



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY, 17TH JULY,
2013 AT 7.00 PM**

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

Please
Reply to: James Kinsella

Phone: (020) 8379 4041
Fax: (020) 8379 3177
Textphone: (020) 8379 4419
E-mail: James.Kinsella@enfield.gov.uk
My Ref: DST/JK

Date: 09 July 2013

Dear Councillor,

You are summoned to attend the meeting of the Council of the London Borough of Enfield to be held at the Civic Centre, Silver Street, Enfield on Wednesday, 17th July, 2013 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

J. P. Austin

Assistant Director, Corporate Governance

1. **ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING**
2. **MAYOR'S CHAPLAIN TO GIVE A BLESSING**

The Mayor's Chaplain to give a blessing.

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

4. **MINUTES** (Pages 1 - 8)

To approve, as a correct record, the minutes of the Council meeting held on Wednesday 8 May 2013 (Annual Council meeting)

5. **APOLOGIES**
6. **DECLARATION OF INTERESTS**

Members of the Council are invited to identify any disclosable pecuniary

other pecuniary or non pecuniary interests relevant to items on the agenda.

7. OPPOSITION BUSINESS - PLANNING PERFORMANCE (Pages 9 - 12)

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

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

8. NO STONE UNTURNED IN PURSUIT OF GROWTH: (Pages 13 - 24)

To receive a report from the Director of Regeneration, Leisure & Culture outlining the key recommendations within the report "No stone unturned in the pursuit of growth" produced by Lord Heseltine and response published by HM Treasury and the Department for Business Innovation and Skills. Council is being asked to consider the case for a cross-party response to the national growth Strategy. (Report No.44)

9. GARFIELD SCHOOL REPROVISION OF A 3FE SCHOOL (Pages 25 - 32)

To receive a report from the Director of Schools & Children's Services seeking approval to the inclusion of the re-provision of Garfield Primary School within the Council's Council Programme. (Report No.207A)

Please note Report No.210 on the Part 2 agenda also refers.

Members are asked to note that the recommendations in the report were approved by Cabinet on 24 April 2013. Council is only being asked to approve the addition of the scheme to the Council's Capital Programme.
(Key decision – Reference 3698)

10. SCHOOL EXPANSION PROGRAMME PHASE 2 2013/14 - 2017/18 (Pages 33 - 54)

To receive a joint report from the Director of Schools & Children's Services and Director of Finance, Resources & Customer Services (No.13) seeking approval to the inclusion of Phase 2 of the strategy for the provision of pupil places 2013/14 – 2017/18 within the Council's Capital Programme. (Report No.13A)

Members are asked to note that the recommendations in the report were approved by Cabinet on 19 June 2013. Council is only being asked to approve the addition of the scheme to the Council's Capital Programme.
(Key decision – Reference 3719)

11. SECTION 16 OF THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003 (FOR THE MANAGEMENT OF ILLEGAL FOOTWAY CROSSOVERS) (Pages 55 - 98)

To receive a report from the Director –Environment seeking approval for the date upon which a Section 16 notice to be served under the London Local Authorities and Transport for London Act 2003, will come into effect.
(Report No.45)

Members are asked to note the report follows on from Cabinet approval of the Footway Crossover and Enforcement Policy on 24 April 2013 (attached for information). **(Key Decision – Reference 3664)**

12. REPROVISION PROJECT - NEXT STEPS (Pages 99 - 102)

To receive a report from the Director of Health, Housing and Adult Social Care proposing a way forward in terms of Next Steps in the development and delivery of the Re-provision.
(Report No.29)

Please note Report No.31 on the Part 2 agenda also refers.

Members are asked to note that the report is due to be considered by Cabinet on 10 July 2013. Subject to the decision by Cabinet (which will be reported at the meeting), Council is only being asked to approve the addition of the scheme to the Council's Capital Programme, which has been included as an issue within the Part 2 report referred to above. The Part 1 report has been attached for information, as background to the proposed recommendation to Council. **(Key Decision – Reference 3593)**

13. 2014-18 MEDIUM TERM FINANCIAL PLAN UPDATE & 2013 SPENDING ROUND (Pages 103 - 110)

To receive a report from the Director of Finance, Resources & Customer Services regarding the outcome of the 2013 Spending Review and Medium Term financial planning position of the Council.
(Report No.46)

14. IMPLEMENTING HEALTHWATCH IN ENFIELD - DELIVERY OF THE HEALTHWATCH FUNCTIONS (Pages 111 - 118)

To receive a report from the Director of Health, Housing & Adult Social Care updating on progress with the development of Healthwatch in Enfield and seeking formal approval (under the terms of the Council's Constitution) to the creation of a Community Interest Company to deliver the Healthwatch function and associated grant funding.
(Report No.47)
(Key Decision – Reference KD3665)

15. REFERENCE FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO THE CONSTITUTION: COUNCILLOR CONDUCT COMMITTEE & MEMBERS CODE OF CONDUCT (Pages 119 - 122)

To receive a report from the Director of Finance Resources & Customer Services seeking approval to the amendment of the Terms of Reference for the Councillor Conduct Committee and to the Member Code of Conduct.

