaluated to determine if it constitutes Revenue expenditure or Capital and only expenditure which creates or enhancing an asset is determined as Capital. Throughout the year the trend has been an increased number of revenue projects being requested from residents. In order for the fund to continue to meet the priorities of the residents the original split of the fund was adjusted by

£400k as shown below.

ERPF Status Update March 2013:	Capital £000's	Revenue £000's	Total £000's
Initial allocation	1,400	700	2,100
Adjustment between funds	(400)	400	0
Schemes approved to date	(628)	(960)	(1,588)
Balance currently available	372	140	512
Bids approved at the last Sub Committee (March 2013)	(116)	(135)	(251)
Balance of Unallocated fund to be carried forward to 2013-14	256	5	261

The final meeting to award funds for 2012-13 resulted in an unallocated balance which will be carried forward to next year as agreed in the 2013-14 budget report.

7. Housing Revenue Account (HRA) – Projected £271k underspend

The Housing Revenue Account is currently projecting a £271k underspend on the approved budget. Within this there are individual budget areas with projected variances over £50k. Explanations for these (totalling (£296k) underspend) are detailed below:

- (£180k) Over-recovery of income in Dwellings Rent has been identified due to a reduction in the void rate, the estimated void rate was 1.6% but the current rate is 1.36%.
- (£298k) Refund on the 11/12 Final Subsidy settlement for the HRA due to a change in the consolidated rate of interest (CRI) from 3.55% used by LBE to 3.53% used by CLG. When the outturn for 11/12 was prepared, CLG advised us to use a rate of 3.55%.
- Additional Aerial income of £106k has been received due to property services completing a review of previous years inflation charges. The outcome of the review has identified that inflationary increases haven't been applied for several years resulting in back dated charges. Additional rental income of £48k from shops has also been identified, this is slightly offset by additional energy and rates costs (+£40k)
- When calculating the 12-13 estimates a bad debt provision of £200k for welfare reform was made. As this has been delayed and will not be implemented until the new year this provision will now not be required. A further review of the bad debt calculation has identified a further £100k saving, this is due to an improvement in collection of shops and current tenants debt
- Changes in the RTB legislation have resulted in more tenants buying their properties, to date 54 properties have been sold. We receive a standard admin fee of £2,850 per sale resulting in additional income of £124k. Additional costs for surveyors, legal fees and admin costs partly offset this additional income resulting in an overall surplus of £66k.

- A detailed review of the interest on balances and item 8 calculation has been completed this month. The HRA loans have been split between Capital Financing Requirement and Self Financing, we have then applied actual interest rates on the debt. The estimated CRI was 4.67% and the actual average CRI is 3.34%, this reduction in interest rates has resulted in a saving of £488k.
- The savings target for Repairs and Maintenance was £972k for 2012-13, 80% of this target has been successfully achieved. However, there has been a 12% increase in the number of repairs to the end of October and this trend has continued resulting in an overspend of £1,150k.
- Management fee- £55k overspend. The HRA includes the £15.63m management fee paid to Enfield Homes. Enfield Homes delegated budgets are currently reporting an overspend of £55k. This is mainly due to additional agency staff costs in the Property and Technical services department. The variance has been reviewed and actions are in place to mitigate the overspend.

8. ACHIEVEMENT OF SAVINGS

- 8.1 The 2012/13 Budget Report included savings and the achievement of increased income totalling £12m to be made in 2012/13. All departmental savings proposals are either achieved or on track which is reflected in the overall underspend. Further work is still required to achieve a proportion of the procurement savings.

9. ALTERNATIVE OPTIONS CONSIDERED

Not applicable to this report.

10. REASONS FOR RECOMMENDATIONS

To ensure that Members are:

- 10.1 Aware of the projected budgetary position for the Authority, including all major budget pressures and underspends which have contributed to the present monthly position and that are likely to affect the final outcome.

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

11.1 Financial Implications

As the Section 151 Officer, the Director of Finance, Resources & Customer Services is required to keep under review the financial position of the Authority both in the short and medium term. This report is part of the review and planning process and confirms that there is no deterioration in the financial position of the Authority whilst plans are in place to balance the Medium Term Financial Plan. If required, measures will be put in place to address risks identified through the monitoring and planning process and to contain expenditure within current and future approved budgets.

11.2 **Legal Implications**

The Council has a statutory duty to arrange for the proper administration of its financial affairs and a fiduciary duty to taxpayers with regards to its use of and accounting for public monies. This report assists in the discharge of those duties.

11.3 **Property Implications**

Not applicable in this report.

12. **KEY RISKS**

There are a number of general risks to the Council being able to match expenditure with resources this financial year and over the Medium Term Financial Plan:-

- Ability of Departments to adhere to savings targets.
- State of the UK economy - which impacts on the Council's ability to raise income from fees and charges and on the provision for bad debt.
- Uncontrollable demand-led Service Pressures e.g. Adult Social Care, Child Protection etc.
- Potential adjustments which may arise from the Audit of various Grant Claims.
- Movement in interest rates.

Risks associated with specific Services are mentioned elsewhere in this report.

13. **IMPACT ON COUNCIL PRIORITIES**

13.1 **Fairness for All** – The recommendations in the report fully accord with this Council priority.

13.2 **Growth and Sustainability** – The recommendations in the report fully accord with this Council priority.

13.3 **Strong Communities** – The recommendations in the report fully accord with this Council priority.

14. **EQUALITIES IMPACT IMPLICATIONS**

The Council is committed to Fairness for All to apply throughout all work and decisions made. The Council serves the whole borough fairly, tackling inequality through the provision of excellent services for all, targeted to meet the needs of each area. The Council will listen to and understand the needs of all its communities.

The Council does not discriminate on grounds of age, colour, disability, ethnic origin, gender, HIV status, immigration status, marital status, social or economic status, nationality or national origins, race, faith, religious beliefs, responsibility for dependants, sexual orientation, gender identity, pregnancy and maternity, trade union membership or unrelated criminal conviction. The Council will promote equality of access and opportunity for those in our community who suffer from unfair treatment on any of these grounds including those disadvantaged through multiple forms of discrimination. Financial monitoring and planning is important in ensuring resources are used to deliver equitable services to all members of the community.

15. PERFORMANCE MANAGEMENT IMPLICATIONS

The report provides clear evidence of sound financial management, planning and efficient use of resources.

16. PUBLIC HEALTH IMPLICATIONS

There are no public health implications directly related to this Revenue Monitoring and Medium Term Financial Plan update Report.

MUNICIPAL YEAR 2012/2013 REPORT NO. **203**

MEETING TITLE AND DATE:
Cabinet: 24 April 2013
Council: 17 July 2013
REPORT OF:

Director - Environment

Agenda – Part: 1	Item: 7
Subject: Amendments to the Policy for Footway Crossovers and Proposals for the Management of Associated Illegal Activity. Wards: All Key Decision No: KD 3664	
Cabinet Member consulted: Cllr Bond	

Contact officer and telephone number:

Stephen Skinner, Head of Highway Services 020 8379 3480

E mail: Stephen.skinner@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 Enfield manages applications for footway crossovers based on an approved set of technical standards that were last updated in 2003. This report proposes amendments to the technical standards in order to address a number of operational and practical issues based on the learning gained by officers over the last nine years.
- 1.2 The development of the crossover policy must go hand in hand with the Council's ability to enforce non-compliant situations. This report therefore describes the actions that Enfield is currently taking to tackle the illegal activity of driving across footways without vehicular crossovers and recommends adoption of a policy based on a more pro-active approach, prioritized on a borough-wide basis, using a combination of methods based on recent legal advice from Counsel.
- 1.3 The report also proposes that action should be taken in cases where vehicles project from private forecourts and cause an obstruction on the footway.

2. RECOMMENDATIONS

- 2.1 To agree the proposed amendments to the technical standards for footway crossovers.
- 2.2 To agree the proposed policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover.
- 2.3 To agree the proposed policy for enforcement action where residents allow their vehicles to project from their forecourts and overhang the public footway.
- 2.4 To recommend to full Council to agree that the appointed day for implementation of the adopted section 16 of the London Local Authorities and Transport for London Act 2003 be 1st November 2013 (paragraph 3.4.5 of the report refers).

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3. BACKGROUND

3.1 General and current technical standards

3.1.1 Enfield has a robust policy whereby residents can apply to have a footway crossover constructed by the Council's contractor to enable them to gain vehicular access across a public footway into their property. The application process requires an applicant to provide specific details of their proposal and to submit these, along with an application fee, to enable a Council officer to assess whether their application meets Enfield's specific technical standards. If appropriate, the resident will be provided with an estimate of the construction costs and, subject to the resident completing appropriate work to their own property and making the payment for the construction costs, the crossover will be constructed by the Council's contractor.

3.1.2 The Technical Standards were last revised and approved by Cabinet in November 2003. The standards are based on the requirements of the Highways Act to consider the need to:

- prevent damage to footways/verges
- ensure, so far as reasonably practicable, safe access to and egress from premises, and
- facilitate, so far as reasonably practicable, the passage of vehicular traffic on highways.

The specific technical requirements are summarised in the crossover application pack which is provided to each applicant.

3.1.3 Charges to residents are reviewed annually. For 20013/14, the application fee is £160.00 and the construction cost is £160.00 per sq metre. If planning permission is required, a planning application fee of £172.00 is also payable. Where front gardens are shorter than 4.8metres, a legal agreement is currently required which costs £140.00. It should be appreciated that the combined cost to residents of the application fee, any associated planning permission, crossover construction costs, as well as the resident's cost for constructing their own parking area is likely to present financial difficulties for many residents.

3.1.4 The concept of parking in front gardens involves many conflicting issues such as whether or not it frees up space on the road, its affect on congestion and the streetscene as well as safety considerations associated with parking in gardens as opposed to on the street. A balance must therefore be achieved whilst taking into account the needs of residents to park their cars with a reasonable level of safety and convenience, with those of the public at large. It should also be noted that the development of policy on this issue, whilst considering highways, streetscene, traffic and transportation issues, should link into Enfield's 'Development Management Document', which forms part of Enfield's Local Plan.

3.1.5 Often, residents will have already created parking areas in their front gardens, along with the associated removal of their front boundary wall, and many of these situations may well be historic. This is particularly problematic on

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Classified Roads where the current transportation planning policy generally resists additional crossovers, but this is undermined where a resident has used their frontage for parking cars for 10 or more years. In these cases they become eligible to obtain a 'Lawful Development Certificate' (LDC) from the Council, having established their activity as being immune from planning enforcement. The resident would then be able to apply for a footway crossover to be constructed.

- 3.1.6 Whenever a crossover application is refused, consideration must be given to how the Council will enforce this decision and prevent further illegal activity; otherwise this will undermine the crossover approval/refusal process.

3.2 Illegal activity and actions currently taken by the Council to deal with this.

- 3.2.1 In common with other outer London boroughs, Enfield suffers from a high number of cases where residents drive over the footway or verge to gain vehicular access to their properties without a properly constructed footway crossover. This causes deterioration and damage to the footway, especially if constructed of paving slabs, damage to verges and shrub beds, potential damage to utility apparatus below the footway and general degradation of the quality of the highway asset and streetscene. This in turn leads to unnecessary public expense to undertake repairs as well as exposing the Council to a higher risk of third party insurance claims for personal injury.

- 3.2.2 The illegal activity of driving across a footway without a crossover may be due to a number of reasons which include:

- residents not wishing to pay for the provision of a new crossover to gain access to parking areas in their front gardens;
- residents straying beyond an existing crossover onto the adjacent footway or verge areas because their crossover is not wide enough for their current use;
- residents not being aware of the need to have a properly constructed crossover;
- applications for new crossovers being denied in cases where they do not meet the requirements of the crossover technical standards or the requirements for planning permission;
- In many cases residents may choose to drive across the footway regardless.

Understandably, many residents argue against paying for a crossover if they feel that Enfield does not take a strong stance to manage and enforce illegal crossover activity

- 3.2.3 Currently, where it is identified that a resident is driving across a footway or verge without a crossover, the occupier is written to and asked to stop. If appropriate, they are invited to apply for a crossover. Where it is clear that the occupier's actions are damaging the footway or verge, bollards are sometimes

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installed, but this action is limited due to available budgets and a lack of formal Council endorsement to this approach. Current enforcement action is therefore prioritised on the basis of protecting public safety and the authority's duty to maintain the highway and therefore prevent further damage. In many situations, the installation of bollards leads to the occupier applying for a crossover. However, in some cases, the situation would not comply with either the technical standards or planning requirements and a crossover would not be permitted. These cases often lead to residents being dissatisfied, complaining to the Council, and even removing the bollards themselves.

3.2.4 This issue has become a priority within Enfield, and is one that a number of Councillors have expressed the need to move forward on.

3.2.5 The Council supports residents in cases where they report that their footway crossover is blocked by a parked car. On request from a resident the Council will either issue a Penalty Charge Notice or remove the contravening vehicle. This process is currently being reviewed.

3.3 Proposed amendments to the footway crossover policy

3.3.1 It is proposed that a number of the technical requirements in the current policy should be amended to take into account the learning gained by officers who have implemented the technical standards since they were last reviewed over 9 years ago. This is needed to address a number of operational and practical issues, which will facilitate a balanced approach between the construction of new crossovers and enforcement of illegal ones.

Appendix 1 shows the proposed technical standards.

Appendix 2 shows a comparison of the proposed technical standards with the 2003 version.

3.3.2 The guidance pack that is issued to applicants already includes advice on 'good design' and this will be enhanced to further promote the requirements for sustainable drainage and good landscape design. The current footway crossover policy requires that applicants must not allow surface water from their properties to drain onto the public highway, which can be achieved by using porous surfacing or by installing a drain across the property threshold which feeds into a soakaway. This approach generally ensures compliance with permitted development requirements, unless planning permission is required for other specific reasons. It is recommended that this requirement should continue to be enforced by a Highway Officer in advance of authorising the construction of a new crossover.

3.3.3 The revised standards clarify that there must be a minimum distance between a new footway crossover and an adjacent tree of at least 1.5metres, or 4 times the diameter of the tree trunk, (whichever is greater). The Council's Arboricultural Officer should be consulted where there is any doubt that adjacent tree roots might be damaged.

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- 3.3.4 Planning permission for applications on classified roads will continue to be considered in accordance with the criteria stated in Enfield's Development Management Document and supporting documentation. This will particularly apply to class A roads (principal roads) where the need to minimise any adverse impact on road safety and congestion will be considered. However, the criteria may be relaxed and a more sympathetic approach may be taken to approving applications on class B and C roads in recognition that these roads are less strategically important, and generally have lower traffic flows than principal roads.
- 3.3.5 Currently, where applications are approved for forecourt depths between 3.8m and 4.79m, an occupier is required to enter into a legal agreement with the Council that restricts the length of car being parked on their forecourt. Legal Services have advised that this agreement does not add much in respect of the Council's enforcement powers and that it would be better to take separate action where vehicle overhangs cause an obstruction. It is therefore recommended that legal agreements for short forecourts should be discontinued. The application form will stress the need for an occupier to ensure that their vehicle does not project onto the public highway and this will be a condition of every approval. A publicity exercise will assist with getting this message across to residents and drivers.
- 3.3.6 In recognition of the above, and of the increasing number of smaller cars that are now being manufactured (a smart car is 2.59m long), it is recommended that the 'absolute minimum depth' requirement is reduced from 3.8 metres to 3.5metres. This will allow greater flexibility to approve applications where an occupier is able to park a small car in their garden, or even a larger car at an angle. All applications with gardens shorter than the 'desirable minimum depth' of 4.8metres will be subject to a greater level of scrutiny by the Highway Officer to ensure that vehicles can enter/exit without straying beyond the designated crossover and onto the un-strengthened footway.

3.4 Proposed Enforcement Action for illegal crossovers

- 3.4.1 Where it is evident that a resident is taking a vehicle across a footway or verge without a crossover, s184 of the Highways Act empowers the Highway Authority to construct a crossover and to recover its costs. This approach would be appropriate where a property would meet the required technical standards but the resident chooses not to apply. A formal process must be followed, whereby the Council would serve a notice of its intention to the occupier, however the recovery of costs might be problematic in some cases.
- 3.4.2 Unfortunately, s184 does not provide any powers to serve a notice to prevent vehicles from being taken across a footway without a crossover. It is therefore of no use where the technical standards can not be met and other approaches must therefore be considered.
- 3.4.3 S16 of the London Local Authorities and Transport for London Act 2003, allows the Council to serve a notice on an occupier of a premises who

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habitually permits vehicles to cross the footway, to require him to cease doing so if there is no footway crossover. The s16 notice requires evidence of vehicles both parked, and not parked, in a front garden to prove the case, however this level of evidence is much less than that required for prosecutions under the Highways Act. Once the notice has become effective (after 28 days if not objected to) the Council can prosecute or erect bollards to prevent vehicular access. The cost of undertaking physical measures can be recovered from the occupier, although this may prove difficult in some cases.

3.4.4 Recent advice from Counsel has demonstrated that s16 enforcement powers at the Council's disposal for dealing with illegal vehicle crossings are more limited than originally hoped for. The legislation states that a s16 notice can not be served where an occupier has converted their garden to a parking area in accordance with Permitted Development (PD) rights. PD rights would be achieved in many properties where a parking area was constructed and garden walls removed prior to Oct 2008 as there was no requirement to control surface water run-off. S16 might therefore only be applicable in cases where gardens have been converted in recent years.

3.4.5 At Full Council on 25th January 2012 a resolution was passed to adopt the provision of section 16 of the London Local Authorities and pursuant to section 3 of that Act a further resolution is now required to agree a date upon which those provisions will come into effect.

3.4.6 S80 of the Highways Act allows a Highway Authority to erect fences or posts to prevent vehicular access to the highway, and this approach might be used in some circumstances where s16 is not applicable. In addition, where it is evident that vehicles are damaging the footway, other authorities have quoted s41 of the Highways Act in their duty to maintain the highway and therefore take reasonable measures to prevent further damage from occurring. Unfortunately, these options do not allow costs to be recovered.

3.4.7 Enforcement action should therefore be based on a suite of different options depending on the specific situation to deal with occurrences where:

- residents drive over the footway without a properly constructed footway crossover;
- where residents have a crossover but stray onto the adjacent footway or verge;
- where residents have constructed illegal crossovers themselves;

A pro-active approach should be taken based on the priorities contained within the proposed enforcement policy in Appendix 3.

3.5 Proposed Enforcement Action where vehicles project from a forecourt onto the public footway

3.5.1 Residents sometimes allow their vehicles to project from their property and overhang the footway, leading to an obstruction which can cause a danger to passing pedestrians, impede pedestrian thoroughfare, and prevent the authority from cleaning and maintaining the adopted public highway.

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- 3.5.2 Enfield's Parking Enforcement team is empowered to issue a Penalty Charge Notice (PCN) where a vehicle is parked in a front forecourt and projects a considerable distance onto the footway, such that one or more wheels are actually on the footway. Unfortunately a PCN can not be issued where vehicles project from a private forecourt over the footway but don't actually have any wheels on the footway.
- 3.5.3 It is proposed that the Council takes a pro-active approach to dealing with the problem of vehicles projecting onto the public footway from private properties by adopting the policy set out in Appendix 4.

3.6 Publicity and Communication

Effective publicity and communication with residents will be crucial. This will consist of leaflets delivered to targeted areas/properties and adverts in the local press in order to raise awareness and explain the Council's rationale.

4. ALTERNATIVE OPTIONS CONSIDERED

Other London Boroughs have been consulted and all have varying versions of technical requirements based on the Highways Act. Several boroughs install bollards to prevent illegal crossings but none positively enforce against vehicles that overhang the public highway.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The adoption of updated technical standards based on officers' experiential learning will clarify and improve the existing arrangements for managing footway crossovers.
- 5.2 The adoption of a formal policy for the enforcement of illegal activity will provide a balanced approach between crossover applications and cases of non-compliance. Specialist advice from Counsel has been taken into account in the development of the proposed policy.

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

6.1 Financial Implications

- 6.1.1 There is no direct financial implication arising from the recommendations in this report. The fees set for footway crossovers aims to recover the full costs of processing the applications by council officers.
- 6.1.2 The resources for managing illegal activities associated with footway crossovers will be managed from within existing budgets. Where enforcement

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actions are taken, the fine income will be used to contribute towards the cost of enforcement.

6.2 Legal Implications

6.2.1 When considering the formulation of technical standards for footway crossings the Council need to have regard to the matters set out within section 184 of the Highways Act 1980 which are:

- (i) the need to prevent damage to a footway or verge;
- (ii) safe access to and egress from premises; and
- (iii) the need to facilitate the passage of vehicular traffic in highways

6.2.2 Powers to deal with those who habitually cross a kerbed footway with a vehicle are contained within section 184 of the Highways Act 1980 and section 16 of the London Local Authorities and Transport for London Act 2003 as already outlined in this report.

6.2.3 In circumstances where the powers mentioned in paragraph 6.2.2 are either not appropriate or cannot be used the Council are able to consider the installation of bollards to prevent vehicular access pursuant to powers set out in sections 66 and 80 of the Highways Act 1980 although the former carries provision for compensation.

6.2.4 Advice obtained from Counsel suggests that 10 years use might not necessarily be required in order to gain immunity from planning enforcement action. The parking of a car within the curtilage of a dwelling house is likely to be a lawful ancillary use under Section 55(2)(d) of the Town and Country Planning Act 1990. Therefore where a resident simply parks in the front garden a Lawful Development Certificate can be obtained straight away.

6.2.5 Once the Council has by resolution made section 16 of the London Local Authorities and Transport for London Act 2003 operative it will be able to serve notices requiring occupiers to cease driving across the footway. No such power is currently available to the Council under legislation. Section 184 of the Highways Act 1980 simply allows the Council either to construct vehicle crossings or impose conditions on the use of the footway as a crossing. If the occupier breaches the section 16 notice it is an offence for which the Council can prosecute. Alternatively the Council can execute works that would prevent vehicles being taken across the footway. The cost of these works is recoverable from the occupier.

An advert detailing the passing of the resolution, the appointed day and the general effect of the provision coming into operation would need to be published in a local newspaper and in the London Gazette in accordance with that Act.

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- 6.2.6 The Council has a duty under s.130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which it is the highway authority, and a power to do the same in respect of any other highway in its area. It has an additional duty under s.130(3) to prevent, as far as possible, obstruction both of highways for which it is the highway authority and, where it considers the obstruction would be prejudicial to the interests of its area, any other highway. S.130(5) provides that the Council may institute legal proceedings and “generally take such steps as they deem expedient” for the purposes of s.130. This is on top of the general power under s.222 of the Local Government Act 1972 which, amongst other things, gives the Council the power to prosecute where it considers it “expedient for the promotion or protection of the interests of the inhabitants of their area”. This would include prosecuting for willful obstruction of a highway under section 137(1) of the Highways Act 1980. Where the Council has sufficient evidence of an offence under s.137, s.8 of the London Local Authorities and Transport for London Act 2003 gives it the power to issue a fixed penalty notice to the offender as an alternative to prosecution. Any criminal enforcement action must comply with the Council’s own enforcement policy.
- 6.2.7 The recommendations contained within this report are within the Council’s powers and duties.

6.3 Property Implications

None.

7. KEY RISKS

- 7.1 Residents may challenge the Council’s application of its technical standards and any enforcement action taken, particularly in cases where a resident can not comply with the technical standards.
- 7.2 Residents may consider that the cost of applying for a crossover is too expensive/unaffordable and therefore be tempted to act illegally;
- 7.3 The lack of a formal policy on enforcing non-compliant and illegal situations undermines the crossover application process;

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The adoption of a borough-wide approach to enforcement of non-compliant situations will provide a fair and balanced approach with the application process.

8.2 Growth and Sustainability

These recommendations have taken into account issues relating to transportation planning, parking, highway maintenance, streetscene and the

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environment, all of which contribute to the growth and sustainability of the borough.

8.3 Strong Communities

These proposals will contribute to improving the quality of the streetscene and its contribution to the public realm, thereby benefiting local communities.

9. EQUALITIES IMPACT IMPLICATIONS

9.1 A more proactive approach to the management of illegal crossings and obstructions to the footway will assist the Council in delivering its obligations under the Equality Act.

9.2 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is neither relevant nor proportionate.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The crossover application process includes target timeframes for the provision of estimates and works. The contractor's performance is reviewed as part of the performance management of the Council's Highway and Engineering Works Contract.

11. HEALTH AND SAFETY IMPLICATIONS

11.1 Consideration has been given to the health and safety issues relating to vehicles being parked in gardens compared with those parked on-street.

11.2 Key objectives of the enforcement of illegal activity are the need to prevent conflict between vehicles and pedestrians using the same area of footway and also to prevent un-strengthened footways from being damaged by vehicles which, in turn, can lead to potential trip hazards. The obstruction of the footway by vehicles projecting from private forecourts affects pedestrian safety.

12. PUBLIC HEALTH IMPLICATIONS

None.

Background Papers

None.

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Appendices

- 1 Proposed Technical Standards for footway crossovers
- 2 Comparison of current and proposed Technical Standards
- 3 Policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover.
- 4 Policy for the enforcement of vehicles projecting onto the public footway from a forecourt.

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**Revised Technical Standards
for Footway Crossovers
(excluding Heavy Duty Crossovers)**

April 2013

Primary Considerations

In determining whether to use its powers, the Highway Authority must consider the need to prevent damage to the footway/verge and, in determining the works to be specified in the notice, shall also have regard to:

- a) the need to ensure, so far as practicable, safe access to and egress from premises
- b) the need to facilitate, so far as practicable, the passage of vehicular traffic in highways.

Anyone may request the Highway Authority to construct a crossover and the Highway Authority may approve the request with or without modifications, may propose alternative works, or may reject the request. In determining how to use its powers, the Highway Authority must consider the need to prevent damage to the footway/verge and factors a) and b) above. If the Highway Authority does agree to the provision of a crossover, it must provide the occupier with a quotation for the costs of the works and once this amount has been paid, the crossover will be constructed.

The Highway Authority must have regard to the primary considerations set out in the Act. The following section sets out examples of the type of considerations arising out of factors a) and b) above that should be considered when assessing crossover requests. Consideration should always be given to whether any concerns/ problems can be overcome by the Highway Authority exercising its power to modify the request or propose alternative works. Each case must always be considered on its own merits.

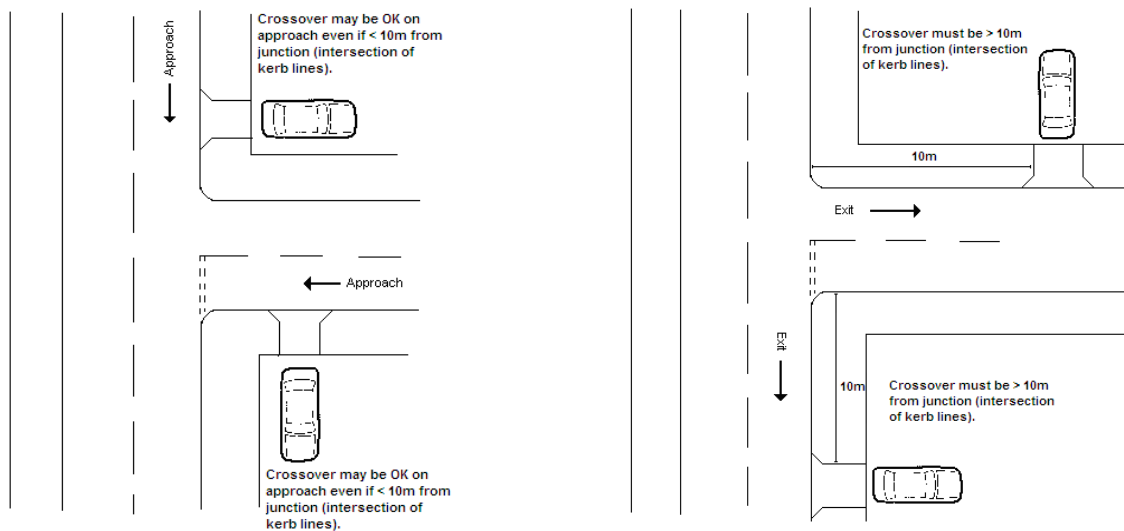
Road Safety

In many cases there will not be sufficient space within the curtilage of individual residential properties for vehicles to enter and leave forwards. However, as domestic crossovers are not generally intensively used, it may be acceptable for vehicles to reverse either onto or off the highway. Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road, the impact on pedestrians and the presence of street furniture, traffic islands, etc.

Situations where manoeuvring onto or off the highway may be hazardous include:

- onto a section of road where traffic speeds are high
- on the approach to traffic signal junctions where regular queuing takes place
- onto a roundabout
- within the zig-zag markings of pedestrians crossings
- immediately adjacent to, or opposite, pedestrian refuges/traffic islands
- at bus stops where use of a crossover could conflict with passengers waiting, or make it difficult for disabled passengers to board or alight a bus
- in the immediate vicinity of a junction, because of the conflicting movements that can take place and the need to maintain inter-visibility between vehicles emerging from driveways and vehicles on the adjoining highway
- where visibility is restricted.

Account must be taken of the visibility and speed of approaching traffic but, as a general guide, a crossover should not be provided within 10 metres of a junction. A greater distance will be needed if there is a larger radius and speeds are therefore higher. The 10 metre requirement may be relaxed on the approaches to a junction (but not the exit sides) **if traffic flows and speeds are low**. In all cases, safety and traffic flow must be considered.



Visibility

Sight lines are defined by the visibility setback (the X dimension) and the forward visibility required to enable a vehicle to stop safely (the Y dimension). The following minimum requirements should be satisfied:

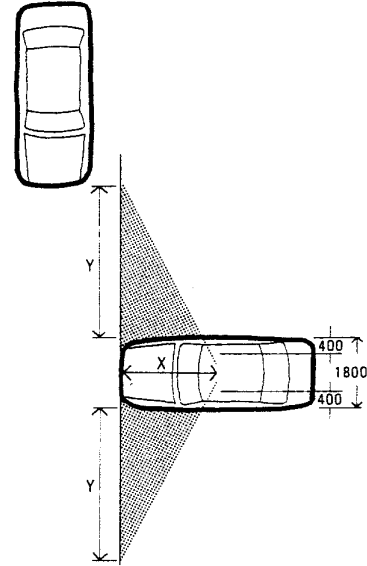
Carriageway Visibility

X dimension = 2.0 metres behind the kerb line

Y dimension = 120 metres for a 40 mph road:
90 metres for a 30 mph road.

Where it is known that vehicle speeds will be contained to 30 mph or 20 mph, the Y dimension may be reduced to 60 and 33 metres respectively.

Together, the X and Y dimension define an area that should have unobstructed visibility 1.0 m above the level of the carriageway. Street trees, bus shelters, parked cars and other street furniture will often fall within the visibility splay. Crossovers may still be permitted if vehicle speeds on the adjoining road are low and the impact on visibility is not significant.



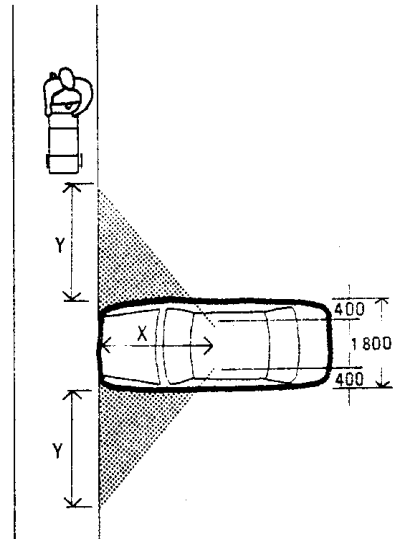
Footway Visibility

a) New Development

X dimension = 2.0 metres from back of footway

Y dimension = 2.0 metres

Together the X and Y dimension define an area that should have unobstructed visibility between 0.6 m and 1.0 m above the carriageway.



b) Existing Development

Application of the above standards is desirable in all circumstances to ensure the safety of pedestrians on the adjoining footway. However, it is recognised that they may not always be achievable, e.g. if the land required to provide the sight line is outside the control of the applicant. In such circumstances, the following factors will need to be taken into account in determining crossover requests: the width of the footway; the level of pedestrian flow on the footway; and the number and speed of vehicles using the access.

Forecourt Dimensions

There must be sufficient space within the curtilage of a site to ensure that a parked vehicle does not overhang the footway and that manoeuvring on and off the highway can be carried out safely. A vehicle parking area should therefore normally be at least 4.8 metres deep by 2.4 metres wide, and be set out at 90° to the carriageway.

4.8 metres is a standard bay length that caters for the vast majority of cars currently on the market. However, there are many commonly-owned cars that are less than 4.8 metres long. A crossover may be offered where the forecourt is less than 4.8 metres deep, but only if the following criteria are met:

- the forecourt is an absolute minimum of 3.5 metres deep
- a vehicle can be parked at any angle so long as the additional manoeuvring would not adversely affect pedestrian safety and traffic flow, and does not extend beyond the limits of the footway crossover. Special consideration must be given to ensure the width of the footway crossover is wide enough to accommodate this
- any vehicle parked on the property must not overhang the public footway.

Minimum Crossover Widths

A single width crossover must normally be a minimum of 2.4 metres wide at the back of the footway, and the width of the access onto the property must also normally be a minimum of 2.4 metres. Narrower crossovers can be difficult to use and the resultant manoeuvring can disrupt the flow of traffic on the adjoining highway. However, where turning space on the carriageway is restricted to less than 4.0 metres, eg. by parked cars opposite the crossover, the minimum crossover width should be increased to 3.0 metres.

Where a property has a parking area that is significantly wider than the width of crossover applied for, either:

- a) the crossover width must be widened to match the width of the access to the parking area, up to a maximum of 4.8 metres, and/or
- b) the applicant must erect a suitable permanent boundary to ensure that vehicles can only use the properly constructed crossover to access the property. This may be:
 - a low wall or fence, or
 - posts with a minimum diameter of 75mm, or
 - permanent landscaping on raised beds

all with appropriate foundations of a minimum depth of 300mm. Structures and raised beds must have a minimum height of 300mm, and a maximum height of 1.0 metre.

Maximum Crossover Widths

In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision, the maximum crossover width should not normally exceed 4.8 metres at the back of the footway. In areas of high demand for on-street parking, the maximum width may be limited to less than 4.8 metres where it is considered that the crossover will adversely affect the provision of on-street parking. However, the maximum width may need to be slightly exceeded to take account of site constraints, such as the bonding pattern of the paving, etc.

Where an access is shared between adjoining properties, the maximum crossover width for each property, measured to the centre line of the shared access, should not exceed 4.8 metres.

Second Crossovers

Normally, to limit any adverse impact on pedestrians using the adjoining footway, and to minimise the loss of kerbside parking, only one crossover will be permitted per property. However,

- second crossovers will be permitted where the demand for on-street parking is low, **and**
- the property frontage abutting the highway is wide enough to allow a minimum of 4.8 metres at the back of the footway between the two crossovers, **and**
- the crossover would not involve the loss of a street tree, shrub bed or grass verge in a conservation area, **and**
- the second crossover will not exceed 3.0 metres.

Traffic Flow

The creation of an access will lead to vehicles slowing down and turning off the highway. In some cases this can adversely affect the safety and free flow of traffic, particularly where traffic flows and/or speeds are high. The impact of each application will need to be carefully considered, but this is likely to be a particular issue where access is proposed onto a classified road. The impact of a new access on bus reliability will also need to be considered.

Other Considerations

Impact on Neighbouring Properties

In order to limit the impact on neighbours, a crossover should only be provided over the section of footway abutting an applicant's property, except in particular situations where the geometry of the footway dictates otherwise.

Street Trees, Shrubs and Grass Verges

Street Trees

Crossovers should not be provided:

- within a minimum distance of 1.5 metres or 4 times the diameter of the tree trunk, whichever is the greater, at the first point of excavation
- where their construction might sever major roots, damage the buttress or impede future growth.

The Highway Services Arboricultural Officer should be consulted where there is any doubt.

Removal of an existing street tree will only be considered where:

- the tree is nearing the end of its natural life or is in decline **or**
- a person permanently residing at the property has a disability that requires them to park within the curtilage of their property **or**
- the tree is young and yet to be established **or**
- the tree has outgrown its location **or**
- the property is in a street where trees have been programmed to be replaced in line with the Council's adopted Tree Strategy.

In most cases where it is agreed to remove a street tree, the applicant will be required to pay for its removal and a replacement tree to be located, wherever possible, elsewhere within the Borough.

In exceptional circumstances, trial holes may be required to ascertain the extent of any tree roots present within the proposed footway crossover area. The cost of this work will be borne by the applicant.

The Council aims to retain as much greenery as possible within the Borough, therefore any future requests for a tree to be removed on the grounds that it causes a nuisance to the person's property, or obstructs their sight lines, will be refused.

Shrub Beds and Grass Verges

In all cases where it is agreed to remove an area of shrub bed or grass verge in order to facilitate the construction of a footway crossover, applicants will be required to pay for the cost of planting an equivalent area of soft landscaping, in accordance with the Council's Schedule of Charges, elsewhere within the Borough.

Removal/Relocation of Street Furniture

All costs for the removal/relocation of street furniture and/or utility apparatus in connection with the construction of a footway crossover will be borne by the applicant.

Alternative Access

Where a property already has a reasonable alternative means of access via the rear or side, and there is a high demand for on-street parking, applications for new footway crossovers may be refused.

Surfacing and Drainage of Parking Area

The crossover should not be constructed unless a suitable parking area is in place. In a recent amendment to the Town and Country Planning Order 1995, a restriction was introduced on the paving over of front gardens. This amendment requires a householder to apply for planning permission if they wish to create a parking area using more than five square metres of impermeable surfacing, and have no facility within the property's curtilage to drain all rainwater falling upon it.

If a new parking area is to be created, in order to avoid the need for planning permission and to comply with the new regulations, the new parking area should be constructed using either:

- permeable surfaces such as gravel or grasscrete. Where loose material is used, this must have a nominal size of 20 millimetres or more, and a suitable hard-surfaced strip the same width as the crossover and extending at least 1.0 metre into the property must be provided at the property threshold
- impermeable surfaces such as asphalt or block paving, so long as all rainwater is directed to a soakaway area such as a flower border, lawn or purpose-built soakaway within the property boundaries.

Where a parking area already exists and a new crossover has been applied for, the applicant will be required to ensure that they comply with the above criteria, which may involve alterations to the parking area.

Planning Permission

Planning permission is required:

- for all applications for footway crossovers on classified roads
- for all applications for footway crossovers to serve flats/maisonettes where the parking area is yet to be created, or was created within the previous four years
- for all applications for footway crossovers for non-residential uses
- if the parking area does not meet the criteria above for surfacing and drainage
- if the applicant wishes to demolish or erect a wall or fence higher than one metre alongside the public footway
- if there is any land between the property and the carriageway which is other than footway or normal shrub bed/grass verge.
- planning permission may also be required for an application for a footway crossover in a conservation area. The applicant must seek confirmation of whether this is required from the Council's Planning Team.

Planning permission for applications on classified roads will be considered in accordance with the criteria set out in Enfield's Development Management Document and supporting documentation, particularly with regards to minimising any adverse impact on road safety and congestion. The criteria may be relaxed and a more sympathetic approach may be taken to approving applications on Class B and C roads.

An application to construct a crossover should only be submitted once the required planning permission has been granted.

Footway Crossover Extensions

Where an application is made to extend an existing footway crossover:

- the maximum width of the crossover must not exceed 4.8 metres in total
- a boundary must be constructed to ensure vehicles can only use the properly constructed crossover
- no part of the parking area (existing or extended) shall discharge surface water on to the public highway, to accord with S163 of the Highways Act 1980. This may require the implementation of a drainage system retrospectively.

Lay-By Parking and Modern Estates

Crossovers that reduce casual parking in purpose-built parking areas, lay-bys, etc, should not be approved. Generally, parking provision within modern housing developments will have been determined as part of the planning permission and further parking should be resisted. Planning permission may, in any event, be required if permitted development rights were removed as part of the planning consent.

Controlled Parking Zones and Pay & Display Bays

The Council may refuse crossover requests where the resulting loss of public on-street parking would adversely affect the operation of the CPZ or other parking scheme. All crossover applications within a CPZ or affecting a designated parking bay should therefore be referred to the Head of Traffic & Transportation so that their impact can be evaluated.

Where approved, a crossover that affects a designated on-street parking bay will require changes to the Traffic Management Order (TMO). In the case of domestic applications, the cost of altering the road markings should be met by the applicant and a contribution made towards the cost of amending the TMO (the level of contribution to be set in the annual Schedule of Fees and Charges report). Ideally, the crossover should not be implemented until the TMO process has been completed. However, in view of time taken, the Head of Traffic & Transportation may agree to the crossover being constructed and the road markings changed in advance of the TMO being amended. However, the applicant must be made aware that there could be objections to amending the TMO which, if not resolved, could mean that the crossover would have to be removed and the road markings reinstated. This risk must be explicitly accepted by the applicant so that there is no risk that the Council is liable for compensation.

In the case of applications for crossovers to commercial premises, or where access arrangements are changed as part of a redevelopment, the full cost of amending both the TMO and road markings will be charged.

Materials

Footway crossovers should be constructed using the following materials:

Type of Footway Surfacing	Footway Crossover Ramp
Artificial Stone Paving (ASP) Modular Paving	<p>Outside Conservation Areas Block paving, colour to be in accordance with the existing streetscape.</p> <p>Within Conservation Areas In accordance with the streetscape principles of the conservation area.</p>
Dense Bitumen Macadam (DBM)/Asphalt	DBM/Asphalt

Redundant Crossovers

Any redundant crossover(s) should be removed and the footway reinstated at the applicant's expense if a new access is to be created.

Appendix 2 SCHEDULE OF CHANGES TO TECHNICAL STANDARDS FOR FOOTWAY CROSSOVERS

<u>ITEM NO.</u>	<u>ORIGINAL PAGE NO.</u>	<u>ORIGINAL SECTION HEADING</u>	<u>ORIGINAL TEXT</u>	<u>AMENDED / REPLACED WITH / ADDED / REMOVED</u>
1	Pg 1 middle	Primary Considerations	If the Highway Authority does agree to the provision of a crossover, it must provide the occupier with a quotation for the costs of the works and once this amount has been paid, the crossover must be constructed.	If the Highway Authority does agree to the provision of a crossover, it must provide the occupier with a quotation for the costs of the works and once this amount has been paid, the crossover will be constructed.
2	Pg 1 bottom	Road Safety	Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road and the presence of street furniture, traffic islands etc.	Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road, the impact on pedestrians and the presence of street furniture, traffic islands, etc.
3	Pg 2 top		<ul style="list-style-type: none"> • immediately adjacent to pedestrian refuges, traffic islands which would prevent a vehicle turning through 90° in a single manoeuvre • at bus stops where use of a crossing could conflict with passengers waiting of make it difficult for disabled passengers to board or alight a bus 	<ul style="list-style-type: none"> • immediately adjacent to, or opposite, pedestrian refuges/traffic islands • at bus stops where use of a crossover could conflict with passengers waiting, or make it difficult for disabled passengers to board or alight a bus
4	Pg 2 middle			<ul style="list-style-type: none"> • (Added) where visibility is restricted.
5	Pg 2 middle		Account must be taken of the visibility and speed of approaching traffic but, as a general guide, a crossover should not be provided within 14 metres of the tangent point of a standard kerb radius (approximately 4.5-6.0 metres) . A greater distance will be needed if there is a larger radius and speeds are therefore higher. The 14 metre requirement may be relaxed on the approaches to a junction (but not the exit sides) if traffic	Account must be taken of the visibility and speed of approaching traffic but, as a general guide, a crossover should not be provided within 10 metres of a junction . A greater distance will be needed if there is a larger radius and speeds are therefore higher. The 10 metre requirement may be relaxed on the approaches to a junction (but not the exit sides) if traffic flows and speeds are low . In all cases, safety and traffic flow must be considered.

			flows and speeds are low. However, in no circumstances should a crossover be provided across a radius kerb forming a junction with another road.	
6	Pg 2 bottom		(Left diagram – top & bottom) Crossover may be OK on approach even if <14m from tangent point	(Left diagram top & bottom) Crossover may be OK on approach even if <10m from junction (intersection of kerb lines).
7	Pg 2 bottom		(Right diagram – top & bottom) Crossover must be >14m from the tangent point on junction exit	(Right diagram – top & bottom) Crossover must be >10m from junction (intersection of kerb lines).
8	Pg 3 top	Carriageway Visibility	(Top diagram) the Y dimension may reduced to 60 and 33 metres respectively.	(Top diagram), the Y dimension may be reduced to 60 and 33 metres respectively.
9	Pg 4 top	Forecourt Dimensions	A vehicle hardstanding should therefore normally be at least 4.8 metres deep Angled bays 4.8 metres long by 2.4 metres wide may be acceptable on unclassified roads if the additional manoeuvring would not adversely affect pedestrian or traffic flow. Bays parallel to the highway will not be acceptable unless provided as part of a carriage drive where vehicles can enter and leave the property in forward gear (refer also to section on second crossovers below).	A vehicle parking area should therefore normally be at least 4.8 metres deep (Removed)
10	Pg 4 middle		<ul style="list-style-type: none"> The forecourt is an absolute minimum of 3.8 metres deep, and (Removed) The applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. This agreement will then be registered as a land charge so that it binds future occupiers of the property to the same restriction, or The size of vehicle is restricted by planning condition. 	<ul style="list-style-type: none"> the forecourt is an absolute minimum of 3.5 metres deep (Removed) (Added) a vehicle can be parked at any angle so long as the additional manoeuvring would not adversely affect pedestrian safety and traffic flow, and does not extend beyond the limits of the footway crossover. Special consideration must be given to ensure the width of the crossover is wide enough to accommodate this any vehicle parked on the property must not overhang the public footway.

11	Pg 4 bottom	Minimum Crossover Widths	<p>A single width crossover must normally be a minimum of 2.4 metres wide at the back of the footway.</p> <p>the minimum crossover widths should be increased to 3.0 metres.</p>	<p>A single width crossover must normally be a minimum of 2.4 metres wide at the back of the footway and the width of the access onto the property must also normally be a minimum of 2.4 metres.</p> <p>the minimum crossover width should be increased to 3.0 metres.</p>
12	Pg 4 bottom – Pg 5 top		<p>Where a property has a hardstanding that is significantly wider than the width of crossover applied for (e.g. a 2.4 metre crossover serving a hardstanding capable of accommodating two cars) either:</p> <ol style="list-style-type: none"> the crossover width must be widened to match the width of the hardstanding, up to a maximum of 4.8 metres, and/or the applicant must erect a low (less than 1.0 metre) wall, fence or permanent landscaping to physically prevent vehicles crossing over an area of footway that has not been strengthened. 	<p>Where a property has a parking area that is significantly wider than the width of crossover applied for, either:</p> <ol style="list-style-type: none"> the crossover width must be widened to match the width of the access to the parking area, up to a maximum of 4.8 metres, and/or the applicant must erect a suitable permanent boundary to ensure that vehicles can only use the properly constructed crossover to access the property. This may be: <ul style="list-style-type: none"> • a low wall or fence, or • posts with a minimum diameter of 75mm, or • permanent landscaping on raised beds <p>all with appropriate foundations of a minimum depth of 300mm. Structures and raised beds must have a minimum height of 300mm, and a maximum height of 1.0 metre.</p>
13	Pg 5 bottom	Maximum Crossover Widths	<p>In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision the maximum crossover width should not normally exceed 4.8 metres at the back of the footway. However, this width may need to be slightly exceeded to take account of site constraints, such as the bonding pattern of the paving etc.</p>	<p>In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision, the maximum crossover width should not normally exceed 4.8 metres at the back of the footway. (Added) In areas of high demand for on-street parking, the maximum width may be limited to less than 4.8 metres where it is considered that the crossover will adversely affect the provision of on-street parking. However, the maximum</p>

				<p>width may need to be slightly exceeded to take account of site constraints, such as the bonding pattern of the paving, etc.</p>
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14	Pg 5 middle	Maximum Crossover Widths	Where an access is shared between adjoining properties the total crossover width for each property, measured to the centre line of the shared access, should not exceed 4.8 metres.	Where an access is shared between adjoining properties, the maximum crossover width for each property, measured to the centre line of the shared access, should not exceed 4.8 metres.
15	Pg 5 middle	Distance Between Crossovers	A minimum level platform of 600 mm must be provided between adjacent dropped kerbs.	<i>(Removed)</i>
16	Pg 5 bottom	Second Crossovers	<p>Normally, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossover will be permitted per property. However, a second crossover may be permitted where:</p> <ul style="list-style-type: none"> • The property frontage abutting the highway is at least 9 metres wide, and • The property fronts a classified road where a second crossover would enable the formation of a carriage drive so that vehicles do not have to reverse either onto or off the highway, or • The property is a street where the majority of properties have off-street parking and demand for kerb side parking is low, and • The crossover would not involve the loss of a street tree or shrub verge in a conservation area. 	<p>Normally, to limit any adverse impact on pedestrians using the adjoining footway, and to minimise the loss of kerbside parking, only one crossover will be permitted per property. However,</p> <ul style="list-style-type: none"> • second crossovers will be permitted where the demand for on-street parking is low, and • the property frontage abutting the highway is wide enough to allow a minimum of 4.8 metres at the back of the footway between the two crossovers, and • the crossover would not involve the loss of a street tree, shrub bed or grass verge in a conservation area, and • the second crossover will not exceed 3.0 metres.
17	Pg 6 top	Traffic Flow	The impact of a new access on bus reliability will also need to be considered, particular where access is proposed onto a road forming part of the London Bus Priority Network or the London Bus Initiative (which are all classified).	<i>(Removed)</i>

18	Pg 6 middle	Impact on Neighbouring Properties	In order to limit the impact on neighbours, a crossover should only normally be provided over the section of footway abutting an applicant's property.	In order to limit the impact on neighbours, a crossover should only be provided over the section of footway abutting an applicant's property, except in particular situations where the geometry of the footway dictates otherwise.
19		(Title added) Street Trees, Shrubs and Grass Verges		
20	Pg 6 bottom	Street Trees	<p>Crossovers should not be provided where their construction might sever major roots, damage the buttress or impede future growth. Where there is any doubt, and in all cases, where the crossing would be within a distance of 4 times the circumference of the tree trunk, the Council's Arboricultural Officer should be consulted before approval is given.</p> <p>Removal of an existing street tree will only be considered where:</p> <ul style="list-style-type: none"> • The tree is nearing the end of its natural life, or • A person permanently residing at the property has a disability that requires them to park within the curtilage of their property, or • The tree is causing structural damage that cannot be prevented by appropriate tree maintenance, or • The tree is young and yet to be established, or • The property is in a street where trees have been programmed to be replaced in line with the Council's adopted Tree Strategy. 	<p>Crossovers should not be provided:</p> <ul style="list-style-type: none"> • within a minimum distance of 1.5 metres or 4 times the diameter of the tree trunk, whichever is the greater, at the first point of excavation • where their construction might sever major roots, damage the buttress or impede future growth. <p>The Highway Services Arboricultural Officer should be consulted where there is any doubt.</p> <p>Removal of an existing street tree will only be <u>considered</u> where:</p> <ul style="list-style-type: none"> • the tree is nearing the end of its natural life, (added) or is in decline, or • a person permanently residing at the property has a disability that requires them to park within the curtilage of their property, or • the tree is young and yet to be established, or • the tree has outgrown its location, or • the property is in a street where trees have been programmed to be replaced in line with the Council's adopted Tree Strategy.

			In all cases where it is agreed to remove a street tree, the applicant will be required to pay for removal and replacement to be located, wherever possible, elsewhere outside their frontage.	In most cases where it is agreed to remove a street tree, the applicant will be required to pay for its removal and a replacement tree to be located, wherever possible, elsewhere within the Borough. <i>(Added)</i> In exceptional circumstances, trial holes may be required to ascertain the extent of any tree roots present within the proposed footway crossover area. The cost of this work will be borne by the applicant. <i>(Added)</i> The Council aims to retain as much greenery as possible within the Borough, therefore any future requests for a tree to be removed on the grounds that it causes a nuisance to the person's property, or obstructs their sight lines, will be refused.
21		<i>(Sub-heading added)</i> <u>Shrub Beds and Grass Verges</u>		<i>(Added)</i> In all cases where it is agreed to remove an area of shrub bed or grass verge in order to facilitate the construction of a footway crossover, applicants will be required to pay for the cost of planting an equivalent area of soft landscaping, in accordance with the Council's Schedule of Fees & Charges, elsewhere within the Borough.
22		<i>(Sub-heading added)</i> <u>Removal/Relocation of Street Furniture</u>		<i>(Added)</i> All costs for the removal/relocation of street furniture and/or utility apparatus in connection with the construction of a footway crossover will be borne by the applicant.
23	Pg 7 top	Alternative Access	It is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads in order to maintain their importance as traffic routes in the Borough's road hierarchy. Where a property fronts a Classified Road and has or could have rear or side access, there will therefore be a presumption against providing a crossover directly onto the Classified Road.	<i>(Removed)</i> Where a property already has a reasonable alternative means of access via the rear or side, and there is a high demand for on-street parking, applications for new footway crossovers may be refused.

			Where the property does not front onto a Classified Road a crossover may be permitted, but this should be limited to the minimum width (2.4 metres) where the property has a reasonable alternative means of access and is in an area of on-street parking pressure.	<i>(Removed)</i>
24	Pg 7 middle	Surfacing and Drainage of Hardstandings	<p>Surfacing and Drainage of Hardstandings</p> <p>The crossover should not be constructed unless the applicant has a suitable hardstanding. The hardstanding:</p> <ul style="list-style-type: none"> • must not be surfaced in loose material, such as unbound gravel with a nominal size of less than 20mm, that could spill out onto the highway. <p>Where a loose material with a nominal size of 20mm or more is used, a suitable hard surfaced strip the same width as the crossover and at least 1.0 metre deep wide must be provided at the property threshold.</p> <ul style="list-style-type: none"> • must not drain onto the highway. The hardstanding should therefore be constructed with a fall back towards the property, ideally draining to a landscaped strip or soak away. Alternatively, if the hardstanding falls towards the highway, a drainage channel connected to a soak away should be provided at the highway threshold. 	<p>Surfacing and Drainage of Parking Area</p> <p>The crossover should not be constructed unless a suitable parking area is in place. In a recent amendment to the Town and Country Planning Order 1995, a restriction was introduced on the paving over of front gardens. This amendment requires a householder to apply for planning permission if they wish to create a parking area using more than five square metres of impermeable surfacing, and have no facility within the property's curtilage to drain all rainwater falling upon it.</p> <p>If a new parking area is to be created, in order to avoid the need for planning permission and to comply with the new regulations, the new parking area should be constructed using either:</p> <ul style="list-style-type: none"> • permeable surfaces such as gravel or grasscrete. Where loose material is used, this must have a nominal size of 20 millimetres or more, and a suitable hard-surfaced strip the same width as the crossover and extending at least 1.0 metre into the property must be provided at the property threshold • impermeable surfaces such as asphalt or block paving, so long as <u>all</u> rainwater is directed to a soakaway area such as a flower border, lawn or purpose-built soakaway within the property boundaries.