Members are asked to note that the changes recommended in the report were considered and approved for reference on to Council by the Councillor Conduct Committee (2 May 2013) and Members & Democratic Services Group (8 July 2013).

16. COUNCILLOR CONDUCT COMMITTEE ANNUAL REPORT 2012/13
(Pages 123 - 130)

To receive the first annual report from the London Borough of Enfield's Councillor Conduct Committee for 2012/13. The report sets out the key issues dealt with by the committee during the past year.

The report was agreed at the Councillor Conduct Committee meeting held on 25 June 2013.

17. SCRUTINY ANNUAL REPORT 2012/13 (Pages 131 - 160)

To receive the Scrutiny Annual Report detailing the work undertaken by the Council's scrutiny function over the 2012/13 municipal year. (Report No.49)

Members are asked to note that the report was agreed at the Overview & Scrutiny Committee held on 12 March 2013.

18. AUDIT COMMITTEE ANNUAL REPORT 2012/13 (Pages 161 - 170)

To receive the annual report of the London Borough of Enfield's Audit Committee for 2012/13. The report sets out the key issues dealt with by the committee during the past year.

Members are asked to note that the report is due to be considered by the Audit Committee on 9 July 2013. An update will be provided for Council on the decision made by the Audit Committee.

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

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

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

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

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

the next meeting of the Council.”

Submission of urgent questions to Council requires the Member when submitting the question to specify why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting. A supplementary question is not permitted.

19.2 Councillors’ Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8) (Pages 171 - 194)

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

20. MOTIONS

20.1 In the name of Councillor Smith:

“This council agrees to put in place as soon as possible a transfer system itself or in collaboration with other housing organisations to assist social housing tenants in Enfield affected by the reduction of housing benefit who are under occupying their homes to enable them to swap with households that are entitled to social housing that are currently overcrowded, those transfer arrangements to include financial assistance to cover moving expenses where appropriate.”

20.2 In the name of Councillor McGowan:

“We recently celebrated the 65th birthday of our beloved National Health Service.

Labour created the NHS in 1948, and it is one of our proudest achievements. It’s 65th birthday is an opportunity to celebrate. However, if we are going to commemorate further milestones then we need to make sure our NHS is strengthened and protected for the future.

Will the Council do everything it can do to protect this most important public service to Enfield residents, and make sure on this important anniversary we stay true to the values that have made it the envy of the world.”

20.3 In the name of Councillor Sitkin:

“Enfield Council’s 2020 Action Plan seeks a 40% reduction in the borough’s CO2 emissions by 2020 vs a 2005 baseline, reflecting our conviction that it is a public responsibility to help incentivise eco-investment. In Enfield, this approach is contributing to the creation of new career opportunities in the construction and manufacturing sectors; our workforce is being equipped with useful, high value skills;

even as we are doing what we can to fight global warming.

This Council invites representatives from the Department of Energy & Climate Change (DECC), Department of Environment, Food & Rural Affairs (DEFRA) and Department for Business, Innovation & Skills (BIS) to Enfield in the hope that they may benefit from the work we are doing in this area and use it to inform policy.”

21. USE OF THE COUNCIL'S URGENCY PROCEDURES (Pages 195 - 196)

Council is asked to note the details provided of decisions taken under the Council's urgency procedure relating to the waiver of call-in and, where necessary, the Forward Plan along with the reasons for urgency. These decisions have been made in accordance with the urgency procedures set out in Paragraph 17.3 of Chapter 4.2 (Scrutiny) and Paragraph 16 of Chapter 4.6 (Access to Information) of the Council's Constitution.

22. MEMBERSHIPS

To confirm the following changes to committee memberships:

(a) Sustainability and the Living Environment Scrutiny Panel

Councillor Bakir to replace Councillor Murphy

(b) Edmonton Partnership Working Group

Membership of Working Group to be increased from 5 to 7 members with an additional position to be allocated to each Group. Councillor Ekechi and Councillor Hall to fill additional vacancies and Councillor Chamberlain to replace Councillor Laban.

23. NOMINATIONS TO OUTSIDE BODIES

To confirm the following changes to nominations to outside bodies:

(a) Enfield Homes Board

Councillor Murphy to replace Councillor Bakir

(b) Lee Valley Regional Park Authority

Councillor Taylor to be appointed as deputy

24. CALLED IN DECISIONS

None received.