				<p><i>(Added)</i> Where a parking area already exists and a new crossover has been applied for, the applicant will be required to ensure that they comply with the above criteria, which may involve alterations to the parking area.</p>
25		<i>(Added) Planning Permission</i>		<p><i>(Added)</i> Planning Permission is required:</p> <ul style="list-style-type: none"> • for all applications for footway crossovers on classified roads • for all applications for footway crossovers to serve flats/maisonettes where the parking area is yet to be created, or was created within the previous four years • for all applications for footway crossovers for non-residential uses • if the parking area does not meet the criteria above for surfacing and drainage • if the applicant wishes to demolish or erect a wall or fence higher than one metre alongside the public footway • if there is any land between the property and the carriageway which is other than footway or normal shrub bed/grass verge. • planning permission may also be required for an application for a footway crossover in a conservation area. The applicant must seek confirmation of whether this is required from the Council's Planning Team. <p>Planning permission for applications on classified roads will be considered in accordance with the criteria set out in Enfield's Development Management Document and supporting documentation, particularly with regards to minimising any adverse impact on road safety and congestion. The criteria may be relaxed and a more sympathetic approach may be taken to approving applications on Class B and C roads.</p>

				An application to construct a crossover should only be submitted if the required planning permission has been granted.
26		(Added) Footway Crossover Extensions		<p>(Added) Where an application is made to extend an existing footway crossover:</p> <ul style="list-style-type: none"> • the maximum width of the crossover must not exceed 4.8 metres in total • a boundary must be constructed to ensure vehicles can only use the properly constructed crossover • no part of the parking area (existing or extended) shall discharge surface water on to the public highway, to accord with S163 of the Highways Act 1980. This may require the implementation of a drainage system retrospectively.
27	Pg 7 bottom	Lay-By Parking and Modern Estates	Crossovers should not be approved that reduce casual parking in purpose built parking areas in lay-bys, etc.	Crossovers that reduce casual parking in purpose-built parking areas, lay-bys, etc, should not be approved.
28	Pg 8 top & middle	Controlled Parking Zones and Pay and Display Bays	<p>In particular, crossovers should not be permitted where they would result in the loss of space in residents' parking bays in the following street in the Enfield Town CPZ:</p> <ul style="list-style-type: none"> • Fyfield Road • River Front • St. Andrews Road • Little Park Gardens • Gentleman's Row • Shirley Road 	(Removed)
29	Pg 8 top		be referred to the Head of Traffic and Parking so that their impact can be evaluated.	be referred to the Head of Traffic & Transportation so that their impact can be evaluated.
30	Pg 8 middle		(the level of contribution to be set in the annual Fees Charges report).	(the level of contribution to be set in the annual Schedule of Fees & Charges).

31	Pg 8 middle		However, in view of the time taken, the Head of Traffic and Parking	However, in view of time taken, the Head of Traffic & Transportation
32	Pg 9 top	Materials	<p>Outside Conservation Areas Block paving, normally grey to match in with the colour of the surrounding footway.</p> <p>Within Conservation Areas Same material as the adjoining footway surfacing material. ASP should be laid on 125mm concrete and 25mm lime mortar bed.</p>	<p>Outside Conservation Areas Block paving, colour to be in accordance with the existing streetscape.</p> <p>Within Conservation Areas In accordance with the streetscape principles of the conservation area.</p>
33	Pg 9 top		DBM/Asphalt, or Block Paving if the street is included in a resurfacing programme and DBM/Asphalt is to be replaced by concrete slabs.	DBM/Asphalt. <i>(Removed)</i>
34	Pg 9 top		On all ASP footways, the slabs either side of the footway crossover itself should also be taken up and laid on 125mm concrete and 25 mm lime mortar bed.	<i>(Removed)</i>

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Appendix 3 - Policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover

1 Enforcement where residents drive over the footway without a properly constructed footway crossover:

- 1.1 Where it is observed that vehicles are being driven across a footway or verge without a properly constructed footway crossover, in the first instance, the resident will be written to and advised that they are contradicting the Highways Act and that they should stop immediately.
- 1.2 The Council will make an initial assessment of whether the construction of a crossover would be appropriate and, if so, the resident will be sent an application form. If the resident applies, the application will be considered and progressed in accordance with the Council's footway crossover policy.
- 1.3 Where a resident chooses to ignore the Council's letter, a subsequent letter will be sent. If the resident still does not apply, the Council will consider whether to install a crossover and recharge the resident in accordance with s184 of the Highways Act. Alternatively the Council may choose to pursue alternative options as describes in 1.4 below.
- 1.4 Where the Council judges that a potential crossover will not be able to meet the technical standards, it may advise the resident that it intends to install preventative measures or, where appropriate, serve a s16 Notice (of the London Local Authorities Act), which requires the occupier to stop taking a vehicle across the footway or verge. If the occupier ignores the notice, the Council may choose to prosecute or to install physical preventative measures for which it may seek to recover its costs.
- 1.6 Although enforcement action will be undertaken on a borough-wide basis, it will be prioritised in accordance with the principles cited in the Highways Act and the resources available. The Council will take a proactive approach to dealing with the highest priority situations first, ie:
 - where there is a risk to the safety of pedestrians and other users of the footway due to footways/verges being damaged by vehicle over-runs;
 - where there is a risk to the safety of pedestrians and other users of the footway or carriageway due to vehicles driving across the footway without a crossover;
 - where the Council is repeatedly repairing damage caused by vehicle over-runs;
 - the highest priority areas will be based on the greatest risk, ie:
 - the highest use footways (category 1 and 2, ie around shops and schools etc),
 - Classified roads (Class A, B and C);

- locations that are brought to the attention of the Council as causing a major concern to residents.
- Where footways have been recently re-newed;
- Where footways are being renewed.

2 Where residents have constructed illegal crossings:

- 2.1 Where it is evident that a resident has constructed their own arrangements to facilitate vehicular movements across a footway/verge, the Council will remove the illegal construction and, where appropriate, seek to recover its costs from the resident. The Council will adopt the management arrangements described in section 1 above.

Appendix 4 - Policy for the enforcement of vehicles projecting onto the public footway from a forecourt.

- 1 Action will be undertaken on a borough-wide basis. The highest priority areas will be based on the locations where there is greatest risk, such as:
 - the highest use footways (category 1 and 2, ie around shops and schools etc),
 - other key pedestrian routes;
 - local areas where the occurrence of vehicle overhangs appears to be a common problem;
 - locations that are brought to the attention of the Council as causing a major concern to residents.

- 2 In consideration of whether enforcement action will be pursued, account will be taken of the requirement to ensure the safe passage for users of the footway of all ages and mobility and, in particular, the needs of people in wheelchairs and mobility scooters, those with sight difficulties, and those with pushchairs etc. The degree of obstruction and extent of available footway width remaining will be taken into account. Consideration will also be given to the Council's statutory duties to inspect, clean and maintain the footway.

- 3 Where a vehicle is parked on private property and overhangs the public footway, in the first instance, the Council may write to the occupier advising them of the consequences of the vehicle projection and requesting them to prevent this from occurring. If the situation persists, the Council will consider whether an offence of obstruction of the highway is being committed under s137 of the Highways Act 1980. The Council may then take enforcement action which could include the issue of a Fixed Penalty Notice (FPN), prosecution and/or the removal of the obstruction.

- 4 Where a vehicle is parked in a private property and projects a considerable distance, such that one or more wheels are actually on the footway, the Council has the alternative option of issuing a Penalty Charge Notice (PCN) through its Parking Enforcement team.

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MUNICIPAL YEAR 2012/2013 REPORT NO. **204****MEETING TITLE AND DATE:**

Cabinet 24/04/13

REPORT OF:Director of Health, Housing
and Adult Social Care

Contact officers:

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Agenda – Part: 1

Item: 8

Subject:**EMPTY PROPERTY COMPULSORY
PURCHASE ORDER (CPO VIII)****Ward: Southbury KD 3671****Cabinet Member consulted:**

Cllr Ahmet Oykener

1. EXECUTIVE SUMMARY

This report invites Cabinet to authorise Officers to make a Compulsory Purchase Orders (CPO) on 2 The Approach, Enfield, EN1 3PY, an empty residential property whose owners have proved un-responsive to attempts by Officers to bring it back into residential use.

2. RECOMMENDATIONS

Cabinet are asked to **authorise**:

- 2.1 the making of a Compulsory Purchase Order (Order) in respect of 2 The Approach, Enfield, EN1 3PY, under Section 17 of the *Housing Act 1985* and the *Acquisition of Land Act 1981* (as amended by the *Planning and Compulsory Purchase Act 2004*) as shown on the plan (appendix 1) attached to the report;
- 2.2 the preparation of an Order, and supporting documentation and the taking of all necessary steps (including the conduct of a Public Inquiry if necessary) to obtain confirmation of the Order by the Secretary of State;
- 2.3 the acquisition of the property (either compulsorily or by agreement) following confirmation of the Order, the payment of compensation and statutory interest and the instituting or defending of proceedings where necessary; and
- 2.4 the disposal of the property in accordance with the Property Procedure Rules.

Cabinet are asked to **note**:

- 2.5 The Council is liable to make basic loss payments to former owners, subject to certain criteria. These will be met from central contingencies when required, as approved by the Budget report to Cabinet on 13 February 2013.

3.0 INTRODUCTION: AN ENABLEMENT AND ENFORCEMENT APPROACH

3.1. Enfield's Ongoing Commitment: The Borough implements its *Empty Property Strategy* to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted. This figure includes all categories of empty properties as recorded by Enfield's Council Tax department. Meanwhile the number of households on the housing needs list currently stands at nearly 6,700 (excluding transfers already in social housing). The Borough has an acute housing shortage. A housing market assessment completed in 2010 found that the total annual need is estimated to be 4,200 homes for the next five years. The annual supply is estimated at 2,120, leaving a net need of 2,100 homes per annum. An estimated 1,750 households, excluding transfers, require a three bedroom property or larger. At current levels of Council housing supply it would take 26 years to clear this existing backlog of demand. Adopted 16 years ago, the Council's strategy for dealing with private residential empty properties is being refreshed for 2012/13 and has been renamed the *Empty Property Policy*. Implementation of this revitalised policy is one of the borough's key priorities for 2012-2014 contained in Enfield's *Housing Strategy 2012-2027*. One of the five main aims of Enfield's *Homelessness Strategy (2008-2013)* is to ensure the private housing sector helps to meet the needs of homeless households by bringing empty private sector properties back into use. The Council's 2010 *Making Enfield Better* manifesto also pledged to employ compulsory purchase to return empty homes that "scar the environment" to use.

3.2. National and London Context of Enfield's Empty Property Strategy: The Government's housing strategy document *Laying the Foundations: A Housing Strategy for England* launched on 21 November 2011 states: "We are committed to bringing empty homes back into use, as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities." The strategy outlined five measures, including: "awarding the New Homes Bonus to empty homes brought back into use" and "investing £100 million funding to bring problematic empty homes back into use and announcing £50 million of further funding to tackle some of the worst concentrations of empty homes".

The Mayor of London's *The London Housing Strategy* published in February 2010 recognised that where encouragement measures fail to bring empty properties into use, "The Mayor encourages boroughs to use their powers of enforcement through legal sanctions, including the use of Compulsory Purchase Orders and EDMOs (Empty Dwelling Management Orders)." *The Revised London Housing Strategy* (December 2011, for consultation with the public) states that "The Mayor has agreed with DCLG (Department for Communities and Local Government) an indicative figure of £15 million of funding for London to bring empty homes back in use during 2011-15." This "£15 million of funding" is London's allocation of the £150 million announced in the Government's *Laying the Foundations: A Housing Strategy for England* document.

3.3. New Homes Bonus (NHB) Grant: Introduced by the Government in 2010, the NHB awards local authorities financially for housing growth by providing a reward equivalent to six years' Council Tax for each net additional home from

April 2011. The incentive also applies to long-term empty properties brought back into use. Each empty home brought back into occupation will generate a NHB grant award of around £1,400 per Band D annum. Based on 40 properties per year, this will generate over £50k per annum and more than £300k over the six years of the grant's life. Enfield was awarded an NHB grant of £527k for 2011/12. The *Budget 2012/13 and Medium Term Financial Plan (General Fund)* report endorsed by Cabinet on 08 February 2012 agreed that this £527k be set aside to fund the Council's Empty Property Programme, which is an Invest to Save proposal as empty properties brought back into use will generate additional NHB in future years. There is projected NHB balance of £423k as of 2012/13.

- 3.4. Funding Support from the North London Sub-Region (NLSR): In April 2012, the North London Sub-Region (NLSR) announced that Enfield had been allocated £182k for 2012/15 through the Homes and Communities Agency's (HCA) Empty Homes Programme. (This money, which is being held by Islington as the lead authority, is the Borough's share of the funding for London agreed by The Mayor with the DCLG referred to in 3.2.) This money will help fund the Borough's Grants and Nominations Scheme (GANS) referred to in paragraph 3.6. Previously, the NLSR awarded Enfield a total of £432k for the 23 CPOs approved between 2008 and 2011. However, this funding stream for CPO work ceased in March 2011. In anticipation of this, the Council authorised Officers on 26 January 2011 to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme (CPO V report).
- 3.5. Programme Delivery: Enfield's *Empty Property Strategy* is implemented by the Empty Property Team, comprising of the Empty Property Officer (EPO), Empty Property Enforcement Officer (EPEO), who is seconded from the North London Sub-Region (NLSR), and the Empty Property Grant Officer (EPGO). Enfield continues to work in partnership with its NLSR partners (Haringey, Islington, Camden, Barnet and Westminster) and Sub-Regional staff to tackle empty properties. Within Enfield, the EPO and EPEO oversee the day-to-day running of the strategy and meet on a monthly basis. They work in partnership with the representatives of Environmental Health, Legal, Property Services, Finance, Council Tax, Planning and RSL Enablement. Legal and Property Services, in particular, play a significant role in processing CPOs, acquisition and disposal.
- 3.6. Enablement: The EPO, targets advice, support and grant assistance by way of the GANS scheme at owners of empty accommodation, encouraging them to bring their properties back into use. The supporting funding Enfield received for the GANS scheme via partnership working with the NLSR ceased in March 2011. However, following the successful bid for NHB funding and HCA funding secured by the NLSR (see 3.3 and 3.4), the scheme has been re-launched and a temporary Empty Property Grant Officer recruited to process grant applications.
- 3.7. Enforcement: The *Use of Compulsory Powers* report approved by Cabinet in 2003, states that where encouragement and assistance have been exhausted, enforcement action will be considered. Since 2007, 27 CPOs have been approved by Enfield. A total of 17 CPOs have been confirmed by the

Secretary of State to date and most of the remaining cases have been returned to use without the compulsory purchase process having to run its full course. Enfield has disposed of eight properties acquired by CPO. Seven of these properties have been fully renovated to the “Decent Homes Standard” and are now fully occupied. The eighth CPO property was sold at auction on 14 March 2013 subject to Special Conditions obligating the new owner to fully renovate and return the property to residential use within 12 months. This proactive strategy has placed Enfield at the forefront of London’s campaign to reduce the blight of long term empty properties.

- 3.8. Sustaining an Enforcement Climate: There is ongoing evidence that a real threat of CPO motivates some previously intractable owners into action. Continuing the CPO programme together with ongoing publicity is expected to perpetuate this enforcement climate. Mirroring experience of CPO work elsewhere, Enfield Officers have found that when Orders are *actually* made on properties, most owners eventually belatedly offer to renovate and occupy their properties by doing works themselves or selling. To ensure that owners do not renege on 11th hour proposals, the Council uses legally enforceable cross-undertaking agreements which negate the need for public inquiries and the associated costs (see 3.10 for more information about undertakings). The upshot is that the Council does not have to take possession and disposal action in relation to every property subject to a confirmed CPO.

The Property Recommended for CPO: 2 The Approach, Enfield, EN1 3PY

- 3.9. Details of the property, including a case history, valuation, a plan and photographs, are contained in appendices 1 and 2.
- 3.10. A statutory notice has been served in respect of the property that still has effect. The purpose of this notice is to identify the works necessary to make the property free of category 1 hazards (what used to be described as “fit for habitation”). Although these works are unlikely to be carried out by the current owners, after compulsory acquisition and disposal, the future owner will be expected to carry out the required works.
- 3.11. If the owners belatedly start work, CPO action will continue until such time that works have been fully completed (meeting the Government’s “Decent Homes Standard”) and the property returned to *full continuous residential occupation* to the satisfaction of the Council. In addition, the owners have the opportunity to enter into a legally enforceable cross-undertaking agreement with the Council to achieve a mutually satisfactory outcome. This would mean that the Council undertakes not to implement the CPO within the agreed time period, but if the owners fail to carry out works, then the CPO is confirmed without objection. This negates the need for a Public Local Inquiry and all the costs involved in the Inquiry process. Where owners enter into a cross-undertaking, they will be expected to submit proposals of the works to be done and execute all works necessary to meet the “Decent Homes Standard”.
- 3.12. Compulsory purchase provides the only realistic prospect of this property being brought back into residential use in the foreseeable future. A quantitative and qualitative housing gain to the local authority will be achieved by putting the property into auction with a reputable auctioneer or through

other acceptable disposal. Sale will be subject to a covenant to ensure that the property is fully renovated and occupied within a defined timescale. The Council has a proven track record of this approach, having successfully disposed of seven confirmed CPO cases at auction since April 2010.

Budget Implications of CPO Activity

- 3.13. The total value of 2 The Approach, EN1 3PY, is estimated at £210,000 based on a current indicative valuation (assuming a reasonable state of repair). Once the CPO is confirmed, title can be obtained after three months under a General Vesting Declaration (GVD). The Property will be re-valued at the time the Council takes possession. The property will be sold at auction or through other acceptable disposal. The compensation payable to a dispossessed owner is based on the market value of the property. An owner could make a claim on the Council for up to 90% of the Council's valuation immediately after the date of possession. This must be paid within three months of the claimant's written request.
- 3.14. Full Council on 26 January 2011 (CPO V report) agreed a revenue mechanism to address any interim costs incurred in the disposal process, i.e. an outstanding mortgage or early compensation claim (see 3.13). In practice, most properties subject to CPO are sold on prior to compensation being claimed. There should be minimal delay between acquisition and disposal and therefore the costs associated with this CPO are revenue since they do not provide any ongoing economic benefit to the Council. (See Financial Implications at 6.1.3.)
- 3.15. There is a statutory time limit of 12 years for dispossessed owners to claim compensation.
- 3.16. The *Planning and Compulsory Purchase Act 2004* introduced an entitlement for former owners to claim basic loss payments. The amount is 7.5% of the value of the person's interest in the land, subject to a maximum of £75,000. The Act provides that the entitlement to basic loss payment is lost if the following criteria are all met at the time the CPO is confirmed:
- a specified statutory notice/order has been served on the owner;
 - the statutory notice/order has effect or is operative; and
 - the owner has failed to comply with any requirement of the statutory notice/order.
- If owners do not comply with the notices before the CPOs are confirmed, basic loss payments will not be payable. It is anticipated that as the empty property enforcement programme progresses, less properties will require the service of a statutory notice and the risk of having to make basic loss payments will consequently be higher. Full Council on 26 January 2011 (CPO V report) agreed to set aside a contingency pot to address potential claims and a central contingency was built into the Budget report approved by Cabinet on 13 February 2013 as recognition of this risk. To date, it has not been necessary to draw on the contingency pot, and Officers will continue to make their best endeavours to avoid having to do so. (See Financial Implications at 6.1.2.)

Associated Non-Recoverable Revenue Costs

- 3.17 An Empty Property Enforcement Officer (EPEO) employed by the NLSR has been progressing the borough's empty property enforcement work. Annual salary cost is £26k.
- 3.18 Legal Services: The in-house legal costs for processing Orders are estimated at £4k per property. If there are objections and a Public Local Inquiry is required, a further cost of around £10k per property will be incurred.
- 3.19 Property Services: In-house property disposal costs (including inspection, valuation, insurance, liaison with legal services, negotiations with the owner / purchaser, security and maintenance) are estimated at £3,500 per property. This estimate does not allow for the possibility of a contested valuation, which could go to the Lands Tribunal. For disposal via auction, the auctioneer's fees are estimated at approx 1% per property inclusive.
- 3.20 Total estimated Legal and Property Services costs: The overall estimated Legal and Property Services costs per property (including possible Public Local Inquiry costs and an auction fee of around £2.5k) are £20k. It should be noted that so far only three out of the 27 approved CPOs have required a Public Local Inquiry. It should also be noted that the aforementioned costs exclude Admin expenses, Legal fees to evict unauthorised occupiers, etc.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 All attempts to negotiate with, and assist the owners of the above property to return it back into use have been exhausted. An assessment of the most appropriate course of enforcement action was therefore carried out. All options were considered, namely, service of legal notices, enforced sale, EDMOs and compulsory acquisition. The latter was deemed the most appropriate under the circumstances and will achieve a permanent solution.
- 4.2 The other option the Council might pursue is to do nothing. This will avoid budgetary implications, but is not recommended in the light of Council's priorities and manifesto pledge with regard empty properties. By failing to take the proposed action, empty and eyesore properties remain untouched and residences with category 1 hazards remain (what used to be described as accommodation "unfit for habitation"). Enfield's regeneration strategy would also be impaired and the Council:
- ceases to recover any outstanding money it is owed on properties;
 - will fail to meet the serious housing need in Enfield by bringing empty properties back into use;
 - sends out a signal that if owners ignore the Council, it will "go away";
 - will not attract the investment on building works that accompanies this programme;
 - will not be able to achieve lasting change on empty properties; and
 - will not maximise future NHB funding by decreasing the number of empty properties in Enfield and offset the risk of reductions in Formula Grant funding due to national top-slicing on NHB grant.

5. REASON FOR RECOMMENDATIONS

The compulsory purchase of the above property, and its subsequent onward sale, will produce a quantitative and qualitative gain to the borough's housing stock, will assist in the achievement of the Council's housing strategies and will turn an existing eyesore into a much needed home. They will address the Council's strategic supply, regeneration and sustainability objectives, together with the Government and Mayor of London's expectations cited above.

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

6.1 Financial Implications

- 6.1.1 This report seeks agreement to proceed with a Compulsory Purchase Order. The revenue cost of processing one CPO (based on using in-house Legal Services) is set at £20,000 and this will be funded from the balance of CPO funding received from the North London Sub-Region, which currently stands at £250k. The CPO expenditure details are outlined below:

Revenue implications 2012/13	Cost of CPO, £
In-house Legal Services costs	4,000
Property Services disposal costs	2,000
Security and maintenance costs	1,500
Auctioneer's fees (approx 1% of property valuation)	2,500
Public Local Inquiry if there are objections	10,000
Cost of processing CPO	20,000
Funded from residue of income from Sub-Regional Funding	-20,000

- 6.1.2 There is a potential cost for basic loss payments as set out in paragraph 3.16 above. The Council is liable to make "basic loss payments". Basic loss payments are statutory entitlements payable to former owners for interest in land, subject to certain criteria being met and up to a maximum amount. If this occurs, the payments will be met from central contingency, as approved in the Budget report to Cabinet on 13 February 2013.
- 6.1.3 Title can be obtained under a General Vesting Declaration. On acquisition, the property will be put in to auction with a reputable auctioneer. There may be a minor time delay between acquisition and disposal. If the property market falls between these two points in time there may be some loss of capital. The acquisition of a property and the disposal should be almost simultaneous and therefore the costs associated with CPOs in this context are revenue and would not qualify as capital since they do not provide any ongoing economic benefit to the Council. Any time difference in the cash flows to the Council will be recognised as debtors or creditors at the year end and an assessment will be made based on the circumstances prevailing at 31 March 2013 of the extent to which the Council's costs are recoverable.

6.2 Legal Implications

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

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

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

Once the property has been vested in the Council, its disposal would need to be in accordance with the Council's Property Procedure Rules and the Transfer will be in a form approved by the Assistant Director (Legal Services).

In disposing of the property, it is unlikely that the full costs of the initiation and implementation of the entire CPO process will be recouped and therefore a budget has been identified to meet these additional costs.

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

6.3 Property Implications

It cannot be guaranteed that the capital funding for acquisition will be replaced entirely on disposal. As stated, the costs of the CPO process will be met out of revenue and in-house costs have been estimated. However, claimants are entitled to seek payment of their own reasonable legal and surveyor's fees as part of the compensation. It should be noted that in the event of the necessity of a referral to the Lands Tribunal to determine CPO compensation, additional costs may be claimed by the dispossessed owner.

Disposal will be in accordance with the Council's current Property Procedure Rules, which requires that: *Once the CPO has been confirmed by the Secretary of State and the property has vested in the Council, the Council will put the property into auction with a reputable auctioneer.* The auctioneer's fees will have to be taken into account, together with other relevant costs.

7. KEY RISKS

7.1 By taking the action proposed, the Council incurs the following risks:

- Refusal by the Secretary of State to confirm any CPO submitted.
- Although only likely to happen in the event of a sudden collapse in the property market, it is possible that a valuation may be higher than the resale value of the property. Any resulting shortfall would have to be funded from Council resources. (See Financial Implications under 6.1.3.)
- If the Council fails to deal with empty properties, it risks both a negative assessment of its strategic housing performance by Central Government and the Mayor of London and negative perception by residents of its ability to tackle the problems associated with empty properties.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The compulsory purchase of the above property, and its subsequent onward sale, will contribute towards the Council's strategic and manifesto commitment to return empty homes that scar the environment to use to meet the needs of each area.

8.2 Growth and Sustainability

Returning empty properties to use via compulsory purchase and onward sale:

- produces a quantitative and qualitative gain to the borough's housing stock;
- assists in the achievement of the corporate Housing Strategy. Bringing empty homes back into use is a priority in Enfield's *Housing Strategy 2012-2027*, thus addressing the Council's strategic regeneration and supply objectives, together with the Mayor of London's *Revised London Housing Strategy*.

In particular, tackling empty homes impacts on the local economy by attracting investment in building works (and associated employment opportunities) and generates revenue once vacant properties are reoccupied.

8.3 Strong Communities

Empty properties can have a serious negative effect on the local community. In June of 2003 a survey produced by *Hometrack*, showed that empty properties devalue neighbouring properties by as much as 18%. Typical neighbourhood complaints associated with empty properties include accumulations of rubbish, rodent infestations, overgrown gardens and unsecured premises (attracting anti-social behaviour such as vandalism, drug taking and arson), all issues that mar the street scene and impact on saleability and property value. Bringing this property back into use will inspire confidence in the locality and be a positive step in regeneration.

9.0 EQUALITIES IMPACT IMPLICATIONS

- 9.1 An Equality Impact Assessment (EQIA) has been carried out in relation to the *Enfield's Housing Strategy 2012-2027* that shows how the Strategy will support disadvantaged groups, eliminate discrimination and promote equality

of opportunity. This Strategy supports fairness for all by promoting accessible and individual housing advice, options and choices for all, and addressing housing need to tackle inequality. Furthermore, the Community Housing Services Strategic Development Team received confirmation from the Council's Equalities Officer in October 2012 that a predictive EQIA will not be required for the proposed *Empty Property Policy* (referred to in paragraph 3.1) "as it is considered not to be relevant or proportionate to complete one for this document."

10.0 PERFORMANCE MANAGEMENT IMPLICATIONS OF THE CPO PROGRAMME

- Enforcement action to tackle vacant private housing where owners are unwilling or unable to return them to use, contributes towards regeneration, building sustainable communities and meeting local needs.
- Properties returned to use can minimise demand for Council resources, enabling these to be focused on other priorities. For instance, there will be a reduction in service requests as empty properties attract a disproportionate number of complaints to Members and Council services such as Environmental Health.
- Sufficient resourcing together with effective corporate and partnership working are imperative to sustain the delivery of CPO activity.

11.0 HEALTH AND SAFETY IMPLICATIONS

- 11.1 As indicated above and in the appendix, empty residential properties can pose a health and safety risk to Officers, owners and the public. Therefore all due diligence has and will continue be taken by Officers to uphold health and safety standards in relation to the compulsory acquisition and subsequent onward disposal of the properties subject to this report.

12.0 PUBLIC HEALTH IMPLICATIONS

- 12.1 As pointed out in paragraph 8.3, empty residential properties typically attract neighbourhood complaints about matters such as accumulations of rubbish, rodent infestations, overgrown gardens and unsecured premises (attracting anti-social behaviour such as vandalism, drug taking and arson), all issues that can potentially impact upon the health and well-being of the public. Bringing this property back into use will help towards improving the environment and amenity of the area.

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**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2013
2 THE APPROACH, ENFIELD, EN1 3PY
Section 17 Housing Act 1985 and the Acquisition of Land Act 1981**

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

- 1.0 Description Of The Order Land, Summary Of History And Valuation**
- 1.1 The Order area comprises of 2 The Approach, a vacant end of terrace house and the associated land (shaded on the accompanying map). The property has been empty and neglected for over two years. It has in that time proved to be a detriment to the amenity of the area, with a history of complaints about the overgrown and neglected state of the gardens and rats.
- 1.2 The property is a two-storey, two-bedroom, end of terrace house built in the 1930s with a single storey rear extension.
- 1.3 The Empty Property Team, comprising of the Empty Property Officer, Empty Property Enforcement Officer (employed by the North London Sub-Region) and Empty Property Grant Officer, became involved in January 2012 following a referral from a local resident. Despite repeated attempts to encourage the owners to renovate and enable the occupation of the property, to date they have failed to do so.
- 1.4 Following an external inspection, Property Services prepared an indicative valuation on 8 February 2013 of £210k (no allowance has been made for the state of repair of the property and reasonable condition has been assumed).
- 2.0 Purpose for Seeking This Compulsory Purchase Order And Explanation Of Proposed Use**
- 2.1 The purpose of seeking this Compulsory Purchase Order (CPO) is to facilitate the return of the property to residential use, and therefore achieve a quantitative and qualitative housing gain to the local authority via onward sale by putting the property into auction with a reputable auctioneer. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale. The Council has a proven track record of this approach, having successfully disposed of seven confirmed CPO cases via this method since April 2010. The local authority believes that there is no realistic possibility of this property returning to residential use without the use of a CPO and subsequent resale. However, the Council will continue in its endeavours to encourage the owners to take steps to bring the property back to use.
- 2.2 In March 1997 the London Borough of Enfield adopted an *Empty Property Strategy*. This scheme, renamed the *Empty Property Policy*, is being refreshed for 2012/13 and its implementation is one of the borough's key priorities for 2011-2013 contained in *Enfield's Housing Strategy 2012-2027*.

Its aim is to tackle the challenge of nearly 4,000 privately owned properties standing empty and wasted. This figure includes all categories of empty properties as recorded by Enfield's Council Tax department. Meanwhile the number of households on the housing needs list stands at 6,699 (excluding existing social tenants wishing to transfer). In particular, there is a very large demand for three bed or larger properties. 1,751 households require a three bedroom or larger property and 1,351 of these are in a reasonable preference category. At current levels of Council housing supply it would take 26 years to clear this existing backlog of demand for three bed or larger properties. (The figures quoted are from 01 December 2012.)

2.3 The Empty Property Officer targets advice, support and limited grant assistance towards owners of empty accommodation, encouraging them to bring their properties back into use. The strategy, supplemented by the policy and methodology framework outlined in the 2003 *Use of Compulsory Powers* report, envisions that in circumstances where encouragement, facilitation and empowerment have been exhausted, enforcement action in the form of compulsory purchase will have to be considered.

2.4 On 23 January 2008 Council resolved to authorise Officers to make CPOs on three empty residential properties to pilot the policy detailed in the *Use of Compulsory Powers* report endorsed by Cabinet on 15 October 2003. Between September 2008 and June 2012, the Council resolved to authorise Officers to make CPOs on a further 24 empty residential properties. Council on 26 January 2011 authorised Officers to identify and prioritise financial and staff resources in order to maintain the ongoing CPO programme in the event that funding from the North London Sub-Region is reduced or ceases in 2011/12 and thereafter (*Empty Property Compulsory Purchase Orders [CPO V]* report). Subsequently, a successful bid for New Homes Bonus funding has ensured that dedicated resources are in place to lead this function. It is in line with aforementioned strategy, policy and resourcing framework, commitment and practice that the authority is seeking to compulsory purchase 2 The Approach.

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

3.1 The authority's need for the provision of further housing accommodation: Enfield has a total of 99,670 private sector dwellings, of which 2,023 are vacant (this figure excludes furnished empty properties); 2.0% of the private housing sector. 1,344 of these private empty properties have been vacant for longer than six months. (Stock and empty home figures from 1 April 2011.) Currently there are 6,699 households (excluding Council transfers) on the housing waiting list (housing needs register). This includes 3,130 households classified as being in a reasonable preference category and the total number of homeless families living in temporary accommodation, which stood at 2,074 at the end of November 2012.

3.2 Justification for the compulsory acquisition of an empty property for housing use: 2 The Approach is a two-storey, two-bedroom, end of terrace house built in the 1930s with a single storey rear extension that has been vacant for over two years. From October 2010, the Council's Environmental Health department has investigated complaints about filthy and verminous

conditions, the overgrown and neglected state of the gardens and a rat infestation. The Empty Property Team's involvement began in January 2012 and is summarised as follows:

Case History

- 3.2.1 30 January 2012: Following a referral from a local resident, the Empty Property Officer and Empty Property Enforcement Officer visited 2 The Approach. They noted the property was very neglected in appearance; the front and rear gardens were overgrown; new refuse disposal and recycling bins supplied by the Council were unopened and unused; the windows to the front, rear and side elevations were dilapidated, including a missing pane to the first floor front bedroom window; and the above ground drainage system was in disrepair. The Officer's spoke to a neighbour who confirmed that they had not seen the owner for over a year.
- 3.2.2 16 May 2012: After establishing the ownership details from the Land Registry, the Empty Property Officer wrote to the named joint owners at 2 The Approach to advise that the property had been identified as being unoccupied. The letter pointed out that the Council is working closely with the North London Sub-Region to bring empty properties back into use and outlined various approaches to assist with returning the property to housing use. The letter warned that the Council, together with other boroughs in the Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owners to get in contact before 15 June 2012, when it was hoped they would be able to provide a full and concise plan of action within realistic timescales. No reply was received.
- 3.2.3 27 June 2012: The Empty Property Officer wrote to the owners at 2 The Approach reminding them that he had written on 16 May 2012 and had not received a response. The Empty Property Officer pointed out that his previous letter explained why the Council is trying to bring empty properties back into use, and how he may be able to assist them. He emphasised that it was very important that they contact him to discuss his plans for the property. A requisition for information questionnaire under section 16 of the *Local Government (Miscellaneous Provisions) Act 1976* was enclosed and the owners were reminded that the Council, together with the other boroughs in the North London Sub-Region, have an active policy to compulsorily purchase property left vacant for a significant period of time. The letter concluded by urging the owners to get in contact before 26 July 2012. No reply was received.
- 3.2.4 30 July 2012: The Empty Property Officer wrote to the owners at 2 The Approach reminding them of his letters of 16 May 2012 and 27 June 2012. The Empty Property Officer also reminded the owners that if the Council is unable to bring empty properties back into use, then there is no alternative but to consider the use of compulsory purchase powers to achieve this purpose. The Empty Property Officer stated that it was proposed to refer this case with a recommendation that the Council resolve to make a CPO. The owners were urged to finalise their proposals and submit detailed written schedules of work for completion of the renovation of the property with estimates where

appropriate; together with detailed written timescales for all of the work, outlining when they intended to complete each stage and a time when the house would actually be available for full time occupation. The owners were further urged to make contact as soon as possible, but certainly no later than 29 August 2012. No reply was received.

- 3.2.5 04 September 2012: The Empty Property Enforcement Officer wrote to the owners at 2 The Approach enclosing a notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on 02 October 2012.
- 3.2.6 02 October 2012: The Empty Property Enforcement Officer and the Empty Property Officer attended 2 The Approach to execute the notice of intended entry; no access was gained.
- 3.2.7 15 October 2012: As the owner failed to provide access on 02 October 2012, the Empty Property Enforcement Officer wrote to the owners at 2 The Approach enclosing another notice of intended entry under the *Local Government (Miscellaneous Provisions) Act 1976* advising of a proposed survey on 23 October 2012. The letter warned that the Empty Property Enforcement Officer would be accompanied by a locksmith to provide access and re-secure the property against unauthorised entry after the survey.
- 3.2.8 23 October 2012: The Empty Property Officer and the Empty Property Grant Officer conducted a survey. The Officers took extensive photographs of the property. As the owners failed to attend to provide access, it was necessary for the locksmith to change the lock to the front door. The premises was re-secured against unauthorised entry after the survey. A notice was affixed to the door explaining the action taken and providing the Empty Property Officer's contact details.
- 3.2.9 16 November 2012: The Case Officer in Enfield's Environmental Health department informed the Empty Property Officer that she was still receiving complaints about the overgrown garden at 2 The Approach and alleged rodents.
- 3.2.10 16 November 2012: An Improvement Notice under section 11 of the *Housing Act 2004* was served on the owners at 2 The Approach requiring works to remedy category 1 hazards identified at the property. A letter accompanying the notice reminded the owners that the Empty Property Officer's letter of 30 July 2012 had warned them of the intention to make a recommendation that the Council resolve to make a Compulsory Purchase Order (CPO) because of their failure to renovate and return the house to full residential use. The letter emphasised that despite the Council's proposal to take compulsory purchase action, there was still an opportunity for them to finalise and submit proposals for bringing the property back into use and pointed out that the works specified in the Improvement Notice should be addressed as part of the refurbishment scheme for returning the property to use. No reply was received.
- 3.2.11 20 November 2012: An email was sent to a tracing agency requesting their assistance in finding the owner(s) of the property. The tracing agency

responded, stating that they would take up the case. To date, there have been no further developments in locating the owner(s)

3.2.12 2012:

3.3 Human Rights Considerations

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

4.0 Proposals For The Use Of The Land

4.1 In the event that the Order is confirmed, it is proposed that the property is vested in the Council and put into auction with a reputable auctioneer. Sale will be subject to a covenant to ensure the property is fully renovated and occupied within a defined timescale.

5.0 Statement Of Planning Position

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

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

5.4 There are no specific proposals in the Borough's Core Strategy, adopted by the Council in November 2010, or the emerging Development Management Document, which affect this property. Core Policy 4: Housing Quality, states that "the Council will use its development management powers to prevent the loss of all homes, including affordable homes and will work with partners to seek to reduce the level of vacant homes".

6.0 Information Required In The Light Of Government Policy Statements

6.1 Not applicable.

7.0 Any Special Considerations Affecting The Order Site

7.1 None are known.

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

8.1 No obstacle or required prior consent applicable.

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

9.1 No obstacle or required prior consent applicable.

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

10.0 Not applicable.

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

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

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

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

13.0 List Of Documents Likely To Be Used In An Inquiry

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

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

13.3 Enfield's *Compulsory Purchase Orders* reports I-VII, agreed by Cabinet and Council between November 2007 and June 2012.

13.4 *Making Enfield Better by Delivering Fairness, Growth, Sustainability*, Labour manifesto 2010.

13.5 *Enfield's Housing Strategy 2012-2027*.

13.6 *The Revised London Housing Strategy*, December 2011 (for consultation with the public).


13.7 *Laying the Foundations: A Housing Strategy for England*, November 2011.

13.8 Empty Property Officer's case file on 2 The Approach, including letters to owners, etc.

13.9 *Enfield's Empty Property Policy 2013*.

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



	© Crown copyright and database rights 2012. Ordnance Survey 100019820	2 The Approach, EN1 3PY - 206 sq meters Scale 1/500 Date 14/11/2012
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**LONDON BOROUGH OF ENFIELD
COMPULSORY PURCHASE ORDER 2013
Photographs of 2 The Approach, Enfield, EN1 3PY**



MUNICIPAL YEAR 2012/2013 REPORT NO. **205**

MEETING TITLE AND DATE:

Cabinet 24th April 2013

REPORT OF:

Director - Environment

Contact officer and telephone number:

Matthew Mulvany 020 8379 6800

Agenda - Part: 1	Item: 9
Subject: Contract Award for Undertaking a Programme of Energy Conservation Works to Corporate Buildings and Schools.	
Wards: All KD 3670	
Cabinet Member Consulted: Cllr Bond	

1. EXECUTIVE SUMMARY

- 1.1 This report concerns proposals to undertake a programme of energy conservation works to corporate buildings and schools by utilising the provisions of the Mayor of London's REFIT programme.
- 1.2 The REFIT programme has been developed and promoted by the Mayor of London and the Greater London Authority (GLA) in order to assist public bodies in London to reduce energy consumption.
- 1.3 The REFIT programme looks to deliver energy savings through the undertaking of Energy Conservation Measures (ECMs) whereby an Energy Service Company (ESCo) formulates the proposed work, designs and then installs it and guarantees that the measure will achieve a payback within a set time frame. Consequently the REFIT project transfers the risk that the energy conservation measure would not fully deliver the anticipated savings from the Council to the ESCo. The upfront capital funding of the works however remains with the Council but will in effect be refunded via the energy savings made on an 'Invest to Save' basis.
- 1.4 The Council has, following a competitive tendering exercise utilising the GLA REFIT Framework Contract, appointed a preferred supplier to develop costed ECMs with guaranteed annual energy savings and payback periods. This report seeks approval to enter into works contracts with the preferred supplier in order for the ECMs to be undertaken on site. For works to schools the written agreement of the school to the works and the repayments necessary to refund the costs will be a precursor to the letting of contracts.

2. RECOMMENDATIONS

- 2.1 To approve the letting of works contracts with Johnson Controls as detailed in Part 2 in order to undertake a programme of energy conservation measures to corporate buildings and schools as detailed in appendix one.
- 2.2 To note that a contract will not be let for works to a school until that school has agreed to the works and the payback provisions to refund the costs.
- 2.3 To note that the total cost of works in the IGP is within the tender estimates based on desktop study. Professional fees and project management costs are now estimated to be £79K for this project. Cabinet is asked to approve an increase of capital funding of £68K in the capital programme to accommodate these costs, in the event that no alternative funding sources (e.g. Salix) are available.
- 2.4 To note that this is a strategic sustainability project identified in the Enfield 2020 Action Plan.

3. BACKGROUND

- 3.1 The cost of energy is rising and is likely to continue to rise; particularly as coal fired power stations and ageing nuclear plants are closed over the next few years. It is forecast by Laser (the Council's energy buying consortium) that over the next four to five years there will be a further increase of around 60%. The cost of the CRC Energy Efficiency Scheme will also have an impact in the region of £380,000 in 2012 and has the potential to rise to over £1million by 2020. LB Enfield spends in the region of £5-6 million per year on energy across all of its assets.
- 3.2 The Council is therefore looking to undertake energy efficiency measures to its corporate buildings and schools such as replacement of inefficient plant and equipment (such as boilers or air conditioning plant), insulation, improved controls and low energy lighting. One method of procuring such works is via the REFIT Programme. REFIT is one of a number of energy conservation initiatives currently being pursued by the Council under the Enfield 2020 Sustainability Programme and Action Plan.
- 3.3 The REFIT programme has been developed and promoted by the Mayor of London and the Greater London Authority (GLA) in order to assist public bodies in London to reduce energy consumption on a scale not previously seen, thereby helping London achieve its overall target of cutting carbon emissions by 60% by 2025 (as set out in the Mayor of London's Climate Change Mitigation and Energy Strategy). The REFIT programme across London is overseen by the REFIT Programme Delivery Unit within the GLA. This unit also provides free technical and administrative support to Councils engaged in the programme.
- 3.4 The REFIT project looks to deliver energy savings through the undertaking of Energy Conservation Measures (ECMs) whereby an Energy Service Company (ESCo) formulates the proposed work, designs and then installs it and

guarantees the energy savings that the measure will achieve in order to deliver the payback within a set time frame. Consequently the REFIT project transfers the risk that the energy conservation measure would not fully deliver the anticipated savings from the Council to the ESCo. The upfront capital funding of the works however remains with the Council but will in effect be refunded via the energy savings made on an 'Invest to Save' basis.

- 3.5 A desk top study was carried out of the Council's corporate portfolio of buildings and schools by the officers and the REFIT Programme Delivery Unit in order to identify those buildings most suited for inclusion in the REFIT programme. Criteria such as current energy use per m² against benchmark figures, the condition of the mechanical and electrical services, previous level of energy conservation work already carried out and any future proposals for the building. This identified at this stage some six corporate buildings and 19 schools that would likely to be of interest to the ESCOs. This report concerns phase one of the REFIT programme comprising three corporate buildings and 11 school sites as detailed in appendix one.
- 3.6 Schools have been advised of Enfield's REFIT project and those schools suitable for inclusion have been invited to join the project. All of the schools in phase one have agreed in principal to be included in the programme (subject to the final detail of the ECMs proposed payback and costs). Each individual school will subsequently be required to agree the works proposed for their school being undertaken and that they will use the guaranteed savings on their energy use to repay to the Council the capital costs (this will be done through an agreement between the school and with the Council).
- 3.7 REFIT will deliver the following benefits:
 - A transfer of risk from the Council as the required energy savings to fund the Energy Conservation Measures (ECMs) are guaranteed by the ESCo over the agreed payback period.
 - Increased opportunity to limit or avoid fines and penalties under the Carbon Reduction Commitment (CRC) by reducing energy consumption and carbon emissions.
 - Reduced cost of purchasing CRC allowances.
 - Reduced procurement times and officer costs by using a pre-selected framework of suppliers together with access to the provision of standardised contracts and a toolkit.
 - Specialist support from the REFIT Programme Delivery Unit. This includes the advising on the measurement and verification of the ESCOs work and subsequent performance and pay back of their energy conservation measures.
 - Access to the latest and most efficient energy saving products and processes from specialist suppliers in the field.

- Opportunities to “bundle” work across a portfolio of corporate buildings to maximise the benefits from retrofitting energy conservation measures.
 - Improved Department of Energy Certificate ratings
 - Cost and carbon emission savings
 - Reduction in future maintenance costs as a result of plant and equipment improvements and renewals.
- 3.8 On 30th January 2013, the Council approved the final version of the Enfield 2020 Sustainability Programme and Action Plan, which contains 50 strategic projects, a number of which are designed to save energy. This is a key project identified in the Enfield 2020 Action Plan, which will save energy and deliver significant environmental benefits.

4. PROCUREMENT OF ENERGY CONSERVATION MEASURES UNDER THE REFIT PROGRAMME

The procurement process to undertake the ECMs comprises the use of a supply framework agreement established by the GLA. The procurement process to undertake the ECMs is split into two stages; firstly the appointment of a preferred supplier to develop various ECMs and secondly subject to them being satisfactory the actual undertaking of the ECM works on site.

4.2 Stage One

- 4.2.1 Under this framework buyers such as Enfield appoint an ESCo (Energy Service Company) to develop what is known as Investment Grade Proposals (IGPs). The IGPs comprise a binding price to undertake the ECM works, the technical details of the ECMs proposed, the expected benefits, the pay back periods and binding minimum annualised savings.
- 4.2.2 The preferred supplier is drawn down from the framework agreement by the holding of a mini-competition in order to select the best bid. Under the mini competition each supplier provides the Council with general but non-binding costs and types of Energy Conservation Measures that they expect to undertake to deliver the level of savings specified by the Council together with a guaranteed minimum level of annualised energy savings. The Council assesses the various bids and then appoints the ESCo providing the best bid as the preferred supplier.
- 4.2.3 Stage one of this processes, the holding of the mini competition and the subsequent appointment of the preferred supplier has already been completed by the Council with the appointment of Johnston Controls Ltd. The appointment of Johnson Controls being by an operational decision of the Director of Environment made on 3 December 2012.

4.3 Stage Two

- 4.3.1 The preferred supplier once appointed then develops the binding IGPs. The cost to provide the IGPs being ascertained as part of the stage one process (mini competition).
- 4.3.2 The Council then has the choice as to whether to accept the binding IGP offers from the ESCo. Should it decide not to do so it would be bound to pay the cost to the ESCo of developing the IGP so rejected. The IGPs are provided on an establishment by establishment basis, allowing the Council or a school to not go ahead with an individual IGP.
- 4.3.3 Once the IGPs have been agreed with the ESCo they are then contracted via a series of JCT Building Contracts to undertake the actual ECMs making up the IGPs on site. The ESCo then undertakes an agreed Measurement and Verifications plan to measure the success or otherwise of each ECM and to then make adjustments as necessary to ensure the contracted savings are delivered and that the pay back periods are met.
- 4.3.4 This report concerns the conclusion of stage two, the approval to accept the binding IGPs from Johnston Controls and authority to enter into a series of JCT Building Contracts in order to undertake the actual ECMs on site.

4.4 The proposed ECMs

- 4.4.1 The proposed ECMs vary from building to building and are detailed in appendix one of this report. The overall cost of the measures is £1,661,120 including fees. The saving arising from the ECMs based on current energy prices is £ £242,710 per year giving a payback of 7.1 years. Should as anticipated energy costs rise over the next seven years this payback period would reduce. Data from the REFIT Programme Delivery Unit indicates that the payback of 7.1 years for Enfield Council compares favourably with other REFIT programmes across London, which range from 6.6 years to 10 years. A breakdown of the overall costs and details of other organisations paybacks are provided in section 4.6 of the Part 2 report.
- 4.4.2 In total the ECMs are due to deliver 5,494,719 kWh of energy savings per year and 1309 tonnes of CO₂ per year.
- 4.4.3 The works include the replacement of the chillers to the Civic Centre and the provision of solar voltaic panels to the Block B roof. The works to the chillers will be programmed to commence after completion of the floor 10 refurbishment. The provision of solar voltaic panels will also be subject to planning permission.
- 4.4.4 Contracts to undertake the ECM on school buildings will only be entered into once the particular school has agreed to the works and the repayments needed to cover the cost of the works. If an individual school decides not to agree to the ECMs recommended for their school then that element will be deleted from the overall programme.

4.5 The Programme

The programme for the project is as follows:

Commence consultation with schools on the final detail of the IGPs	March 2013
Cabinet Key Decision approval to the IGPs and authority to enter into Works Contracts with the ESCo	24th April 2013
School approvals	April/May 2013
Commencing letting contracts and lead in	May/June 2013
ECM Installations commence	July 2013
ECM Installations completed for schools	End August 2013
ECM Installation works completed for corporate buildings	Spring 2014
Monitoring and Verification of energy savings/paybacks	Payback period

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 To use the Council's existing repairs and maintenance programme to deliver energy savings. Work is underway to consider integration of Enfield's REFIT project delivery within Architectural Services.
- 5.2 To do nothing and to accept the cost of energy will rise and that the energy efficiency of buildings will deteriorate

6. REASONS FOR RECOMMENDATIONS

The letting of works contracts to Johnson Controls through the GLA framework for this first phase of the REFIT Programme delivers the opportunity:

- a) To undertake energy conservation measures to buildings that will improve their energy efficiency on an invest to save basis
- b) To provide guaranteed financial savings based on energy reduction.
- c) To reduce the number of CRC allowances that need to be purchased
- d) To improve building carbon management.
- e) To deliver a reduction in excess of 1300 tonnes of CO₂ per year.
- f) To provide a cost neutral solution in terms of a guaranteed maximum payback period to fund the cost of the energy conservation measures.

- g) To undertake a scheme that fulfils part of Enfield 2020 and its strategic priorities to save energy in buildings and help mitigate climate change.
- h) To undertake simplified and lower costs of procurement by the utilisation of the GLA framework contract.

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

7.1 Financial Implications

7.1.1 Phase 1 of the REFIT Programme is included in the Council's capital programme which has been presented to Full Council as part of the 2013/14 Budget Report. Based on desktop estimates provided by the contractor during Stage 1 of the process, £1,593K has been provided within 2013/14 capital budgets.

7.1.2 In addition to work costs, professional & technical fees and project management charge are estimated to be in the order of £79K for the Phase 1 programme.

Costs of all projects per IGP	£1,582K
Fees	<u>£79K</u>
Total	£1,661K

It is recommended that the capital budget for this project be increased to £1,661K.

7.1.3 Various funding options have previously been considered by the project team and these include London Energy Efficiency Fund (LEEF), SALIX interest free loan and unsupported borrowings. It is the Council's intention to submit an interest free loan application to SALIX Ltd. Due to its funding condition of project payback no longer than 5 years, there is no guarantee at this stage that our application will be considered by SALIX Ltd. Based on the outcome of the IGPs, the payback of these projects ranges from 6.1 to 8.4 years. In order to comply with the funding condition, the maximum amount of loan that the Council can apply for is circa £1M for all projects (assuming all schools agree to the works). This application, if successful, would significantly reduce the borrowing requirement and avoid interest costs in the order of £100K (assuming a short-term borrowing over the project's payback period). A more detailed financial model will be prepared when the interest-free loan is confirmed.

7.1.4 The contractor will be responsible for maintenance and verification of energy data during the payback period and there will be a minimal revenue cost of £4K per annum.

- 7.1.5 An annual fee (circa £5K) will be charged by Sustainability Services for validating energy data throughout the payback period and this income will be ring fenced to part fund the cost of this team going forward. Financial arrangements will be put in place to recovering this from energy savings achieved for both schools and corporate buildings.
- 7.1.6 In the event that the full costs are met from unsupported borrowing, the revenue borrowing implications of this project can be largely funded from savings in energy costs, reduction in carbon reduction commitment (CRC) levy and reduction in maintenance costs as set out below.

	Total £'000s
Borrowing @ 1.57% over 7 years	263
Energy Savings from year 2	(215)
Reduction in CRC levy	(16)
Reduction in maintenance costs	(12)
Contractor's charge on M&V	4
Sustainability team's fees	<u>5</u>
Net Total	29

- 7.1.7 The savings in energy and CRC costs are based on current prices. There are strong indications that both of these will increase substantially in future years, which will result in the savings being much greater than the cost of borrowing. However it should be noted that the increase arising from energy price uplift / carbon tax per tonne is not a cashable saving, instead helping avoid cost pressures.
- 7.1.8 For ECMs at school sites, a loan agreement will be set up with individual school concerned before works are undertaken. Financial arrangements will be put in place to offset the loan repayments against the schools' delegated budgets.

7.2 Legal Implications

- 7.2.1 The general power of competence as set out in s. 1(1) of the Localism Act 2011 states that a local authority has power to do anything that individuals generally may do. The proposed arrangements within this report are in accordance with this power.
- 7.2.2 The Council has a duty to provide information on its energy use in accordance with the Climate Change Act 2008 and the CRC Energy Efficiency Scheme Order 2010 which aim to provide a financial incentive to reduce emissions.
- 7.2.3 The Council's Constitution, in particular Contract Procedure Rules, permits the Council to call off from an existing framework in accordance with the terms of the framework. No issues of non-compliance with the framework terms and conditions have been raised.

7.2.4 Certain measures including the installation of photo-voltaic panels will require planning permission

7.2.5 The contracts must be in a form as approved by the Assistant Director for Legal Services.

8. KEY RISKS

8.1 Although highly unlikely, the cost of energy reduces and continues to reduce for the duration of the project, so reducing the effectiveness of the 'Invest to Save' budget.

8.2 The risk of the ESCo not achieving the reductions stated or the payback periods are not met. This is mitigated by the framework contract that requires the ESCo to make up the difference either by installing further energy saving measures or by financially making up the difference. Furthermore the payback period is based on the current cost of energy and if as is likely energy costs rise the payback periods are if anything likely to reduce.

8.3 The Council would be liable to pay the ESCOs fees for developing the IGP for any site that the Council or a school decides not to progress. It is likely however that the IGP would in any case provide useful information concerning the potential for future energy management works under other programmes or initiatives and so would not be an entirely abortive cost to the Council.

8.4 A school disagrees with the level of energy savings made and contests the amount to be repaid to the Council. This is mitigated again by the likelihood of energy costs rising during the payback period and that a monitoring and verification process will be undertaken by the Council's energy unit and supported by the REFIT Programme Delivery Unit.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

The Invest to Save proposals save money by saving energy, helping the Council to maintain the quality of its existing services

9.2 Growth and Sustainability

The project helps deliver Enfield 2020 and its strategic priorities to save energy in buildings and help mitigate climate change. Enfield's REFIT project aims to reduce the amount of carbon produced within the portfolio by >2,500 tonnes of CO₂ per year. This phase one of the programme plans to save some 1,300 tonnes of CO₂ per year.

9.3 Strong Communities

9.3.1 This stage of REFIT project is made up of three corporate buildings and 11 school sites. Benefits to the community will be the reduction of energy in

schools and the reduction of carbon emissions. The proposals also include the opportunity to install photovoltaic solar panels to the roof of the Civic Centre which would provide a visible example of community leadership, demonstrating to local communities that the Council and schools are investing in clean and sustainable technology.

- 9.3.2 The Service Contract with Johnson Controls includes the Council's community benefit clause with the contract requirements. Johnson Controls operate an apprenticeship scheme in the UK and have also confirmed they will where feasible use local suppliers and sub contractors.

10. EQUALITIES IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and this concluded that an equalities impact assessment/analysis is not relevant or proportionate.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

The contract with Johnson Controls has a requirement for a Monitoring and Verification Plan to be established by which to manage their performance. The Council's Energy Unit will be responsible for managing the Monitoring and Verification Plan.

12. HEALTH AND SAFETY IMPLICATIONS

The letting of the works contracts will include all of the Health and Safety obligations required for contracts of this nature including the application of the CDM regulations. The Council will be acting as the CDM Co-ordinator and Johnson Controls as the Principal Contractor and Designer as required by the regulations.

13. PUBLIC HEALTH IMPLICATIONS

The REFIT programme will have a positive effect on public health. The reduction in carbon emissions arising from the programme will help to mitigate the effects of climate change.

Background Papers

None.

Proposed ECMs	Appendix One Part 1 Report											Carbon Saving Tonnes PA	
	Lighting retrofit including controls	Boiler Replacement	Heating and Air Handling Unit Controls	Photovoltaic Panels	Pipe/Tank Insulation	Re Commission Variable Speed Drives	Relocate Fan Convectors	Chiller Replacement	Pool Cover	Total kWh Electrical Saving PA	Total kWh Gas Saving PA		Total kWh Energy Saving PA
Civic Centre	Y			Y		Y		Y		- 177,445	3,400,000	3,222,555	528
St Ignatius College	Y		Y		Y				Y	67,668	459,549	527,217	121
Chesterfield	Y									23,229	-	23,229	13
Charles Babbage House	Y									93,811	-	93,811	51
Winchmore School	Y									72,849	-	72,849	39
Millfield Theatre	Y		Y							64,857	-	64,857	35
Raynham School	Y									47,360	-	47,360	26
Edmonton Upper School	Y									56,511	-	56,511	31
Edmonton Lower School	Y		Y							69,906	155,042	224,948	66
Enfield Upper School	Y									63,166	-	63,166	34
Enfield Lower School	Y		Y							48,007	127,993	176,000	49
Southgate School	Y	Y								324,222	413,445	737,667	251
Eldon Infants and Juniors	Y		Y							54,375	98,635	153,010	48
Prince of Wales School	Y									31,539	-	31,539	17
Total										840,055	4,654,664	5,494,719	1,309

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MUNICIPAL YEAR 2012/2013 REPORT NO. 206

MEETING TITLE AND DATE:

Cabinet, 24th April, 2013

REPORT OF:

Director of Health, Housing & Adult Social Care

Contact officer and telephone number:
Vincent Edwards - 020 8379 4055

Agenda – Part: 1	Item: 10
Subject: Contract for residential care services for people with dementia at Parkview House	
Wards: All	
Key Decision No: 3558	
Cabinet Member consulted: Cllr McGowan	

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to report on the outcome of the recent tender exercise for the management of Parkview House and Honeysuckle House care homes. This report also seeks agreement for the arrangements for negotiating an interim contractual arrangement for the on-going management of Parkview House when the current provider leaves in August 2013.
- 1.2 Residential care services for people with dementia at Parkview House were tendered alongside similar services at Honeysuckle House as a joint tender. Unfortunately the tender process failed to identify a provider. The current provider, Richmond Fellowship, has confirmed its intention to cease providing services at Parkview House on 4th August 2013. They will facilitate a timely transfer to a new provider following Cabinet decision.
- 1.3 Recommendations for Honeysuckle House are detailed in a separate report under KD 3685.

2. RECOMMENDATIONS

- 2.1 Cabinet members are asked to note the closure of the previous procurement process and consider the contractual options set out in the part 2 report.

3. BACKGROUND

- 3.1 The Council is the freehold owner of Parkview House, a residential care home consisting of 45 beds for people with dementia. The building is owned by Sanctuary Housing Association (Sanctuary HA). A 150 year lease exists between the parties, commencing 13th March 1992 and under which Sanctuary HA pay a peppercorn rent.
- 3.2 Care services are currently provided under a block contract between the Council and a voluntary sector provider, Richmond Fellowship. The building is

managed through an agreement between Richmond Fellowship and Sanctuary HA. Richmond Fellowship became the provider at Parkview in 2011 following a merger with the original provider, 2Care.

- 3.3 Care Services for Parkview House were tendered alongside those at Honeysuckle House in a joint procurement programme in accordance with the Council's Contract Procedure Rules. Separate contracts were to be awarded for each home. The invitation to tender included commissioning objectives to develop dementia care services to include respite provision and seek proposals from the market for improving the building environment.
- 3.4 Officers engaged with carers at Parkview. A panel of carers from across both homes along with an independent carer with significant experience of respite provision, developed and was to evaluate a section of quality criteria.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In light of the recent tender process it is necessary to secure an immediate provider to continue to manage the service. The need for interim contract arrangements for the management of Parkview House is essential to safeguard the vulnerable resident group.
- 4.2 To facilitate development of best value longer term, an options appraisal will be undertaken once the existing management of the care home is resolved. This will involve an engagement exercise with care home providers to explore current and future market direction and the range of means available to meet service users' developing needs.

5. REASONS FOR RECOMMENDATIONS

- 5.1 In the context of the tender process not identifying a new provider and considering Richmond Fellowship's forthcoming departure from Parkview House: the recommendations offer the most effective and practical means of ensuring continuity of care for service users.

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

6.1 Financial Implications

See Part 2 report

6.2 Legal Implications

See Part 2 report

6.3 Property Implications

See Part 2 report

7. KEY RISKS

See Part 2 report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

See Part 2 report

8.2 Growth and Sustainability

8.2.1 The planned market engagement will provide opportunities to providers from the private and voluntary sectors to work with the Council and shape options for future services to support people with complex needs.

8.3 Strong Communities

8.3.1 During the interim contract period, the Council will continue to develop relationships with carers and families in applying the objectives of Enfield's Joint Dementia Strategy to Parkview House. This period also facilitates greater scope for planned involvement of service users.

9. EQUALITIES IMPACT IMPLICATIONS

See Part 2 report

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 Parkview House will continue to be monitored in accordance with existing monitoring systems used by HHASC's Contracting team. The frequency of this monitoring will be determined by reviewing relevant risk factors.

11. HEALTH AND SAFETY IMPLICATIONS

See Part 2 report

12. PUBLIC HEALTH IMPLICATIONS

12.1 Provision of residential care homes is a core part of maintaining the health and well being of Enfield residents with dementia and complex needs. It is useful that the Council is taking these measures to ensure appropriate and effective future provision.

Background Papers

See Part 2 report

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THE CABINET

List of Items for Future Cabinet Meetings (NOTE: The items listed below are subject to change.)

MUNICIPAL YEAR 2013/2014

MAY 2013

- 1. Update on Public Health Contracts Transfer from the NHS to the London Borough of Enfield** Ray James

This will seek agreement to the proposed approach to the transfer of contracts from the NHS to the London Borough of Enfield. (Part 1) **(Key decision 3650)**
- 2. Award of Contracts for Residential Care Services for People with Dementia at Honeysuckle House** Ray James

This will seek approval to the award of contracts as detailed above. (Parts 1 and 2) **(Key decision – reference number 3685)**

JUNE 2013

- 1. Enfield Council Estate Renewal Programme** Ray James

This will seek approval to authorise the Enfield Council Estate Renewal Programme. **(Key decision – reference number 3369)**
- 2. Ladderswood Regeneration: Appropriation** Ray James/
Neil Rousell

The London Borough of Enfield is required to appropriate the Ladderswood development site following the grant of planning permission to the development partner. (Part 1) **(Key decision – reference number 3423)**
- 3. Reference from the Crime and Safety and Strong Communities Scrutiny Panel**

To receive a report on the risks to young women from gang violence. (Non key)
- 4. Options for the Provision of a Dual Registered Care Home on the former Elizabeth House site** Ray James

This will set out options for the provision of a dual registered care home on the former Elizabeth House site. (Parts 1 and 2) **(Key decision – reference number 3593)**

5. **Free School Meals Pilot Project at Eastfield Primary School – 2011-2014** Andrew Fraser

This will set out the Free School Meals Pilot Project at Eastfield Primary School from 2011 to 2014. (Part 1) **(Key decision – reference number 3678)**

6. **Academy Street** Ray James/Neil Rousell

This will update Cabinet on progress made towards developing the Academy Street land, confirm a budget for the project and to delegate authority for the appointment of a build contractor. (Part 1) **(Key decision 3683)**

7. **Adoption Services in Enfield** Andrew Fraser

This will provide Members with information on Adoption Services in Enfield. (Part 1) (Non key)

8. **Fostering Services in Enfield** Andrew Fraser

This will provide Members with information on Fostering Services in Enfield. (Part 1) (Non key)

JULY 2013

1. **Academy Street Appropriation Report** Ray James

This will seek approval to appropriate the Academy Street land for planning purposes. **(Key decision – reference number 3694)**

2. **Lee Valley Heat Network** Ian Davis

This will seek approval of the Business Plan for the Lee Valley Heat Network. **(Key decision – reference number tbc)**

3. **Reference from the Crime and Safety and Strong Communities Scrutiny Panel – Metal Theft**

To receive a report from the Scrutiny Panel on metal theft. (Non key)

SEPTEMBER 2013

1. **Housing Revenue Account (HRA) Garages Sites Strategy** Ray James

This will set out the Council's proposals for managing its HRA Garage stock into the future – the work undertaken in the preparation of this strategy will cover an options appraisal of each of the 331 sites currently managed within the HRA. (Part 1) **(Key decision – reference number tbc)**

CABINET - 20.3.2013

**MINUTES OF THE MEETING OF THE CABINET
HELD ON WEDNESDAY, 20 MARCH 2013****COUNCILLORS****PRESENT**

Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Del Goddard (Cabinet Member for Business and Regeneration), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenar (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

ABSENT

Chris Bond (Cabinet Member for Environment) and Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health)

OFFICERS:

Rob Leak (Chief Executive), Ray James (Director of Health, Housing and Adult Social Care), James Rolfe (Director of Finance, Resources and Customer Services), Ian Davis (Director of Environment), Neil Rousell (Director of Regeneration, Leisure & Culture), Kate Robertson (Assistant Director for Customer Service, Communications and Business Change), John Austin (Assistant Director - Corporate Governance), Jenny Tosh (Education, Children's Services and Leisure) and Andrew Golder (Press and New Media Manager)
Jacqui Hurst (Secretary)

Also Attending:

Councillor Alan Sitkin (Chairman of the Sustainability and Living Environment Scrutiny Panel) and Councillor Derek Levy

1**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chris Bond (Cabinet Member for Environment) and Councillor Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health).

2**DECLARATION OF INTERESTS**

There were no declarations of interest.

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3

URGENT ITEMS

NOTED that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) Regulations 2012. These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

4

DEPUTATIONS AND PETITIONS

NOTED that no requests for deputations (with or without petitions) had been received for presentation to this Cabinet meeting.

5

ITEMS TO BE REFERRED TO THE COUNCIL

AGREED that the following item be referred to full Council:

1. Report No.179 – Proposed Submission Development Management Document

6

JANUARY 2013 REVENUE MONITORING REPORT

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.174) setting out the Council's revenue budget monitoring position based on information to the end of January 2013.

NOTED

1. the risk ratings of the financial performance overview as set out in Table 1, section 4 of the report;
2. the summary of the departmental and corporate projected outturns and variances against budget as set out in Table 2 and section 5 of the report. Members' attention was drawn to the reduction in parking receipts as set out in paragraph 5.2 of the report;
3. the key risks set out in section 12 of the report;
4. the Treasury Management position set out in section 6 of the report;
5. that there was no deterioration in the financial position of the Authority and the Medium Term Financial Plan was on track;
6. Members discussed the recent Government funding announcements and questioned the impact of any additional funding reductions on the

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Council's budget projections. Further discussions would be required when the future funding position became clearer;

7. in relation to the Council's Treasury Management position, Members noted that the Council had secured two new short term loans during January to borrow £6m to fund the Council's capital expenditure programme. The low interest rates for short-term borrowing were noted. It was predicted that long-term interest rates were likely to rise in the future. In response to a question from Councillor McGowan, James Rolfe (Director of Finance, Resources and Customer Services) outlined the benefit of short-term borrowing and the practice of re-profiling the Council's debt on the advice of treasury management.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet

1. noted the £785k underspend revenue outturn projection;
2. agreed that departments reporting pressures should continue to manage budgets in order to eliminate any overspend in 2012/13;
3. noted that Enfield had been successful in securing Department for Communities and Local Government funding of £2.46M through Weekly Collection Support Scheme and the financial implications for 15/16 and 16/17 associated with the acceptance of this funding (paragraph 5.2 of the report referred);
4. agreed that £0.7M additional cost be provided by the Council for two years to meet the additional recycling waste collection costs in 2015/16 and 2016/17 and to include this in the Council's Medium Term Financial Plan as required in the grant conditions by the Department for Communities and Local Government (paragraph 5.2 of the report refers).

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

(Key decision – reference number 3606)

7

CAPITAL PROGRAMME MONITOR THIRD QUARTER DECEMBER 2012 - BUDGET YEAR 2012-13

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.175) informing Members of the current position regarding the Council's 2012 to 2015 capital programme taking into account the latest re-profiling information for all capital schemes.

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NOTED

1. that the Council was continuing to deliver a substantial capital programme with overall expenditure projected to be £99.9m for the General Fund and £48m for the HRA for 2012/13;
2. the capital schemes and principle outcomes of the current year programme as set out in section 4 of the report;
3. the capital programme funding, revenue implications and capital prudential indicators as set out in sections 5, 6 and 7 of the report. Projected funding was within borrowing limits. Appendix A to the report set out the capital programme 2012-2015 in detail, Members' attention was drawn to the schemes included within the programme.

Alternative Options Considered: Not applicable to this report.

DECISION: The Cabinet agreed

1. the re-profiled three year programme;
2. the growth of the Capital Programme of £6.8m in 2012/13, the majority of which was related to the Schools devolved capital inclusion and other projects funded by grants and contributions;
3. the net reduction of the Capital Programme by £19.5m in 2012/13 to reflect slippage into future years and scheme revisions.

Reason: To ensure that Members were aware of the current position regarding the Council's 2012 to 2015 capital programme.

(Key decision – reference number 3655)

8**EMERGENCY SUPPORT SCHEME**

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.176) summarising the results of the consultation exercise and recommending a new Emergency Support Scheme.

NOTED

1. that an amendment sheet was circulated at the meeting, the details of which are set out below. The amendments were minor and did not alter the fundamentals of the scheme:

Paragraph	Amendment or clarification
3.3.	To total expenditure in 2011/12 should read £1,056,600
3.4	£192,432 has been set aside for administration only. With the

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	Council facing significant funding reductions, it cannot augment government funding for the scheme. It is unclear whether funding will continue. The level of administration costs incurred by the Council will be reviewed after the first year of operation
4.1	The consultation took place between January and February 2013
4.2	The figures given show the percentage of responses that were positive or neutral to the statements proposed in the consultation document
4.4	The proposals relating to cash payments were set out in the consultation document
5.2	Other schemes referred to in Appendix A would be referred to as an alternative to the Emergency Support Scheme
5.4	P-card – is a council payments card
5.6 and 5.7	Those taking up residency in the next six weeks following a period in an institution or residential care (rather than the month as stated in the report)
5.6 and 5.7	Where a person has savings which doesn't cover their whole needs, the Council will consider applications proportionate to the residue of applicant's need after their savings have been exhausted
5.6 and 5.7	The scheme will be publicised through the Council's website, residents magazine, leaflets and promoted to local voluntary organisations
5.6 and 5.7	Once an applicant has met the eligibility criteria, their application may need to be considered in relation to its priority (see paragraph 5.8)
5.6 and 5.7	The Council is aware of the risk of loan sharks and would wish to encourage residents to avoid them as much as possible.
5.8	Vulnerable and protected groups and those with dependent children with score higher on risk and priority. The application of the fund will be monitored monthly to ensure consistent application of the criteria and the categories of risk, levels of awards and scoring of risk will be reviewed in the light of experiences after the first year of operation.
5.8	When considering amending the scheme, the Council will balance the financial risk with the risk of inconsistent treatment by restricting these in-year changes to only those that are clearly necessary and evidenced.
General	Numbering of paragraphs
8	Equalities Impact – the Department for Work and Pensions are unable to provide an equalities breakdown of existing claimants. A more detailed picture will emerge as data is collected locally and this will be reviewed at the end of the first year
Appendix A	Only the Community Care Grants and Crisis loans are moving to the Council. All other listed schemes remain the same.

2. that the report was proposing a new emergency support scheme which would replace the Government's community care grants and crisis

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loans which it was abolishing from 1 April 2013. The Council was proposing two parts to its emergency support scheme – emergency payments and local assistance grants;

3. the existing emergency support payments/loans, Appendix A to the report, and, the statistics on claims for 2011/12, Appendix B to the report;
4. the prioritisation proposals as set out in section 5.8 of the report and amended in the schedule above. Each eligible application would be graded as high, medium or low. The demand for funds would be monitored on a monthly basis. The Council had been allocated funding from Central Government for year one of the scheme, the funding allocation for the following year had not yet been confirmed. Members discussed the funding allocations and potential implications for the Council in relation to any overspend or underspend on the scheme;
5. Councillor McGowan questioned the proposed prioritisation criteria and the actions that the Council could take in meeting the eligible applications within the limited funding available. He suggested that the Council should begin by meeting the high and medium priority applications only in the first instance until the level of demand became clear. A discussion took place on the advantages and disadvantages of applying the criteria in differing scenarios;
6. Members discussed the funding which individuals could apply for through other Government legislation such as the National Assistance Act;
7. that the Council was aware of the risk of loan sharks and would wish to encourage residents to avoid them as much as possible;
8. the alternative options which had been considered and the reasons for the proposed scheme as set out in full in the report;
9. that voluntary and community groups had been briefed on the new scheme together with relevant teams within the Council including Children's Social Care and Community Safety. There was flexibility within the scheme for vulnerable people and if necessary fast-track decision making routes could be followed;
10. that the scheme would be kept under review and closely monitored. The financial implications of the scheme would be included within the monthly revenue monitoring reports to Cabinet. Members also requested that they receive a verbal update on the scheme three months after the start of its implementation.

NOTE: Prior to taking the following decisions on the scheme, Members resolved to move into part 2 of the meeting in order to continue discussions, containing exempt information. The press and public were excluded, as

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detailed in Minute Nos. 20 and 21 below. The minutes follow the order of the printed agenda. Following the discussion, the meeting reverted to part one.

Alternative Options Considered: NOTED that a range of alternative options had been considered as set out in full in the report.

DECISION: The Cabinet agreed

1. the new discretionary Emergency Support Scheme as set out in section 5 of the report;
2. to delegate authority to the Cabinet Member for Finance and Property and the Director of Finance, Resources and Customer Services to agree contractual arrangements with suppliers;
3. to delegate authority to the Cabinet Member for Finance and Property and the Director of Finance, Resources and Customer Services to agree prioritisation set out in section 5.8 of the report;
4. to delegate authority to the Director of Finance, Resources and Customer Services, in liaison with the Cabinet Member for Finance and Property, to agree minor amendments to the scheme.

Reason: The proposed scheme intended to achieve the following aims whilst managing risk within reduced government funding:

- Prevent imminent and serious risk to the health or safety of the borough's most financially excluded residents.
- Ease severe financial pressure in families facing crisis
- Help build stronger communities through supporting people to establish themselves in the community after unsettled living or institutional care
- Build financial capability, independence and resilience

(Key decision – reference number 3657)

9

ON YOUR DOORSTEP - TAKING PUBLIC SERVICES CLOSER TO LOCAL PEOPLE - PHASE TWO PROJECT EVALUATION REPORT AND PHASE THREE DRAFT PROGRAMME (MAY TO SEPTEMBER 2013)

Councillor Doug Taylor (Leader of the Council) introduced the report of the Chief Executive (No.177) highlighting the outcomes from the On Your Doorstep's second year of operation and presenting a draft programme from May – September 2013.

NOTED that the location specified for Palmers Green ward was within the boundary of Southgate Green ward. Members noted the importance of using venues with high levels of footfall where possible to maximise the value and impact of the community events. The importance of consultation with local ward Councillors was highlighted to ensure that the proposed dates and venues co-ordinated with any other events taking place within the wards.

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Alternative Options Considered: NOTED that section 5 of the report set out the alternative options which had been considered. Alternative options included discontinuing the use of the Enfield Mobile Library as a means of allowing residents face to face contact with the Council in their local areas, providing services electronically, over the phone or at centralised Council buildings. This could risk inclusive provision of services as some residents prefer accessing services through the On Your Doorstep project.

DECISION: The Cabinet

1. noted the contents of the report, including sections 4.1 to 4.13 (evaluation), and the outputs obtained (appendix 2 to the report);
2. agreed the draft programme as outlined in appendix 1 of the report and key themes to be promoted as part of the 2013 On Your Doorstep Project as specified in section 4.14 and 4.15 of the report.

Reason: These include consideration of new and innovative ways in which to deliver Council and partner agencies services, to improve residents' access to services, to meet needs and thereby increase satisfaction with Council services, and to improve local peoples' overall quality of life.
(Non-key)

10

QUARTERLY CORPORATE PERFORMANCE REPORT

Councillor Achilleas Georgiou (Deputy Leader) introduced the report of the Chief Executive (No.178) detailing the latest available performance data at the end of the third quarter of 2012/13.

NOTED

1. the progress made towards delivering the identified key priority indicators for Enfield;
2. that of the 75 performance indicators being reported, 46 (62.2%) were at green; 19 (18.9%) were at amber; and 14 (18.9%) were at red;
3. Members' attention was drawn to a number of the individual performance indicators and it was noted that each Cabinet Member had a responsibility for indicators within their own service areas. Indicators highlighted included those relating to housing and homelessness; educational attainment; and, waste, recycling and cleanliness. Good progress had been made on a number of the indicators but it was recognised that there was still work to do to continue to improve performance levels;
4. in relation to the indicators relating to Educational Attainment, Councillor Ayfer Orhan requested that in future the explanatory notes

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include details of any mitigating circumstances which could affect the performance levels such as changes in Government policy.

Alternative Options Considered: Not to report regularly on the Council's performance. This would make it difficult to assess progress made on achieving the Council's main priorities and to demonstrate the value for money being provided by Council services.

Reason: To update Cabinet on the progress made against all key priority performance indicators for the Council.

(Key decision – reference number 3672)

11

PROPOSED SUBMISSION DEVELOPMENT MANAGEMENT DOCUMENT

Councillor Del Goddard (Cabinet Member for Business and Regeneration) introduced the report of the Director of Regeneration, Leisure and Culture (No.179) seeking approval of the Proposed Submission Development Management Document and the subsequent consultation and submission, together with the necessary supporting documents to the Secretary of State for independent examination.

NOTED

1. that the Development Management Document (DMD) was a key document which formed part of Enfield's Local Plan and set out policies which would be used to determine all planning applications. The document had been subject to extensive consultation;
2. that a schedule of amendments to the Proposed Submission Development Management Document was circulated at the meeting, following agreement at the Local Plan Cabinet Sub-Committee held on 18 March 2013 (the schedule of amendments was set out in full in the minutes of the Local Plan Cabinet Sub-Committee). It was noted that representations had been received from Councillor Terence Neville with regard to parking issues. The points raised had been discussed by the Sub-Committee and a form of words agreed with Members and officers concerned;
3. Members' attention was drawn to an area of potential challenge within the document in relation to affordable housing and references to rental levels as the Council's views were not conforming to those of the GLA and the London Plan. Enfield's views were shared by other local authorities.

Alternative Options Considered: None. In the context of the changes to national planning guidance, it was imperative that the Development Management Document is adopted to provide an up to date Local Plan to inform planning decisions. The Development Management Document must be submitted for examination in accordance with Government legislation.

RECOMMENDED TO COUNCIL

1. approval of the proposed submission version of the Development Management Document and Policies Map, together with the schedule of amendments circulated at the meeting, for a statutory 6 week publication and subsequent submission to the Secretary of State.
2. agreement that the Cabinet Member for Business and Regeneration be authorised to agree the publication of the Sustainability Appraisal and Equality Impact Assessment of the Proposed Submission Development Management Document.
3. agreement that the Director of Regeneration, Leisure and Culture, in consultation with the Cabinet Member for Business and Regeneration be authorised, to agree appropriate changes to the Proposed Submission version of the Development Management Document and any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning Inspector and any emerging evidence, guidance or legal advice. Changes of a substantive nature may be considered by the Local Plan Cabinet Sub-Committee.

Reason: To progress with the approval of the Proposed Submission Development Management Document for submission to the Government for independent examination, in accordance with Government legislation.

(Key decision – reference number 3612)

12

LONDON 2012 LEGACY REVIEW AND OPPORTUNITIES

Councillor Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism) introduced the report of the Director of Regeneration, Leisure and Culture (No.180) reviewing how the Council had done in delivering the objectives set out in the Enfield's Legacy Strategy for the London 2012 Olympic and Paralympic Games.

NOTED

1. that the Council's Strategy, approved in 2009, set out how Enfield planned to maximise the opportunities presented by the Olympic and Paralympic Games in 2012. Members' attention was drawn to the aims of the Strategy set out in paragraph 3.4 of the report;
2. that Appendix 1 to the report, Enfield Council's Olympic and Paralympic Legacy Strategy Review, reviewed how the Council had done in delivering the objectives set out in the Strategy and stated some of the activity that had gone on beyond the aims set out originally. The Council's achievements against set performance indicators were outlined in full;

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3. that Enfield had been the first Borough to have 100% of the schools through the Get Set application process. The Get Set programme had created opportunities for children and young people to get involved in the London 2012 Olympic and Paralympic Games. The Council's Sports Development and PE Team had committed to a number of activities to increase the number of young people with disabilities taking part in sport;
4. the next steps set out in the report on how Enfield intended to continue the legacy in relation to physical activity, sport and health activities and, parks. Councillor Charalambous highlighted the main activities set out in the report and was proud of the efforts which Enfield had made which could continue to be built on in the future;
5. Councillor Orhan praised the excellent report and valuable work to take forward. Councillor Orhan took this opportunity to inform Members of an event taking place at Lea Valley High School the following evening in celebration of its achievement of the Government's Gold Kite Mark Award for its high quality of physical education. Significant work had been undertaken and Members extended their thanks and congratulations to all involved. It was proposed that the Award be highlighted at the forthcoming full Council meeting;
6. Councillor Charalambous, on behalf of the Cabinet, extended his thanks and appreciation to the Members of the Olympic Working Group and all of the officers who had been involved. The report was welcomed by Members and would be a valuable legacy to build on in the years to come;
7. Councillor Taylor recognised the challenges faced by local government in providing funding for continued and valued sports facilities and activities in the Borough in the light of continuing funding reductions.

Alternative Options Considered: No alternative options had been considered in delivering the review however options for developing the legacy had been considered carefully.

DECISION: The Cabinet

1. agreed to align resources where relevant to deliver the further legacy opportunities identified in the report;
2. noted the report.

Reason: The opportunities mentioned in the review document and above in paragraph 3.7 of the report build on work that had already been started and in some cases develops further opportunities such as health improvements, festival improvement, parks opportunities, and sport and physical active opportunities.

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(Non key)

**13
ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY
PANEL/SCRUTINY PANELS**

**Reference from the Sustainability and Living Environment Scrutiny
Panel – Retrofitting – New Directions**

Councillor Doug Taylor (Leader of the Council) welcomed Councillor Alan Sitkin (Chairman of the Sustainability and Living Environment Scrutiny Panel) to the meeting and invited him to present the report to Cabinet.

Councillor Alan Sitkin introduced the report of the Sustainability and Living Environment Scrutiny Panel (No.181) detailing the work that had been undertaken to date and seeking endorsement of the planned activities in the coming year.

NOTED

1. the referral from the Sustainability and Living Environment Scrutiny Panel;
2. the work that had been undertaken to date and the planned activities in the coming year;
3. Councillor Sitkin expressed his thanks and appreciation to the Cabinet Members and Directors who had been involved in the developments to date and for providing resources through Council officers in order to implement and take the projects forward. It was a team effort which involved a number of Council departments;
4. the success and value of the work to date was highlighted and recognised by Members. Other activities were planned which would require more resources and effective project management across departments. This was a good example of working as “one Council”. Members were pleased with the progress to date and expressed their thanks to Councillor Sitkin and the Scrutiny Panel for their valuable work. It was noted that Enfield Homes had also been involved in providing information to contribute to the success of the projects;
5. that a deal had been finalised with a utility company and would be publicised in the near future, section 3 of the report referred. The significant value of the project was highlighted. Members also noted the value in strengthening relationships with a number of businesses in the area;
6. that it was the intention to continue with further projects involving the retail and banking sectors;

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7. Councillor Georgiou, on behalf of the Cabinet, expressed thanks and appreciation to all of the Members and Officers who had contributed to making these projects a success.

Alternative Options Considered: Not applicable.

Reason: To raise awareness of the benefits of the retrofitting/New Directions scheme and to note the on-going negotiations with power companies.
(Non key)

14

CABINET AGENDA PLANNING - FUTURE ITEMS

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

15

NOTICE OF KEY DECISION LIST

NOTED that the next Notice of Key Decision list was due to be published on 26 March 2013, this would be effective from 1 May 2013.

16

MINUTES

AGREED that the minutes of the previous meeting of the Cabinet held on 13 February 2013 be confirmed and signed by the Chairman as a correct record.

17

MINUTES OF LOCAL PLAN CABINET SUB-COMMITTEE - 6 FEBRUARY 2013

NOTED the minutes of a meeting of the Local Plan Cabinet Sub-Committee held on 6 February 2013.

18

ENFIELD STRATEGIC PARTNERSHIP UPDATE

RECEIVED, for information, a summary of the minutes of the Enfield Strategic Partnership Board meeting which had taken place on 26 February 2013.

19

DATE OF NEXT MEETING

NOTED that the next meeting of the Cabinet was scheduled to take place on Wednesday 24 April 2013 at 8.15pm.

20

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the item of business moved to part 2 of the agenda on the grounds that it involved the likely disclosure of confidential information as defined in Paragraph 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

21

EMERGENCY SUPPORT SCHEME

NOTED

1. that Minute No. 8 above also referred. Members discussed the prioritisation criteria in detail and any legal implications of funding at certain levels of eligibility i.e. Low, medium and high and, any changes which needed to be implemented during the year in the light of demand levels and funding available. Members were concerned at the potential implications should demand exceed the level of funding available later in the year with high and medium categories of need not being met;
2. the consultation which had taken place and the processes which had been proposed as detailed in the report. Members reviewed the wording of paragraph 5.8 of the report and the flexibility within the scheme and funding prioritisation, and asked that further consideration be given to the starting point for funding eligibility in relation to the categorisation of low, medium and high. It was noted that recommendation 2.3 in the report sought agreement to delegated authority being given to agree the prioritisation set out in section 5.8 of the report. Members asked that both recommendation 2.2 and 2.3 in the report be delegated to both the Cabinet Member for Finance and Property and the Director of Finance, Resources and Customer Services. The decisions listed in Minute No.8 above reflect this change.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.2.2013

**MINUTES OF THE MEETING OF THE ENFIELD RESIDENTS PRIORITY FUND
CABINET SUB-COMMITTEE
HELD ON TUESDAY, 19 FEBRUARY 2013**

COUNCILLORS

PRESENT Bambos Charalambous (Chair), Chris Bond, Achilleas Georgiou and Christine Hamilton

OFFICERS: Joanne Stacey (Performance and Information Manager), Peter Doherty (ERPF Administrator), Jayne Middleton-Albooye (Legal), Ann Freeman (Assistant Head of Finance), Richard Tyler (Assistant Director of Finance) and James Kinsella (Governance Team).

1**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. An apology for lateness was received from Councillor Georgiou.

2**DECLARATION OF INTERESTS**

Councillor Charalambous declared a Disclosable Pecuniary Interest in application BUSH014 – purchase of equipment and furniture for Little Wellingtons Pre School as he was related to the applicant. He took no part in the discussion or decision on this item.

3**URGENT ITEMS**

NOTED the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002. There were no urgent items.

4**BUDGET 2013/14**

The Sub Committee received a verbal update from Richard Tyler (Assistant Director Corporate Finance) on the budget position relating to the Residents Priority Fund for 2013/14. The following key issues were highlighted as part of the update:

- The inclusion, within the Council's final budget setting report, of the recommendation for any underspend from the Priority Fund in 2012/13 to be carried forward for use in 2013/14; and

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- The proposed £273k reduction in funding for the Priority Fund in 2013/14 being recommended as a corporate saving as part of the final budget setting report to Council.

The Sub Committee noted:

1. The two proposals highlighted above were due to be considered by Council as part of the budget setting process on 27 February 2013.
2. The need to review application of the Capital/Revenue funding split as part of the allocation process for 2013/14 at the end of the current financial year.
3. The need for further consideration to be given to the way in which funding was committed to schemes as the Priority Fund approached its final year of operation. Members were concerned to ensure that a clear approach was identified for dealing with the allocation of any committed funding for schemes whose implementation had been delayed beyond the life of the Fund.

5

APPLICATIONS TO THE ENFIELD RESIDENTS PRIORITY FUND

Councillor Bambos Charalambous introduced the report of the Chief Executive (No.168) presenting the applications that had been formally submitted up to 25 January 2013 for the Enfield Residents Priority Fund.

Joanne Stacey presented the report to members.

NOTED

1. The summary of the applications received as detailed in Appendix A to the report:
2. Members considered each of the applications in detail, as follows:

2.1 Bosworth Road Alleygate (BOW036)

A project for Bowes Ward to install an alleygate in Bosworth Road. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was approved.

2.2 Firs Farm Primary School Hall Expansion (BUSH013)

The application was deferred pending sign off of the application by the ward councillors.

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2.3 Little Wellingtons Pre School (BUSH014)

The application was deferred pending sign off of the application by the ward councillors.

2.4 Bush Hill Park Residents Association - Re-Launch (BUSH015)

The application was deferred pending sign off of the application by the ward councillors.

2.5 Bush Hill Park United Reform Church Hall Roof (BUSH016)

The application was deferred pending sign off of the application by the ward councillors.

2.6 North Enfield Cricket Club Development Fund (CHAS010)

Following previous approval of the original application totalling £24, 939 the Sub Committee was advised that the applicant had now obtained a final quote for the scheme, which included an enhanced specification supported by the ward councillors. Given the range of facilities the revised specification would provide, members were minded to approve an increase in the original project award of £1,325 in order to fund the enhanced specification.

2.7 O'Bay Community Trust/Redeemed Christian Church of God (RCCG) Kingdom Life Chapel (EDM016)

A project for Edmonton Green Ward to build a chapel entrance to comply with the Disability Discrimination Act and to install an IT system hub for external users. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training.

Members noted the legal advice provided at the meeting relating to the interest of the applicant in the property which was the subject of the application. In view of the legal advice and additional concerns raised regarding the limited evidence of consultation to support the project, members were minded to refuse the application.

2.8 The Ideas Station (EDM017)

A project for Edmonton Green Ward to provide social media training for local women. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, education, skills and training.

The application was approved.

2.9 Enfield Time Bank – Residents Healthy Living Club (EDM018)

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A project for Edmonton Green Ward to set up a club to promote healthy eating and a healthy lifestyle. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training.

Members were advised that clarification was being sought by officers regarding the relation between the Priority Fund application and funding that the applicant had already received from the Council's Sustainable Communities Team. In addition members requested confirmation that the applicant had complied with the necessary licensing requirements. In view of the additional information requested, Members agreed to defer final consideration of the application.

2.10 Edmonton Foodbank (EDM022)

Following previous approval of the original application totalling £24,500, the Sub Committee was advised that the applicant had received additional support from a local supermarket chain in the form of a large non perishable food donation. This had generated an underspend on the original project of £6,500 and the applicant was now seeking approval to its reallocation as a contribution towards the cost of a lease being negotiated on Council owned premises for the scheme. Whilst supportive, in principle, towards the reallocation of funding members (on the basis of legal advice and previous practice) were not minded to approve its use towards the lease of council owned premises. Consideration on the reallocation of any underspend was therefore deferred to allow further consultation with the applicant on its potential use.

2.11 The Grangeway Pedestrian Crossing and Refuge (GRA05)

A project for Grange Ward to build a pedestrian crossing and refuge in the Grangeway by Grange Park Railway Station. Members noted that the application met the social and environment wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities.

Members noted that the high level of public support for the application, which was also supported in principle by the Director-Environment. The application was approved.

2.12 St Demetrios Greek School Playground Resurfacing (HAS022), (LOED034) (UPED032)

A project for Haselbury, Jubilee and Upper Edmonton Wards to repair and resurface the playground at St Demetrios's Greek School. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training and environment.

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The Sub Committee considered all three applications together. The applications had been deferred at the previous meeting to enable clarification of the costs submitted, which officers advised had now been obtained. As a result the costs being sought under each application were as follows – (HAS022) £29,480; (JUB017) £32,256 & (UPED032) £7,600. Confirmation was provided that it would not be possible to claim back any VAT in relation to these costs. Whilst the Sub Committee was minded to approve the scheme, members felt that a quote for the work should also be sought from the Council's Highway Contractor as a means of further testing and managing the overall level of costs.

2.13 Boxers Lake Playground Refurbishment (HILA006)

A project for Highlands Ward to make improvements to Boxers Lake Playground. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

Members felt there was insufficient detail provided within the application to allow further consideration at the meeting. Whilst not opposed to the principle of the scheme, consideration of the application was deferred to enable further detail on the scheme and costs to be provided.

2.14 CRE8 Skills and Employability (LOED033)

A project for Lower Edmonton Ward to provide employment and skills advice to local residents. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The Sub Committee was advised that following further consultation with ward councillors a revised application had been submitted for the scheme seeking £5,800. The revised application was approved.

2.15 IT4 Employment (LOED034)

A project for Lower Edmonton Ward to provide IT and English for Speakers of Other Languages training for young people. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, education, skills and training and crime.

Members concern to ensure that use of any funding awarded was directed towards the purpose identified within the application, given the previous allocation of funds for other equipment. Officers confirmed this would be kept under review as funding would only be released based on the submission of receipts or invoices. On this basis the application was approved.

2.16 Anti Crime Signs (PAL023)

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A project for Palmers Green Ward to provide signs to deter criminals and to warn residents of possible criminal activity. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

In view of concerns raised at the meeting, members felt that further detail was needed on the nature of the signage to be used, along with its proposed location and evidence of its potential impact. Consideration of the application was therefore deferred to enable this additional information to be provided.

2.17 Mobile CCTV (PAL024)

A project for Palmers Green Ward to provide mobile CCTV cameras to assist in the detection of and to deter criminal activity. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

Whilst minded to support the scheme, concerns were raised by members relating to the management of costs and payments for the ongoing maintenance of the equipment. The application was therefore approved, subject to the award of a maximum level of funding up to £19,000 with further clarification to be sought on how payments would be managed over the length of the scheme.

2.18 Tatem Park Centenary Gates (PAL025)

A project for Palmers Green Ward to install gates to commemorate the centenary of Tatem Park. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

Consideration of the application was deferred until the 2013/14 financial year, in view of the limited level of funding remaining within the original 2012/13 allocation for Palmers Green ward.

2.19 Ponders End Festivals (PE023)

A project for Ponders End Ward to run community festivals in Ponders End Ward in 2013 and 2014. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, education skills and training and crime.

Concerns were highlighted by members at the limited detailed provided on the breakdown of costs and overall level of funding being sought for each event. As a result consideration of the application was deferred to enable further

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clarification to be sought on the detailed cost breakdown and location for each event, along with the target communities and role of the Events Manager.

2.20 Ponders End Minibus (PE024)

A project for Ponders End Ward to provide a minibus for the Ponders End Community Development Trust. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, education skills and training and crime.

Members concern at the level of funding being sought under the application and in relation to the breakdown of associated on costs and proposed use of the vehicle for hire purposes. In view of the concerns highlighted members were minded to refuse the application.

2.21 Roman Way Estate Picnic Tables (SOUB019)

A joint project, with Enfield Homes, for Southbury Ward to install picnic tables on the Roman Way Estate. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved, subject to confirmation being obtained that Enfield Homes had approved their element of the scheme funding.

2.22 Enfield Playing Fields Trees and Wild Flower Meadow (SOUB020)

A project for Southbury Ward to plant mature trees and a wild flower meadow on the Enfield Playing Fields. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved.

2.23 Cecil Avenue Tree Planting (SOUB021)

A project for Southbury Ward to plant trees in Cecil Avenue. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved.

2.24 Revitalisation of Southgate Underground Station Wooded Space (SGT016)

A project for Southgate Ward to revitalise a wooded open space near Southgate Underground Station by maintaining existing planting and providing

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planting trees. Members noted that the application met the environmental wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities.

In view of concerns highlighted at the meeting regarding ownership of the land originally identified under the scheme the application was approved, subject to confirmation being provided that the land on which the planting would be undertaken was owned by the Council.

2.25 Southgate Exposure Magazine (SGT013)

A project for Southgate Green Ward to produce a magazine with young people. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities and education, skills and training.

The application was approved.

2.26 Waterfall Road Closure (SGT014)

A project for Southgate Green Ward to close Waterfall Road for the Christ Church May Fair. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities.

The application was approved.

2.27 Jubilation of the Minchenden Oak Gardens (SGT008)

The application was deferred pending sign off of the application by the ward councillors.

2.28 Enfield Choral Society Staging (TOWN016)

A project for Town Ward to provide replacement staging for the Enfield Choral Society. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities.

The application was approved at the revised level of £12,247 (to include costs relating to delivery and VAT).

2.29 ICT Community Courses for the Over 50's (TOWN017)

A project for Town Ward to provide IT courses and training for residents over 50. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities, education, skills and training.

The application was approved.

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2.30 Enfield War Memorial Planting and Maintenance (TOWN018)

A project for Town Ward to fund seasonal planting and maintenance of the Enfield War Memorial, Chase Side. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities and environment.

The application was approved.

2.31 Etcetera Morris Men (TOWN019)

A project for Town Ward to provide support to the Etcetera Morris Dancing Group. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability and strong communities and education, skills and training.

Concerns were highlighted by members in relation to the breakdown of costs provided, with specific reference made to the costs being sought for advertising, equipment maintenance and venue hire. In view of the concerns raised, members were minded to defer consideration of the application in order to enable further detail to be sought on the breakdown of costs.

2.32 Turkish Literacy and Numeracy Classes (TST038)

A project for Turkey Street Ward to provide Turkish Literacy and Numeracy Classes. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability and strong communities and education, skills and training and crime.

Members were advised that consideration of the application had previously been deferred to enable further detail to be sought on the level of community consultation and support for the scheme. The applicant had not provided the additional evidence requested and members were therefore minded to refuse the application.

Alternative Options Considered

That the projects were not considered and funding was not allocated, this would not be recommended as this will not support community engagement and will not allow residents the opportunity to further improve the local area in which they live and work.

DECISION

- (1) The Cabinet Sub Committee, following detailed consideration of the applications and the criteria, agreed that the following applications were suitable for funding from the Enfield Residents Priority Fund.

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Ward	Project Title	Amount
Bowes (BOW036)	Bosworth Road Alleygate	£8,500
Edmonton Green (EDM017)	The Ideas Station	£6,741
Grange (GRA005)	The Grangeway Pedestrian Crossing/Refuge	£17,000
Lower Edmonton (LOED033)	CRE8 Skills and Employability	£5,800
Lower Edmonton (LOED034)	IT4 Employment	£13,794
Southbury (SOUB20)	Enfield Playing Fields Trees and Wild Flower Meadow	£3,000
Southbury (SOUB21)	Cecil Avenue Tree Planting	£4,000
Southgate Green (SGTG013)	Southgate Exposure Magazine	£5,174
Southgate Green (SGTG014)	Waterfall Road Closure	£1,000
Town (TOWN016)	Enfield Choral Society Staging	£12,247
Town (TOWN017)	ICT Community Courses for the Over 50's	£7,950
Town (TOWN018)	Enfield War Memorial Planting and Maintenance	£5,400

(2) The following applications were approved in principle, subject to the conditions outlined:

Haselbury Ward (HAS022); Jubilee & Upper Edmonton (JUB017) & (UPED032)	St Demetrios Greek School Playground Repairs	(HAS022) £29,480; (JUB017) £32,256 & (UPED032) £7,600 — subject to an additional quote for the works being obtained from the Council's Highway Contractor prior to any final decision on the award of contract.
Palmers Green Ward (PAL024)	Mobile CCTV	Subject to a maximum level of funding up to £19,000 with

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			clarification being sought on how payments would be managed
Southbury (SOUB019)	Ward	Roman Way picnic tables	£1,500 – subject to confirmation from Enfield Homes relating to approval of their element of the scheme funding
Southgate (SCT016)	Ward	Revitalisation of open space around Southgate Underground Station	£850 – subject to confirmation being provided that the land on which the planting would be undertaken was owned by the Council.

(3) The following applications were deferred for consideration at a future meeting of the Sub Committee for the reasons indicated:

Bush Hill Park (BUSH013)	Ward	Firs Farm Primary School Hall Expansion	To enable the application to be signed off by the ward councillors
Bush Hill Park (BUSH014)	Ward	Little Wellingtons Pre School Resources	To enable the application to be signed off by the ward councillors
Bush Hill Park (BUSH015)	Ward	- Bush Hill Park Residents Association Re-launch	To enable the application to be signed off by the ward councillors
Bush Hill Park (BUSH016)	Ward	Bush Hill Park United Reform Church Hall Roof	To enable the application to be signed off by the ward councillors
Edmonton Green (EDM018)	Ward	Enfield Time Bank— residents healthy living club	To enable confirmation to be sought of alternative funding provided and that the necessary licensing requirements have been met

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Highlands (HILA006)	Ward	Boxers Lake Playground refurbishment	To enable further detail on the scheme and costs to be provided
Palmers Green (PAL023)	Ward	Anti Crime signs	To enable further detail to be sought on the signage, its location and evidence of its impact
Palmers Green (PAL025)	Ward	Tatem Park Centenary Gates	To allow consideration of the application during the 2013/14 financial year
Ponders End (PE023)	Ward	Ponders End Community Festivals 2013 & 2014	To enable further clarification to be sought on the detailed cost breakdown and location for each event, along with the target communities and role of the Events Manager
Southgate Green (SGTG008)	Ward	Jubilation of Minchenden Oak Garden	To enable the application to be signed off by the ward councillors
Town Ward (TOWN019)		Etcetera Morris Dancing Club	To enable a further detailed breakdown of costs to be provided

(4) The following applications were refused as they did not meet the fund's criteria:

Edmonton Green (EDM016)	Ward	O'Bay Community Trust and Redeemed Christ Church of God Kingdom Life Chapel Disability Discrimination Act Compliance Project
Ponders End (PE024)	Ward	Ponders End Minibus
Turkey Street (TST038)		Turkish Literacy & Numeracy Classes

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- (5) In relation to the updates provided on the following applications previously approved by the Sub Committee:
- (a) Edmonton Green Ward (EDM022) – Edmonton Foodbank: consideration of the use of any underspend from the original allocation, generated as a result of a food donation, be deferred to allow further consultation with the applicant on its potential use. The Sub Committee were not minded to approve its use towards the lease of council owned premises.
 - (b) Chase Ward (CHAS010) – North Enfield Cricket Club Development Fund: the project award be increased by £1,325 in order to provide a further range of improved facilities.
- (6) The Chair of the Sub Committee be given delegated authority to provide final project approval in cases where applications are agreed in principle subject to certain conditions and these conditions have been met.

Reason: The projects submitted had been proposed and developed by the local people of Enfield, to help improve the social, economic or environmental well being by tackling local need and deprivation. The projects all support the Council's vision of making Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.

6

FINANCIAL MONITORING REPORT

The Sub Committee received a financial monitoring update report from Ann Freeman (Assistant Head of Finance) detailing the fund expenditure by ward to 5 February 2013.

NOTED

1. The spend summary for the Fund contained within the update report, split on a ward by ward basis.
2. The identification of a £32k underspend in relation to the allocation for projects approved during 2011/12 which had now been confirmed as completed.

AGREED that

- (1) the Sub Committee hold an informal meeting, prior to the end of the 2012/13 financial year in order to review in more detail:
 - (a) the level of funding allocated to schemes during the 2011/12 financial year for which there was still an ongoing commitment in relation to projects still to be completed or which had not yet been subject to any detailed claim. The breakdown to be provided on a ward basis and to include consideration of the options for dealing with any underspend in relation to its impact on the 2012/13 financial year.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.2.2013

- (b) the 2011/12 schemes identified under (1) above which had yet not been subject to any detailed claim for funding
- (2) all future monitoring update reports include a split (in relation to the spend to date) to identify the level of funding carried forward for projects from 2011/12 & 2012/13.

7

MINUTES OF THE MEETING HELD ON 15 JANUARY 2013

The minutes of the meeting held on 15 January 2013 were agreed as a correct record.

8

DATES OF FUTURE MEETINGS

NOTED the dates agreed for future meetings of the Cabinet Sub Committee:

- Tuesday 19 March 2013
- Tuesday 16 April 2013

POLICY CABINET SUB-COMMITTEE - 6.3.2013**MINUTES OF THE MEETING OF THE POLICY CABINET SUB-COMMITTEE
HELD ON WEDNESDAY, 6 MARCH 2013****COUNCILLORS**

PRESENT Achilleas Georgiou (Deputy Leader), Bambos Charalambous (Cabinet Member for Culture, Sport and Leisure) and Doug Taylor (Leader of the Council)

ABSENT Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health)

OFFICERS: Rob Flynn (Corporate Policy and Research Manager, Communities, Communications, Policy and Performance), James Rolfe (Director of Finance, Resources and Customer Services), Neil Rousell (Director of Regeneration, Leisure & Culture) and Simon Tendeter (Assistant Director Communities, Communications, Policy and Performance) Metin Halil (Secretary) and Jacqui Hurst (Secretary)

**1
APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health).

**2
DECLARATION OF INTERESTS**

There were no declarations of interest.

**3
URGENT ITEMS**

There were no urgent items.

**4
ENFIELD BEYOND 2014**

Simon Tendeter set the context of the presentation and the impending discussion, with the following points:

- The purpose of the meeting was to consider the role of the Council beyond 2014.
- Championing the interests of local people through community leadership and effective coordination of resources.
- Continued fiscal constraint, demographic, socio-economic change and the fragmentation of public services.

POLICY CABINET SUB-COMMITTEE - 6.3.2013

- How could the Council best adapt and equip itself to face these challenges?

Received a presentation from James Rolfe, Director of Finance, Resources & Customer Services, on 'Enfield Beyond 2014' covering the following areas:

- The new reality in Local Government
- How Enfield is changing
 - i) Census 2011 – significant increase in population.
 - ii) New challenges for the Council – Medium Term Financial Strategy gap of £57 million for the next four years to 2016/17
- Co-ordinating Council
- Alternative Models:
 - a. Co-operative Council (Lambeth)
 - b. Easy Council (Barnet)
 - c. Commissioning Council (Essex)
 - d. Enterprising Council (Norfolk)
 - e. Decentralising Council (Wiltshire)
 - f. Collaborative Council (Westminster/Kensington & Chelsea/Hammersmith & Fulham)
- Coordinating Council – Examples of this type of Council's role in:
 - i. Employment
 - ii. Health and well being
 - iii. Children and young people
 - iv. Strong customer focus
 - v. Representing communities
- Leaner programme
- Next steps for the leaner programme
- Enfield's journey

The following issues arose from discussion:

1. Members discussed the changes which the Council had implemented in recent years, the context in which the Council now operated and the challenging conditions it faced for the future. The Council had opportunities to act more broadly, i.e. potential income generation.
2. The long term vision of the 'Future Council' was considered. Members heard that an activity analysis is in the process of being undertaken to provide an evidence base to inform future discussions. One of the areas to be included was an audit of the knowledge base and experience of the Council's workforce. By looking at these areas the Council would generate statistics which would help in future development.
3. In response to Members' questions, James Rolfe, Director of Finance, Resources & Customer Services, outlined the work which had been completed to date and the future implementation plans for new ways of working. Members were advised that funding for staff training continues to be prioritised, management development was ongoing and that there was an effective redeployment programme in place to support staff.

POLICY CABINET SUB-COMMITTEE - 6.3.2013

4. Members asked about local businesses and what initiatives were being put in place for their development and the potential development in the future. The following was advised:
 - A business directory had been put in place for people coming into the borough.
 - Business group meetings were to be arranged so their needs could be looked at so as to move forward and relating issues i.e. rate relief.
 - Possible Council consultancy for businesses.
5. Members of the sub committee requested that officers draft a short vision statement to encapsulate the principles of the Co-ordinating Council.
6. A discussion took place around increased financial pressures and potential income generation services and schemes which the Council could consider in the future. Examples included insurance and collective energy purchasing.
7. The Council had to explore two areas for the future. These were:
 - Service delivery beyond 2014.
 - The Council structure to enable the effective delivery of future services.
8. Members wanted to explore and understand the alternative models. There may be elements within the other models which could be adopted by a co-ordinating council which would be consistent with the mixed approach already being taken.
9. The Council had previously created its own trading company. The Council would need to identify any services it wanted to place into the trading company. This was a long term proposition which could be built up over time.
10. It was established that, whilst the Council needed a clear vision, costs and financial targets would be important in the delivery of services in the future.
11. Members highlighted the need for consideration and choices to be made as regards the following:
 - Future structure of the Council
 - Future delivery of democracy
 - Future costs and delivery of statutory/non-statutory functions of the Council.
 - Resident engagement and the use of new technology to deliver these.

Future debates would be required on statutory service delivery and demand led services.
12. In conclusion, Members' considered the way forward with the following requirements:
 - Production of a vision statement for a co-ordinating Council with the development of some key objectives.
 - Evaluate the minimum costs of future services.
 - To consider what services are to be delivered in future that are demand led.

POLICY CABINET SUB-COMMITTEE - 6.3.2013

- Post 2014 – to explore the structure of the Council, what it would mean, what it could deliver and the cultural changes that would be required.
- To consider future democratic delivery and effective community engagement, including the future roles for Councillors and the opportunities to do things differently.

13. Further discussions would take place.

5

MP'S BRIEFING

NOTED the issues which had been discussed at the last meeting with local MPs. Members were advised that the next meeting with the Borough's MPs was due to take place on 22 March 2013.

6

MINUTES

AGREED that the minutes of the meeting held on 21 November 2012 be agreed as a correct record.

7

MATTERS ARISING FROM THE MINUTES

The following issues were raised:

1. Addressing Food Poverty (Minute No.5)

- a. A response had been submitted to the London Council's recent meeting.
- b. There was to be a food summit meeting in Enfield on the subject of Market Gardens.

2. Policy Grid – An assessment of New Legislation, Strategies and Programmes. (Minute No. 7)

- a. Members' were advised that there were no issues to bring to the attention of the Sub Committee at this time.

8

DATE OF NEXT MEETING

NOTED that this is the last meeting of the Policy Cabinet Sub-Committee in the current municipal year. The Council's calendar of meetings for 2013/2014 was currently being agreed and Members would be advised of the proposed meeting dates for the new municipal year in due course.

ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE -
7.3.2013

**MINUTES OF THE MEETING OF THE ENFIELD COMMUNITY CAPACITY BUILDING
FUND CABINET SUB-COMMITTEE
HELD ON THURSDAY, 7 MARCH 2013**

COUNCILLORS

PRESENT Bambos Charalambous (Cabinet Member for Culture, Sport and Leisure), Achilleas Georgiou (Deputy Leader) and Christine Hamilton (Chair - Cabinet Member for Community Wellbeing and Public Health)

ABSENT Chris Bond (Cabinet Member for Environment)

OFFICERS: Jayne Middleton-Albooye (Principal Lawyer), Niki Nicolaou (Voluntary Sector Manager) and Shaun Rogan (Head of Communities, Partnerships and External Relations) Penelope Williams (Secretary)

756

WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor Bond.

757

DECLARATION OF INTERESTS

There were no declarations of interest.

758

URGENT ITEMS

NOTED that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002. These arrangements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

759

**ENFIELD COMMUNITY CAPACITY BUILDING FUND ROUND 2
APPLICATIONS**

Councillor Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health) introduced the report of the Chief Executive (No.187) presenting the applications that had been submitted up to 7 February 2013 for the Enfield Community Capacity Building Fund.

**ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE -
7.3.2013**

Shaun Rogan, Head of Communities, Partnerships and External Relations, introduced the report.

- A total of 47 bids had been received and 25 of these had been judged to pass the quality assurance process for approval for funding from the Enfield Community Capacity Building Fund Round 2.
- The total amount of funding available for this year's applications was £150,000.

The applications were each considered in detail taking account of officer comments at the meeting and the agreed criteria for funding.

1. The following bids were approved in full

- 1.1 Youth Engagement and Capacity Building – Enfield Children's and Young Person's Services (CBF2003) £12,500
- 1.2 Capacity building and support for elderly Turkish residents – Green Towers Luncheon Club (CBF2010) - £6,132
- 1.3 Information, advice and guidance (African French speaking communities) – African French Speaking Organisation (CBF2011) - £11,270
- 1.4 BME Carers Support Project – Enfield Carers Centre (CBF2020) – £7,864
- 1.5 Café Workshop and Support – Trinity at Bowes Methodist Church – (CBF2023) - £7,166
- 1.6 Volunteering Support for Mental Health - Mind in Enfield (CBF2035) – £12,500
- 1.7 Advice and Information Project – Enfield Somali Community Organisation (CBF2038) £7,520
- 1.8 Youth Capacity Support Project Staying Safe Through Sport – Godwin Lawson Foundation (CBF2043) - £10,000

2. The following bids were approved subject to conditions

- 2.1 Developing Community Champions in deprived wards – Elevation-Profile CIC (CBF2015) – Up to a maximum of £10,585 subject to a final review of costs.
- 2.2 Capacity Building and Support to Turkish women in Enfield – Third Age Challenge Group (CBF2016) – Up to a maximum of £7,132 subject to final review of the costs.

**ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE -
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- 2.3 Welfare benefits advice project – Naree Shakti (CBF2022) – Up to a maximum of £7,658 subject to a final review of the costs, including venue hire, and to ensure that there was no duplication with similar projects which had already been funded by the Council.
- 2.4 Community Victims Champions – Victim Support Enfield (CBF2027) Up to a maximum of £10,150 subject to a final review of the costs including engaging volunteers, marketing, publicity and advertising.
- 2.5 Empowering Volunteering – Community Aid Enfield (CBF 2034) – Up to a maximum of £11,988 subject to clarity on the role of the volunteer manager, a final review of the premises costs and to ensure that the work would not be duplicating what was already being carried out by the Citizens Advice Bureau.
- 2.6 The Maths and English Project for Young People – Enfield Bangladeshi Welfare Association (CBF2039) - Up to a maximum of £12,492 subject to a final review of the costs and to ensure that work was not being duplicated by schools.
- 2.7 Elders Services Project Reducing Social Isolation – Tamil Relief Centre (CBF2040) – Up to a maximum of £12,500 subject to review of the room rental and other costs.

3. The following bids were refused:

- 3.1 Capacity Building Volunteers Programme - Enfield Voluntary Action (CBF2007). Members felt that although the work proposed was of value, that funding had already been provided in this area and there was a risk of duplicating resources.
- 3.2 After School Tuition Programme - Maals Foundation CIC (CBF2008). Members felt that this was something that schools should already be providing. There was some concern about the sustainability of the project and the fact that it was unclear where the children and teachers would be recruited from.
- 3.3 Therapy and Community Support to Stroke Victims – Ruth Winston Centre (CBF2012). Members felt that the need had not been clearly identified. Funding for stroke support was already being provided by the Council to Stroke Action. There was also some concern about the cost of the equipment and the accountability of the therapist.
- 3.4 Skills Based Volunteer training programme - The Shane Project (CBF2018). Members felt that the target audience was unclear and it would be difficult to justify providing funding in the present form. They thought that this may be more appropriate as an application for funding

**ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE -
7.3.2013**

from the Enfield Residents Priority Fund or direct from Health, Housing and Adult Social Care.

- 3.5 Outreach to members of the deaf community in Enfield – Enfield Deaf Image Group (CBF2021). Members agreed that the proposals included no indication on the extent of the need. It was unclear who the proposals were directed towards, the baseline from which they were working and how it would add capacity to existing services.
- 3.6 Climate change youth ambassadors – Groundwork London (CBF2025). Members felt that more work needed to be carried out to be clear on the aims and the possible participants.
- 3.7 Time bank proposal – Community Business Enfield (CBF2030). A similar application had been made to the Enfield Residents Priority Fund which was due to be considered next month. Members felt that more information was required on the target audience and on the numbers of people to be involved. There was too little recent evidence to support the bid.
- 3.8 Time bank proposal – Total Healthcare Groups CIC (CBF2031). Stroke Action who would be managing the project had received 3 years funding on an earlier bid. Outcomes in this application were non specific and there was no indication as to how this would link in with the work of HealthWatch.
- 3.9 Access to sports for all – Pro Touch Soccer Academy (CBF2045): Members felt that there was not enough clarity on what was being proposed and how the volunteering opportunities were to be organised.
- 3.10 Building capacity of older people in IT skills/reduce social isolation - The Advice Centre and ILAC Care (CBF2046). Members felt that there were too many risks associated with this application, which had not been addressed.

NOTED that the total sum allocated amounted to £147,547.

Alternative Options Considered

That the projects are not considered and the funding is not allocated. This would not be recommended as this will not support the stated aim of building greater capacity and resilience within our communities.

Reasons for recommendations

The projects submitted have been proposed and developed by the voluntary and community sector organisations and community groups of Enfield, to help build community capacity and so improve the social, economic or environmental wellbeing by tackling local need and deprivation. The projects

**ENFIELD COMMUNITY CAPACITY BUILDING FUND CABINET SUB-COMMITTEE -
7.3.2013**

shortlisted all support the Council's vision of making Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities. They have been assessed by an officer team to determine their eligibility for consideration by the Cabinet Sub Committee.

The Chair thanked all the officers for the effort and time that had been put into the application process, to make it run so smoothly and to enable members to consider the applications so efficiently.

760

MINUTES OF PREVIOUS MEETING

AGREED that the minutes of the previous meeting held on 3 January 2013 be approved as a correct record.

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LOCAL PLAN CABINET SUB-COMMITTEE - 18.3.2013**MINUTES OF THE MEETING OF THE LOCAL PLAN CABINET SUB-COMMITTEE
HELD ON MONDAY, 18 MARCH 2013****COUNCILLORS**

PRESENT Del Goddard (Cabinet Member for Business and Regeneration), Chris Bond (Cabinet Member for Environment), Achilleas Georgiou (Deputy Leader), Ahmet Oykenner (Cabinet Member for Housing) and Michael Lavender

CO-OPTED Councillor Michael Lavender

OFFICERS: Natalie Broughton (Planning Policy Officer) and Paul Walker (Assistant Director, Regeneration, Planning & Programme Management), Metin Halil (Secretary)

1**APOLOGIES FOR ABSENCE**

There were no apologies for absence.

Apologies for lateness were received from Council Del Goddard (Cabinet Member for Business and Regeneration).

2**DECLARATION OF INTERESTS**

There were no declarations of interest.

3**URGENT ITEMS**

NOTED that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002. These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

4**PROPOSED SUBMISSION DEVELOPMENT MANAGEMENT DOCUMENT (DMD)**

Councillor Del Goddard (Cabinet Member for Business and Regeneration) introduced the report of the Director of Regeneration, Leisure and Culture (No.188) seeking endorsement by the Local Plan Cabinet Sub-Committee of the Proposed Submission Development Management Document (DMD) for recommendation the Cabinet and Council, following which the DMD would be

LOCAL PLAN CABINET SUB-COMMITTEE - 18.3.2013

approved, published and subsequently submitted, together with supporting documents, to the Secretary of State for independent examination.

NOTED

1. The Proposed Submission DMD set out policies which would be used to determine all planning applications, from very small scale householder applications to applications for large scale residential, commercial and mixed use development. It contained policies covering a wide range of topics.
2. The report set out the key changes made since the first draft DMD which included:
 - Sustainable development
 - Affordable housing
 - Changes to town centre policies
 - Changes to the viability of achieving the Code for Sustainable Homes.
 - Green infrastructure
 - Flood risk and noise levels.
3. A schedule of further minor changes was agreed and included the following:

	Proposed Change
1. Pg 12 DMD 1	Replace with: Any negotiations on an appropriate tenure mix will take into account the specific nature of the site; development viability; the need to achieve more mixed and balanced communities; particular priority to secure affordable family homes at rental levels which to meet both local and strategic needs; available funding resources; and evidence on housing need. Development must seek to maximise local provision of family homes at lower rental levels to meet both local and strategic needs.
2. Pg 12 Para 2.1.1 (Affordable Housing)	Replace with: Following the publication of the NPPF, affordable housing now comprises three tenures: social rent, Affordable Rent, and intermediate housing. Underpinned by evidence contained within Enfield's Affordable Housing Economic Viability Study (AHEVS) (2010) and Local Plan Viability Study (2013), the DMD policy clarifies the position with regards to the borough-wide targets for tenure mix set out in the Core Strategy. following the introduction of Affordable Rent Tenure. Affordable Housing comprises of three tenures: Affordable Rent, social rent and intermediate housing.
3. Pg 12 Para 2.1.4 (Affordable Housing)	Replace with: Evidence shows that although market rent may be affordable to Enfield residents for 1 bed units, larger units at rent levels of 80% of market rent will be unaffordable to most families. For residents earning the median borough income(1), 78% of market rent for two bed units, 60% of market rent for 3 bed units and 49% of market rent for 4+ bed units would be affordable. The Council will review these figures on an annual basis and provide updates linked to any changes to median income or market rents. The Council will review this evidence on an annual basis and

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	<p>provide updated information linked to changes to median income and market rents within the Monitoring Report. The Monitoring Report will also include information on Affordable Rent levels for schemes completed each financial year. Developers will be expected to provide a mix of housing types including family sized homes, in line with Core Policy 5 and DMD Policy 3.</p> <p>[Footnote (1) those earning no less than the median income of £31,015 (Paycheck data, 2012)]</p>
4. Pg 17 DMD 6 : Residential Character	<p>Delete second sentence in part a): The scale and form of development is appropriate to the existing pattern of development or setting, having regard to the character typologies. The development must successfully integrate with the existing form of development;</p>
5. Pg 34 Box (Enfield's Economy)	<p>Delete: The supply of industrial/warehousing land in North London is limited and there is a need to retain industrial capacity to accommodate existing and future demand.</p>
6. Pg 38 Para 4.6.3 (Enfield's Economy)	<p>Add: This Appendix sets out details on the marketing of units at, including a requirement that premises are advertised at rents that are reasonable reflecting market conditions and the conditions of the property.</p>
7. Pg 42 Para 5.1.1 (Town centre and Shopping)	<p>Add: This section sets out the approach to development management based on town centre hierarchy. It seeks to maintain an appropriate level of A1 uses and prevent the over-concentration of other uses such as betting shops and hot food takeaways in town and local centres.</p>
8. Pg 44 DMD 26: Enfield Town	<p>Replace with: Enfield Town</p> <p>The primary shopping area in Enfield Town comprises primary and secondary shopping frontages. The Council will protect existing retail uses by managing the loss of A1 retail.</p> <p>1. Primary Shopping Area</p> <p>All development within the primary shopping area, comprising primary and secondary frontages, must:</p> <ol style="list-style-type: none"> a. Not create an over-concentration of similar uses. b. Be an appropriate town centre use as listed in section 5.1 'New Retail, Leisure and Office Development' and complement the shopping function of the centre; c. Retain a shop front; d. Achieves an active ground floor frontage during the day, not have a detriment visual impact and respect the character of the centre; e. Not result in an adverse impact on the amenities of nearby occupiers; and f. Not harm safety and traffic flows, or increase traffic and parking problems in the centre. <p>2. Promoting the retention of A1 retail</p> <p>4. a. Primary Shopping Frontages</p>

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	<p>Proposals involving the change of use to non-A class uses will be refused within the primary shopping frontage.</p> <p>A change of use on the ground floor to non-A1 (retail) will only be permitted if all of the following criteria are met. Development must not:</p> <ul style="list-style-type: none"> • Create two or more adjoining non-A1 uses and not more than two non-A1 units within any six consecutive units; • Involve the loss of a an A1 retail unit of more than 1,000 sqm; • Harm the predominant retail character of the primary shopping frontage. <p>The Council will support the conversion of other uses to A1 retail.</p> <p>2. b. Secondary Shopping Frontages</p> <p>A change of use on the ground floor to non-A1 will only be permitted if the following criteria are met. The proposed use must a. Not create more than two non-A1 uses within any four consecutive units.</p> <p>3. c. Vacant Units in primary and secondary frontages</p> <p>The change of use from A1 to other town centre uses will be permitted if a shop unit has been vacant for 12 months and robust evidence has been submitted to demonstrate that all efforts have been made to market the unit over that period, in accordance with the details set out in Appendix 13: 'Requirements for Market Demand and Viability Assessments'. Developments must still comply with part 1 of this policy."</p>
<p>9. Pg 45</p> <p>DMD 27: Angel, Edmonton Green, Palmers Green and Southgate</p>	<p>Replace second paragraph (including bullets) with:</p> <p>"A change of use from A1 retail to non A1 retail uses on at ground floor within the primary shopping area will only be permitted if all of the following criteria are met:</p> <ol style="list-style-type: none"> a. The proposed use would not create more than two non- A1 retail uses within any four consecutive units; b. The proposed use would not over dominate nor detract from the primary shopping role; c. The proposal does not involve the loss of a an A1 retail unit of more than 1,000 sqm; d. The proposed use is an appropriate town centre use and complements the shopping function of the centre; e. The proposed use provides a direct service to the public; f. A shop front is retained; g. The proposed use achieves an active ground floor frontage during the day, does not have a detriment visual impact and respects the character of the centre; h. A local need exists for the proposed use; i. The proposed use does not result in an adverse impact on the amenities of nearby occupiers; and j. There is no local adverse impact on safety and traffic flows, or unacceptable additions to traffic and parking problems in the centre."
<p>10. Pg 62</p> <p>Para 6.4.1 (Tall Buildings)</p>	<p>To define applications referable to the Mayor add footnote: "For the purposes of development in Enfield, this is development which comprises or includes the erection of a building which is more than 30 metres high or development which comprises or includes the alteration of an existing building where the development would increase the height of the building by more than 15 metres; and the building would, on completion of the development, be more than 30</p>

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	metres high”.
11. Pg 66 DMD 45: Parking Standards and Layout	<p>Typo: Under Part 1 delete full stop after "the scheme" in first sentence</p> <p>Re-ordering of bullet points under part 1 so that "The scale and nature of the development" is first in the list.</p> <p>Replace with:</p> <p>4. Limited Parking or Car Free Housing Development</p> <p>Applicants stions may be required to contribute towards the implementation of parking controls to prevent on-street parking affecting traffic flow. For sites within existing or proposed controlled areas where parking zones controls exist or are proposed, residents of the new development will may be prohibited from obtaining a parking permit where demand for on street space is already high, and this will be secured by a legal agreement.</p> <p>Residential developments providing parking below London Plan Standards will only be permitted considered in locations if the site:</p> <ol style="list-style-type: none"> Where the Has a Public Transport Accessibility Level is 4 of 5 or above; or and Is located W within or in close proximity to a local or town centre.
12. Pg 106 Para 10.0.1 (Green Infrastructure)	<p>Add to second sentence: Open spaces include: green spaces such as parks, allotments, commons, recreation grounds and playing fields; children's play areas; woodlands and natural habitats; and non-green open spaces such as civic/market spaces such as squares and other hard surfaced areas, including other areas designated for pedestrians.</p>
13. Pg 121 Appendix 2	Relationship to Saved UDP Policies. Minor updates and changes to the schedule.
14. Pg 161 Appendix 13: Requirements for Market Demand and Viability Assessments	<p>Delete "Box 3:"</p> <p>Add: This appendix details requirements for applicants to produce evidence to demonstrate that employment and A1 retail premises are no longer in demand, viable or suitable for their continued permanent authorised use. Part two applies to A1 retail units. Parts 1- 3 apply to the loss of all other employment uses. For the purposes of DMD policies 26, 27, 28 and 29 vacant units are defined as those units not currently occupied for A1 use and could include units occupied for 'meanwhile uses' or temporary uses, permitted through a temporary planning permission or under permitted development rights.</p> <p>Before 'Qualitative Appraisal' add '1.'</p> <p>First paragraph under part 1 add 'The Appraisal should assess the physical and the policy context for the site, where appropriate having regard to the wider established industrial or employment area within which it is situated.</p> <p>Before 'Market Demand Appraisal' add '2.'</p> <p>Part 2 e. delete 'Complete redevelopment opportunities for non-employment uses; and'</p> <p>For non designated sites and town-centre premises A1 retail units within town and local centres, the Council will require the site, building or premises to be marketed for a period of at least 12 months.</p>

LOCAL PLAN CABINET SUB-COMMITTEE - 18.3.2013

	<p>Marketing campaigns should be continuous [delete : and bullet] from when the letting board is erected and the property is advertised online on reputable websites – not simply from when the agents were appointed; and a longer period may be needed if the market is slow or the site, building or premises is part of a larger industrial area.</p> <p>Before 'Viability Appraisal' add '3.'</p>
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4. Members discussed DMD 1, affordable housing and the fact that larger properties at rent levels of 80% of market rent would be unaffordable to most families. Evidence would be provided on an annual basis with updated information linked to changes to median income and market rents including rental levels for completed schemes, within the Monitoring Report.
5. DMD 26, Page 44, set out the approach to development management in town and local centres. Concern was raised by Members regarding the appropriate level of A1 retail use in town centres and the prevention of other uses such as betting shops, which seem to be over concentrated in Enfield Town Centre. A question was raised regarding betting shops and their governance by other legislation i.e. licensing, so as to restrict betting shops opening in close proximity of each other. Councillor Goddard asked if this could be clarified. Members discussed the wording used on page 44 of the document and suggested a change to wording 'Managing the loss of A1 retail' to 'Promoting the retention of A1 retail'.
6. DMD 27, Page 45, had similar changes to that of DMD 26 regarding district centres and the criteria governing the change of A1 use. Members discussed if retail premises could be changed to residential use and were advised that it was dependent on their location. However, concern was emphasised on core retail areas and the character of these to be preserved. It was further advised that the community facilities policy could be implemented in areas where there was a low provision of community facilities to stop the loss of retail premises i.e. public houses.
7. Members noted the letter received from Councillor Neville OBE JP and discussed the points raised in his letter regarding proposed changes to DMD 1.
8. DMD 45, Page 66, relating to car free and reduced parking provision for new housing developments. Members concerns included whether housing developments for key workers should have a right to obtain a parking permit to park in CPZ where developments had reduced parking/car free provision. It was advised that this would be a matter for the Planning Committee to address.
9. That all recommendations on page 2 of the report to be endorsed, recommended and referred to the meeting of the Cabinet on 20th March 2013 and the Council on 27th March 2013 for consideration.

LOCAL PLAN CABINET SUB-COMMITTEE - 18.3.2013

Alternative Options Considered: None. In the context of changes to national planning guidance, it is imperative that the DMD is adopted to provide an up to date Local Plan to inform planning decisions. The DMD must be submitted for examination in accordance with Government legislation.

RECOMMENDED TO CABINET AND COUNCIL

1. following endorsement by the Local Plan Cabinet Sub-Committee and the amendments set out above, that the Proposed Submission DMD and Policies Map go forward to Cabinet and Council for approval, and thereafter a statutory 6 week publication and submission to the Secretary of State.
2. that the Cabinet Member for Business and Regeneration be authorised to agree the publication of the Sustainability Appraisal and Equality Impact Assessment of the Proposed Submission DMD.
3. agree that the Director of Regeneration, Leisure and Culture, in consultation with the Cabinet Member for Business and Regeneration be authorised, to agree appropriate changes to the Proposed Submission version of the DMD and any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning Inspector and any emerging evidence, guidance or legal advice. Changes of a substantive nature may be considered by the Local Plan Cabinet Committee.

Reason: To progress with the approval of the Proposed Submission Development Management Document for submission to the Government for independent examination, in accordance with Government legislation.
(Key Decision – reference number 3612)

**5
MINUTES**

AGREED that the minutes of the Local Plan Cabinet Sub-Committee held on 6 February 2013, be confirmed and signed by the Chairman as a correct record.

**6
DATE OF NEXT MEETING**

AGREED that the next meeting of the Local Plan Cabinet Sub-Committee be re-scheduled to take place on Tuesday 30 April 2013 at 6.00pm.

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ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

**MINUTES OF THE MEETING OF THE ENFIELD RESIDENTS PRIORITY FUND
CABINET SUB-COMMITTEE
HELD ON TUESDAY, 19 MARCH 2013****COUNCILLORS**

PRESENT Christine Hamilton, Chris Bond, Achilleas Georgiou and Bambos Charalambous (Chair)

OFFICERS: Peter Doherty (ERPF Administrator), Jayne Middleton-Albooye (Principal Lawyer), Joanne Stacey (Performance and Information Manager) and Alison Trew (Head of Corporate Policy and Performance) Penelope Williams (Secretary)

Also Attending: One member of the public

1**WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. Apologies for absence were received from Ann Freeman (Assistant Head of Finance).

2**DECLARATION OF INTERESTS**

Councillor Charalambous declared a disclosable interest in application BUSH014 Little Wellingtons Pre School Resources, as he was related to the applicant. He took no part in the discussion or decision on this application.

Councillor Bond declared a non pecuniary interest in application WHMH013 Organic Sensory Garden – Woodcroft Wildspace, as he was Chair of Woodcroft Wildspace.

3**URGENT ITEMS**

NOTED the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2002. There were no urgent items.

4**APPLICATIONS TO THE ENFIELD RESIDENTS PRIORITY FUND**

Councillor Bambos Charalambous introduced the report of the Chief Executive (No.198) presenting the applications that had been formally submitted up to 25 February 2013 for the Enfield Residents Priority Fund.

Joanne Stacey presented the report to members.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

NOTED

1. The summary of the applications received as detailed in Appendix A to the report:
2. Members considered each of the applications in detail, as follows:

2.1 Sustainable Bowes Park Project (BOW025)

A project for Bowes Ward to run events in Bowes Park offering advice on sustainable living to Bowes residents. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

Joanne Stacey advised that, due to a misunderstanding, some work on this project had begun already.

The application was approved.

2.2 Ponders End Festivals (PE023)

A project to run community festivals in Ponders End Ward. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, education, skills and training and crime.

Joanne Stacey advised that it would not be possible to fund festivals in 2014, the Residents Priority Fund was only set up to last until the end of the 2013/14 financial year.

Bernie Rees from the Ponders End Community Development Trust clarified some points from the application including: that the project would hope to incorporate the annual Bangladeshi Community Mela festivities; the first festival was likely to be held during the weekend of 30 June 2013; part of the bid involved purchasing items which could be used more than once for future festivals; the role of the Community Development Trust was to bring together all the community groups in the area, including those representing diverse populations and to encourage collaboration between them.

The application was approved at a reduced rate of £25,000 to make adjustments to account for the two rather than the four festivals, originally applied for.

2.3 Warwick Road Traffic Origin Assessment (BOW037)

A project for Bowes Ward to carryout an assessment of the traffic use in Warwick Road. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

The application was approved.

2.4 Grenoble Gardens Traffic Origin Assessment (BOW038)

A project for Bowes Ward to carryout an assessment of the traffic use in Grenoble Gardens. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved.

2.5 Warwick Road Traffic Calming Measures (BOW039)

A project for Bowes Ward to provide additional funding to support the introduction of traffic calming measures in Warwick Road, applied for previously. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved.

2.6 Firs Farm Primary School Hall Expansion (BUSH013)

A project for Bush Hill Park Ward to provide a partition and staging in the new school hall to facilitate community use. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and education, skills and training.

The application was approved, subject to no duplication of funding and that ten percent of the hall use would be provided free to the local community.

Joanne Stacey advised that funding for this application would come from the 2013/14 allocation.

Councillor Charalambous declared a disclosable pecuniary interest in the next application and did not take part in the discussion. Councillor Hamilton took over the role of Chair for the consideration of the application.

2.7 Little Wellingtons Pre School Resources (BUSH014)

A project for Bush Hill Park Ward to enable the purchase of equipment and furniture for the pre-school. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and education, skills and training.

The application was approved.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

2.8 Bush Hill Park Residents Association – Relaunch (BUSH015)

A project for Bush Hill Park Ward to provide funding for advertising, a launch event and website for the Bush Hill Park Residents Association. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability and strong communities.

The application was approved.

2.9 Bush Hill Park United Reformed Church Hall Roof (BUSH016)

A project for Bush Hill Park Ward to replace the church heating, improving the community space. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability and strong communities.

Joanne Stacey advised that the hall was well used by local community groups.

The application was approved.

2.10 Enfield Cricket Club Ground Improvements (BUSH017)

A project for Bush Hill Park Ward to provide improvements to the cricket clubhouse, toilets and changing rooms. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training and environment.

Joanne Stacey advised that the Cricket Club owned the freehold of the land. The clubhouse was used by local community groups who had written in support of the application. Over 150 colts belonged to the club.

The application was approved at the reduced amount of £19,500 taking out provision for the electronic score board and the repairs to the viewing balcony, which were not supported by members.

2.11 12th Enfield Scout Group Headquarters - (CHAS016)

A project for Chase Ward to carry out refurbishment work on the new Scout headquarters building. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training and crime.

Joanne Stacey advised that the sum requested was in addition to a previous successful bid for rebuilding works.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

The application was approved subject to evidence that the facilities would be used by other community groups. .

2.12 Winchmore Singers Community Inclusion Project - (CF010)

A project for Cockfosters Ward to expand the Winchmore Hill Singers.. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved.

2.13 11th Southgate Scout Group – Replacement Heating and Electrical Sockets - (CF011)

A project for Cockfosters Ward to replace the heating and electrical sockets in the scout hall. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved.

2.14 Enfield Timebank – Residents Healthy Living Club (EDM033)

A project for Edmonton Green Ward to set up a club to promote health eating and a healthy lifestyle. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability and education, skills and training.

The application was deferred to enable more information to be provided on how the people who were to obtain the skills were to be found and why it was proposed that the hours of operation be restricted.

2.15 Its in the Game London Film Foundation (EDM034)

A project for Edmonton Green Ward to create a documentary film celebrating the Olympic Legacy in the Borough.

This application was withdrawn.

2.16 Enfield Truth Basketball Club (EDM035)

A project for Edmonton Green Ward to provide funding for basketball and youth diversion projects. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training and crime.

The application was approved without the funding for the team kits.

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2.17 Wheels for All Scheme (HIWAY28, PE025)

A joint project for Highway and Ponders End Wards to provide specialist bicycles for disabled riders. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training.

The applications were approved.

2.18 Enhancing the Environment (ENFL021, HIWAY29, JUB019, PE026, SOUB23, TST040)

A joint project for Enfield Lock, Enfield Highway, Jubilee, Ponders End, Southbury, Turkey Street Wards to provide an extra tidy team to improve the local street scene in these wards. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability, education, skills and training.

The applications were deferred to enable more detail to be provided on the project specification, making it clear what would be provided that would be in addition to the normal street cleaning service and for the applications to be signed off by local residents.

2.19 Ordnance Learning and Community Advice Project (ENFL020)

A project for Enfield Lock Ward to provide a community facility/training centre/learning exhibition space for local residents. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and crime.

The application was deferred to enable comments to be received from the Head of Community Learning on the English for Speakers of Other Languages provision.

2.20 Boxers Lane Playground Refurbishment (HIL006)

A project for Highlands Ward to carryout improvements to the Boxers Lake playground. Members noted that the application met the social wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and education, skills and training.

The application was approved.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

2.21 Green Gym Opposite Merryhills School (HIL007)

A project for Highlands Ward to install a green gym at a location opposite Merryhills School. Members noted that the application met the social wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability and education, skills and training.

Joanne Stacey advised that the Parks Service were supportive of the proposal but not the proposed location.

The application was deferred to enable further research to be carried out on a suitable location.

2.22 Teenage Pregnancy Seminars (JUB018)

A project for Jubilee Ward to run seminars on teenage pregnancy with advice workers. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, health and disability and education, skills and training.

The application was deferred as it had not been signed off by all three ward councillors.

2.23 Anti-Crime Signs (PAL023)

A project for Palmers Green Ward to install signs to warn residents of criminal activity. Members noted that the application met the social wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was approved.

2.24 Alleygating (PAL026)

A project for Palmers Green Ward to install alley gates at Dorchester Avenue. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was approved.

2.25 Alleygating (PAL027)

A project for Palmers Green Ward to install alley gates at Hazel Close. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

The application was approved.

2.26 Alleygating (PAL028)

A project for Palmers Green Ward to install alley gates at Madeira Road. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, crime and environment.

The application was approved.

2.27 Feathers, Flowers, Fruit and Fur Suffolk Primary School (SOUB022)

A project for Southbury Ward to develop an allotment and animal enclosure at Suffolk's Primary School. Members noted that the application met the social and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training.

The application was approved subject to evidence that the project would benefit the local community as well as the school.

2.28 Jubilation of the Minchenden Oak Garden (SGTG008)

A project for Southgate Green Ward to refurbish the Minchenden Oak Gardens. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved at a reduced level of £29,601 to take account of the funds remaining in the ward allocation.

2.29 Etcetera Morris Men (TOWN019)

A project for Town Ward to provide support to the Morris Dancing Group. Members noted that the application met the social wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities and education, skills and training.

The application was approved.

2.30 Inverness Avenue Environmental Improvements (TOWN020)

A project for Town Ward involving landscaping and tree planting in Inverness Avenue. Members noted that the application met the environmental wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities and environment.

The application was approved.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

2.31 Willow Road Residents Association Newsletter (TOWN021)

A project for Town Ward to enable the Willow Road Residents Association to produce a monthly newsletter. Members noted that the application met the environmental wellbeing objective and the following criteria: fairness for all, growth and sustainability, strong communities and crime.

The application was approved.

2.32 Holmesdale Tunnel Sensory Garden (TST039)

A project for Turkey Street Ward to create a sensory garden in the Holmesdale Tunnel Open Space. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and training and environment.

The application was approved.

2.33 Children's Security Oakthorpe School (UPED035)

A project for Upper Edmonton Ward to improve fencing and security around the school. Members noted that the application met the social and economic wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, education, skills and crime.

The application was deferred to enable financial comments to be received. .

2.34 Organic Sensory Garden – Woodcroft Wildspace (WHMH013)

A project for Winchmore Hill Ward to build an organic sensory garden at the Woodcroft Wildspace. Members noted that the application met the economic and environmental wellbeing objectives and the following criteria: fairness for all, growth and sustainability, strong communities, employment, crime and environment.

The application was approved.

Councillor Bond declared a non pecuniary interest as the Chair of the Woodcroft Wildspace.

Alternative Options Considered

That the projects were not considered and funding was not allocated, this would not be recommended as this will not support community engagement and will not allow residents the opportunity to further improve the local area in which they live and work.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

DECISION

1. The Cabinet Sub Committee, following detailed consideration of the applications and the criteria, agreed that the following applications were suitable for funding from the Enfield Residents Priority Fund.

Ward	Project Title	Amount
Bowes (BOW037)	Warwick Road Traffic Origin Assessment	£7,500
Bowes (BOW038)	Grenoble Gardens Traffic Origin Assessment	£8,500
Bowes (BOW039)	Warwick Road Traffic Calming Measures	£21,568
Bowes (BOW025)	Sustainable Bowes Park Project	£1,000
Bush Hill Park (BUSH014)	Little Wellingtons Pre School Resources	£7,340
Bush Hill Park (BUSH015)	Bush Hill Park Residents Association – Re-launch	£2,530
Bush Hill Park (BUSH016)	Bush Hill Park United Reform Church Hall Roof	£7,700
Bush Hill Park (BUSH017)	Enfield Cricket Club Ground Improvements	£19,500
Cockfosters (CF010)	Winchmore Singers Community Inclusion Project	£1,500
Cockfosters (CF011)	11 th Southgate Scout Group – Replacement Heating and Electrical Sockets	£1,421
Edmonton Green (EDM035)	Enfield Truth Basket Ball Club	£27,680
Highlands (HILA006)	Boxers Lane Playground Refurbishment	£20,000
Highway (HIWAY28) and Ponders End (PE025)	Wheels for All – Bicycles for Disabled riders	£34,260 (Highway) £2,200 (Ponders End)
Palmers Green (PAL023)	Anti Crime Signs	£288
Palmers Green (PAL026)	Alleygating – Dorchester Avenue	£3,500
Palmers Green (PAL027)	Alleygating – Hazel Close	£3,500
Palmers Green (PAL028)	Alleygating – Madeira Road	£3,500
Ponders End (PE023)	Ponders End Festivals 2013 and 2014	£25,000
Southgate Green (SGTG008)	Jubilation of the Michenden Oak Gardens	£29,601
Town (TOWN019)	Etcetera Morris Men	£3,965
Town (TOWN020)	Inverness Avenue Environmental Improvements	£4,490

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

Town (TOWN021)	Willow Residents Association Newsletter	£900
Turkey Street (TST039)	Holmesdale Tunnel Sensory Garden	£4,480
Winchmore Hill (WHMH013)	Organic Sensory Garden – Woodcroft Wildspace	£9,254

2. The following applications were approved in principle, subject to conditions:
- Bush Hill Park Ward, (BUSH013) - Firs Farm Primary School Hall Expansion - £13,980 was approved subject to no duplication of funding and that ten percent of the hall use would be provided free to local community groups.
 - Chase (CHAS016) - 12th Enfield Scout Group New Headquarters Building- £36,691 was approved subject to evidence that the facilities would be used by other community groups.
 - Southbury (SOUB022) - Feathers Flowers Fruit and Fur Project – Suffolks Primary School - £10,920 subject to evidence that the project would benefit the local community as well as the school.
3. The following applications were deferred for consideration at a future meeting of the Sub Committee so that more information could be provided, before a decision was made.
- Edmonton Green (EDM033) - Enfield Time Bank – Residents Healthy Living Club – was deferred to enable more information to be provided on how the people who were to obtain the skills were to be found and why the hours were restricted.
 - Enfield Lock (ENFL021) - Jubilee (JUB019), Ponders End (PE026), Southbury (SOUB23), Turkey Street (TST040) - Enhancing the Environment Joint Project was deferred to enable more detail to be included in the project specification, making it clear what would be provided that would be additional to the normal street cleaning service and for the application to be signed off by local residents.
 - Enfield Lock (ENFL020) - Ordnance Learning and Community Advice Project was deferred to enable comments to be received from Ben Charles, Head of Community Learning, on the English for Speakers of Other Languages (ESOL) provision.
 - Highlands (HILA007) - Green Gym at Recreation Ground opposite Merryhills Primary School was deferred to enable further research to be carried out on a suitable location.

ENFIELD RESIDENTS PRIORITY FUND CABINET SUB-COMMITTEE - 19.3.2013

- Jubilee (JUB018) - Teenage Pregnancy Seminars was deferred as it had not been signed off by all three ward councillors.
 - Upper Edmonton (UPED035) - Children's Security Oakthorpe School was deferred to enable financial comments to be received.
4. The following applications were withdrawn:
- Edmonton Green (EDM034) - Its in the Game – London Film Foundation
5. The Chair of the Sub Committee be given delegated authority to provide final project approval in cases where applications are agreed in principle subject to certain conditions and these conditions have been met.

Reason: The projects submitted had been proposed and developed by the local people of Enfield, to help improve the social, economic or environmental well being by tackling local need and deprivation. The projects all support the Council's vision of making Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.

5

MINUTES OF MEETING HELD ON 19 FEBRUARY 2013

1. Minutes of the meeting held on 19 February 2013

The minutes of the meeting held on Tuesday 19 February 2013 were agreed as a correct record.

2. Matters Arising

2.1 Budget 2013/14 (Minute 4)

NOTED that

1. Council had approved the budget for 2013/14 which included a 30% reduction in the funds available for next year's applications. The reduction will be applied proportionately across the board to all ward allocations.
2. Any ward under spends from this year will be carried forward into 2013/14 by that ward.

6

DATES OF FUTURE MEETINGS

The Committee noted that the next meeting will take place on Tuesday 16 April 2013 at 6.30pm.

LONDON BOROUGH OF ENFIELD/ENFIELD RACIAL EQUALITY COUNCIL - 12.2.2013

**MINUTES OF THE MEETING OF THE LONDON BOROUGH OF ENFIELD/ENFIELD
RACIAL EQUALITY COUNCIL
HELD ON TUESDAY, 12 FEBRUARY 2013**

**ENFIELD RACIAL
EQUALITY COUNCIL
(EREC)**

Bevin Betton (Co-Chairman), Chandra Bhatia, Roger
Hallam Ken Allen, and Vicky Dungate

**COUNCILLORS
PRESENT**

Christiana During and Eric Jukes

OFFICERS:

Jide Odusina (Barnet, Enfield and Haringey Mental Health Trust), Clare Dignan (Head of Mental Health Service), Rebecca Thomas (Schools & Children's Services), Louise Allen (Workforce Planning & Equalities Analyst), Human Resources), Martin Garnar (Equalities Officer) and Elaine Huckell (Scrutiny Services)

1

APOLOGIES FOR ABSENCE

Apologies for absence were received from: Councillor Ingrid Cranfield, Councillor Chaudhury Anwar, Councillor Lionel Zetter, Rasheed Sadegh-Zadeh, Suhas Khale, Nisha Patel, Talat Shaikh, Sam Bell, and Beryl de Souza.

2

DECLARATIONS OF INTEREST

There were no declarations of interest from Councillors.

Vicky Dungate stated that she was the Vice-Chair of the Enfield Homes Board.

3

MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes of the 15 November 2012 be confirmed as a correct record.

The reception notice-board had not indicated that this meeting was being held. Whilst this was not a public meeting and would not usually be shown, we have requested that this meeting be advertised on the reception board in future.

LONDON BOROUGH OF ENFIELD/ENFIELD RACIAL EQUALITY COUNCIL - 12.2.2013

4

MATTERS ARISING FROM THE PREVIOUS MEETING

Meeting the Needs of the BME Elderly Population

It had been agreed that representatives from EREC would participate in a working party to look at the health needs for elder people. A discussion had been held with Michael Sprosson, (Service Manager Procurement, Health, Housing & Adult Social Care) who had agreed to provide details of proposals and costings.

Enfield Homes, Housing Equalities Annual Report

Issues had previously been raised by EREC relating to the Annual report from Enfield Homes and which EREC would like further information namely-

- the employment-related equality requirements within the EXOR registration process

It was pointed out that a large number of Enfield Homes contractors are employed on a part-time basis.

Martin Garnar would request this information from Jayne Paterson, Business Improvement Project Officer, Enfield Homes.

Equality Framework for Local Government Assessment

Phase 1 of the formal assessment against the excellent level of the Framework had taken place in November 2011 when the assessors had praised the partnership work and engagement with the community that was undertaken in Enfield. The second phase of the assessment would take place on 19 March 2013.

Intergenerational Conference

A second conference would be held in April 2013 and as part of this a BME intergenerational conference would also be held on the 21 March 2013. A programme was being developed for the BME conference that would be held between 4.30pm and 8.00pm to enable children and young people to attend.

Fairness for All – Enfield Council's Equality and Diversity Scheme Annual Report

The annual report would be submitted to Cabinet on 13 February 2013 and would be considered at the following meeting of LBE/EREC in April.

Member Governor Services

Further to a presentation given by Edith Mooney (Governor Support Service) at the last meeting, Councillor Constantinides reminded LBE/EREC that every school has a governing body which meets at least 3 times a year.

Following a suggestion at the last meeting that the Governor Support Services publish vacancies for governor posts for our partners to see, this had now been done and had resulted in a very good response.

LONDON BOROUGH OF ENFIELD/ENFIELD RACIAL EQUALITY COUNCIL - 12.2.2013

It was questioned whether it was appropriate for School Headteachers to be empowered to specify the ethnicity of people on ethnic monitoring forms, where this information had not been given. It was stated that this suggestion had been put forward as a means of attempting to obtain better ethnicity data. However any potential recording would require the agreement of those people involved.

Equality Impact Assessment – Parks

The application for lottery funding to carry out improvement works for the house at Broomfield Park had unfortunately been unsuccessful.

5

ENGLISH FOR SPEAKERS OF OTHER LANGUAGES

Councillor Del Goddard, Cabinet Member for Business Regeneration presented this report on the work that had been undertaken by Enfield Council in partnership with key local stakeholders to develop an ESOL (English for Speakers of Other Languages) strategy for the borough.

As Chair of the ESOL Strategy Board, he stated that there had been further developments since the report had been prepared. He highlighted the following:

- Enfield Council had worked in partnership with key stakeholders in the borough including Job Centre Plus, LBE Regeneration team, local colleges, and training providers to put forward a co-ordinated approach to the provision of ESOL in the borough.
- The main aims of the strategy were to improve community cohesion and improve employability opportunities.
- The aim of the strategy was to identify ESOL provision in the borough including what is provided, and by whom, to identify gaps in current provision and the key challenges to ensure that the provision would meet local priorities. They also want to ensure training given is of an adequate standard.
- There were gaps in funding for adequate ESOL provision in the borough. Whilst funding mainly comes from the Skills Funding Agency, new requirements mean that fewer hours of provision are to be given. Various forms of potential funding are being considered such as use of the Enfield Residents Priority Fund, the possibility of European funding, and voluntary help from community groups. Unfortunately Job Centre plus are only able to provide a limited amount of training. There are gaps in particular levels of provision.
- This is also a spatial issue - there are some areas of the borough that are more adversely affected than others. It is also evident that London is particularly affected because it has high levels of ethnic groups with large numbers of people coming to settle in the capital.

LONDON BOROUGH OF ENFIELD/ENFIELD RACIAL EQUALITY COUNCIL - 12.2.2013

- A guidance document is being prepared for community groups to understand what ESOL provision is available.
- An Action Plan for 2012-2015 had been prepared – ‘ESOL Strategy for Enfield: Towards Full Inclusion and Integration’ – this would be updated and a copy forwarded to Martin Garnar.

The following issues were raised

- A member of EREC was pleased that a report and action plan had been prepared that brought together this data. He thought that, as well as there being a regional dimension to this issue, there was also a gender element as it was important that women at home with children would also need to improve their language skills and this is sometimes overlooked.
- Some funding areas were often unreliable and needed to be more sustainable, it was thought European programmes would be unavailable until at least 2014.
- This issue should be considered in respect of how it relates to London, in its position as a world city and as a point of entry for people from other parts of Britain and from other countries.
- Gender and age issues should be taken into account when assessing ESOL need. It is often more difficult for older people to learn languages which may make community cohesion more problematic. If women are unable to improve their language skills, this may also have a detrimental effect on their children and their children’s language skills.
- By working with schools, it may be possible to help mothers to meet in an informal way. This could improve their language skills if assistance could be provided from voluntary helpers without the need for more formalised training programmes.
- The meeting was reminded that recent Census figures showed 35.1% of Enfield's total population were born outside the UK and 23% of Enfield's total population state their main language is not English
- A recent report from Middlesex University referred to Enfield having one of the largest Turkish communities in the country and it was suggested that the author of this report could be invited to a future meeting of LBE/EREC to discuss this issue further.

Councillor Goddard was thanked for presenting this item - he said work was ongoing with schools and colleges although there were constraints on how colleges were able to further ESOL provision. He thanked LBE/ EREC for their comments and said he was sensitive to the issues raised by them.

AGREED That the author of a report on Turkish communities in Enfield, from Middlesex University be invited to a future meeting of LBE/EREC.

LONDON BOROUGH OF ENFIELD/ENFIELD RACIAL EQUALITY COUNCIL - 12.2.2013

6

MENTAL HEALTH SERVICES FOR THE BME COMMUNITY

A presentation was given by Clare Duignan, Head of Mental Health Service (Health, Housing and Adult Social Care), and Jide Odusina (Barnet, Enfield and Haringey Mental Health Trust) on equality and diversity in mental health services for Enfield People.

The following issues were highlighted:

- The service is delivered by Barnet, Enfield and Haringey NHS Mental Health Trust and commissioned by Enfield PCT who will soon be replaced by the Enfield Clinical Commissioning Group. Enfield Council retains care purchasing budgets for mental health social care.
- The service provided by Barnet, Enfield and Haringey MHT (BEHMHT) is divided into the 6 areas/service lines and Enfield have staff in each of these 6 areas.
- There has been an increase in the number of people who use the BEHMHT service, with the total number of patients rising from 3305 in 2009/10 to 4246 for 2011/12.
- The largest proportion of clients receiving community-based support packages are in the 50 to 65 age group. However, there has been an increase in the number of people requiring this service in the 18 to 30 age group, with more men than women receiving residential care.
- Ethnicity – The largest number of service users (receiving community-based support packages) are white British/mixed British (44.2%) and then Turkish, Greek and Cypriot (8.7%).
- In the last 5 years, there has been an increase in the percentage of people, who describe themselves as African, who receive the service. However, there are more people declining to give their ethnicity and it was thought this may be because some people may fear that this may lead to them being treated differently.
- For MH clients to receive community-based support packages or residential care placements, they must have been assessed as having critical or substantial care needs.
- Enfield's Health, Housing & Adult Social Care (HHASC) Department provides individual service users choice and control through personalised budgets. This is done by using individual support plans and working with community services. The Council has consulted with the voluntary and community sector, and any organisation wishing to work with them has to demonstrate that they operate in a clear, transparent and democratic way and they embrace all strands of the equalities agenda. These organisations are monitored and reviewed.
- The Supporting People Contract, (which is housing related support) has the majority of its spend on mental health projects. As part of this, assessments are made of the providers' competence to provide culturally sensitive services.

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- The Council has a service level agreement with MIND to support sessions of access to talking therapies - 80 of the sessions will be targeted to the Turkish speaking community.
- The Trust uses the NHS Equality Delivery System to performance manage its equality work. In the first year (2012), the Trust's stakeholders identified areas for development and these have formed the basis for the Trust's equality objectives. They are working in partnership to reduce health inequalities and as part of this they are developing profiles to determine the most disadvantaged groups and were aiming to improve data collection. At the moment data collected is for all three boroughs and it is hoped that this information could be broken down to give specific figures for Enfield. They would be looking to improve engagement with community groups. One of their objectives is to ensure that staff respect and discuss patient's cultural, religious and spiritual needs as part of their overall requirements.

The following issues were raised:

- That community groups may be interested in mental health issues and would be willing to assist people but they may lack the training required.
- There are concerns that families, especially those from some cultural groups, may be unwilling to engage with the mental health services because they mistakenly fear there to be a stigma attached to it. As a result of this, a youth may not be brought to the attention of the (MH) service until he/she is in trouble and is referred there by the Court system. Ultimately this leads to much higher expenditure for treatment and associated costs.
- Whilst our communication teams may not be able to manage or provide clinical advice regarding mental health issues, they are nevertheless able to give advice about where someone can access services. This may include advice on obtaining benefits or help with housing needs.
- It is essential that we are able to access data that relates to Enfield rather than that combined for the three boroughs.
- It is helpful that a patient's cultural, religious and spiritual needs are also to be addressed, and work on this will be done in partnership with our services and community groups.
- EREC would be happy to have further discussions with the BEH NHS Trust.

Clare Duignan, and Jide Odusina were thanked for their presentation.

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ENFIELD COUNCIL WORKFORCE STATISTICS

Louise Allen (Workforce Planning & Equalities Analyst, Human Resources) presented a report on the workforce statistics for Enfield Council as at 30 September 2012. She highlighted the following:

- There were 4011 employees in Enfield Council at that date. This did not include school or agency staff.
- Of the 4011 staff, the ethnicity of 216 staff was unknown and a further 32 had refused to give this information - this compared with 364 people who had not given their ethnicity details last year.
- The largest groups outside of 'White' at 63%, included 'Black African' 5%, 'Black Caribbean' 6% and 'Other Black or Black British' 4%.
- There had been little movement of people changing roles and it was thought this was probably due to the financial climate. The percentage numbers given for ethnicity groupings in the borough were likely to change because Census figures were now available.

The following issues were raised:

- The new Census figures raise interesting questions. The Census figures for Enfield gave the proportion of Turkish and Turkish/Cypriot population in Enfield at 6-7%, whereas the staff figures show only 3% belonging to this group.
- It was requested that we look at data relating to the appointment of staff i.e. application figures, and that we also see any future statistics that relate to management positions.
- Requested that information/data relating to downsizing procedures also be made available so that we can have a profile of staff that were being made redundant or displaced.
- Training courses were available for women and BME staff to receive training so that they would be better placed for any management roles that may become available.
- There were approximately 500 agency workers of which quite a large number (particularly health workers) were BME staff.
- It was confirmed that Council Members were aware of issues raised by LBE/EREC relating to the staff profile for Enfield including that for senior management.

Louise Allen was thanked for her update.

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ANY OTHER BUSINESS

There was no other business.

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DATES OF FUTURE MEETINGS

The following meeting date was noted for the forthcoming year

Tuesday 30 April 2013

The author of a report on Turkish communities in Enfield, from Middlesex University would be invited to a future meeting of LBE/EREC.

EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT (EFLG)

The Equality Framework is a comprehensive performance measure for local authorities organised by the Local Government Association. Over the last ten years, the Council has continuously improved its performance against the various elements within the Framework and the former Equality Standard, which it replaced. The Council's assessment against the requirements of the excellent level of the EFLG was completed in March 2013, and involved a large number of interview sessions between the peer assessors and more than 100 members, officers, partners and service users.

It is with great pride, that we are able to announce that Enfield has now been accredited at the excellent level, currently one of only twelve councils in the country to receive this award. This is a substantial achievement. It will provide a valuable opportunity to demonstrate our good practice to other authorities, particularly around areas of work such as the Understanding Our Communities research programme, the Youth Engagement Panel, the Parent Engagement Panel, and the Residents Priority Fund, which were all highly commended. However, we appreciate that there is no room for complacency, and that we need to maintain and build on the good work that has taken place over recent years, in order to ensure that our services continue not to discriminate, are provided equitably and fairly, and contribute positively to community cohesion.

Many areas of excellent practice were identified -

- the Leader, Cabinet Lead Member, Chief Executive and the equalities champion (Director of Finances, Resources and Customer Services) all have high aspirations for equalities and diversity in the borough and strongly champion the agenda.
- the Council's passion for fairness and equality is evident. The administration's strategic aim of 'Fairness for All' is embedded through strategic plans and is understood by staff and partner agencies.
- there is a clear focus on community engagement and satisfaction from local communities with the Council's strategic aim of 'Strong Communities' and its supporting priorities. The Council can demonstrate a number of good and excellent examples of practice in relation to partnership working, engagement with residents and with key equality groups. These examples have resulted in many positive outcomes for our customers and residents.
- the Council is making good headway to mainstream equalities by inclusion of objectives within the service planning process. It has a good understanding of Enfield's many communities and their needs.
- the Council has also undertaken considerable work within the organisation to make equality issues a priority. This includes work by the Corporate Equalities Group, training staff comprehensively on service equality issues, the Council's workforce and elected members broadly representing the diversity of local communities, and a well established approach to equality impact assessments/analyses.

The award will inspire us to -

- continue to tackle inequality in the borough, and
- continue to build on the strengths of our diverse group of councillors and staff groups that reflect the wider community to promote positive dialogue with our residents and customers

The Council is committed to being an exemplar of best practice in all our equalities work. More information appears in the Fairness for All - the Council's Equality and Diversity Scheme Annual Report 2012.

The Council will be expected by the Local Government Association to promote and share its achievements with other local authorities in England over the coming three years as part of the expectations of an excellent local authority within the EFLG.