25. DATE OF NEXT MEETING

To note that the next meeting of the Council will be held on Wednesday 9 October 2013 at 7.00 p.m. at the Civic Centre.

26. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the items of business listed on the 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).

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 8 MAY
2013**

COUNCILLORS

PRESENT

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

ABSENT

Alan Barker, Caitriona Bearryman, Achilleas Georgiou, Denise Headley and Ahmet Oykenner

1

MAYOR'S CHAPLAIN TO GIVE A BLESSING

Father Emmanuel from St Edmunds Church, Edmonton gave the blessing.

Councillor Anolue (as retiring Mayor) took the opportunity to thank Father Emmanuel for his support as her chaplain over the last year.

2

DECLARATION OF INTERESTS

No interests were declared by members at the meeting.

3

ELECTION OF MAYOR

Councillor Taylor moved and Councillor Lavender seconded the nomination of Councillor Chaudhury Anwar MBE as Mayor of the London Borough of Enfield for the 2013/14 Municipal Year.

In moving the nomination Councillor Taylor highlighted Councillor Anwar's long history of local involvement in the voluntary and community sector which he felt provided a very good understanding of the issues and challenges faced by people living and working within the borough. His passion for fairness and equality would also, he felt, ensure that he was well placed to engage and

work with the diverse range of communities across the borough. He was also pleased, as a fellow ward councillor, to be able to move Councillor Anwar's nomination for what he was sure would be a highly successful year as Mayor.

Councillor Lavender, on behalf of the Conservative Group, advised that he was pleased to second Councillor Anwar's nomination for what he also looked forward to as a successful year for the Mayor.

AGREED that Councillor Chaudhury Anwar MBE be elected as Mayor of the London Borough of Enfield for the 2013/14 Municipal Year.

The motion was agreed unanimously (without a vote). Councillor Anwar then made and signed a Declaration of Acceptance of Office and was invested with the badge of office by the retiring Mayor, Councillor Kate Anolue.

4 MAYORS ACCEPTANCE SPEECH

The Mayor made the following acceptance speech:

"I am overwhelmed and feel humbled by the kind words expressed at my appointment as Mayor. I would like to express thanks, appreciation and gratitude to the Leader and Leader of the Opposition for their nominations and to my fellow councillors for electing me as Mayor and the First Citizen of the London Borough of Enfield. I am particularly grateful to my Labour colleagues who have supported me in standing for this position of honour and dignity. I would also like to thank all elected councillors of the borough for their gesture of goodwill towards me, which I would like to reciprocate now and in the future. I would also like to thank the members of the public, invited guests, dignitaries and officers of the Council. I am proud of the fact that I am the first Mayor and was also the first Cabinet Member of Asian origin.

Having been born in India I have also been fortunate to live in Pakistan and Bangladesh as well as the UK. Politics has not always been my main passion. I joined politics as a way of seeking justice and equality and in order to redress what I felt to be the grievances of the Black and Minority Ethnic Communities, experienced during my three decades as a racial equality Director. I still feel passionately that more should be done to empower the Black and Minority Ethnic Community by giving them more strategic support. My challenge, in the past, has been to demand from the authorities that racial discrimination is addressed which has led to me being regarded as a controversial character. I am therefore glad that the Council's objectives now include fairness, sustainability and growth which will need to be carefully monitored in relation to the impact on the Black and Minority Ethnic Community within the borough.

I was born in a small village in India called Uchundi where the nearest school for primary education was 3 miles away. As a young boy I used to travel 6 miles a day by foot just to attend school as the opportunity to be educated was very limited. I was the fifth child in my family with six brothers and six

sisters. My parents were land owners so were wealthy, although were greatly affected by the partition in India in 1947. I stayed in India with my family until 1953, doing the equivalent of GCSEs and then left to move to East Pakistan, Bangladesh as it is now. It was a challenge for me as a young boy to leave my family in India and to find a good educational opportunity and career in that country. I graduated in Politics, English Literature & Economics in 1959 and two years later gained a Masters in Political Science majoring in Constitutional Law. I also completed a Law degree on a part time basis. In 1969 I gained a Diploma in Public Relations from the British Institute of Public Relations and later achieved full membership. This public relations training has helped me a great deal in dealing with communities of diverse cultures.

My first job was as a social worker with the Diabetic Association in Dhaka, which lasted for nearly a year. I then joined the United States Information Service (USIS) as Branch Chief in 1962 and later joined the American Peace Corps operation in Pakistan as their national coordinator. This lasted until I left Pakistan to take up a 12 month contract with the University of Minnesota, USA to lecture on South East Asia. In 1966 I came to the UK to take up a job with the Pakistan High Commission as Assistant Labour Attaché. During the 1971 Bangladeshi Independence Movement I left the High Commission to take up a job in Oxford as Director of the Community Relations Council. In 1981 I moved to Croydon as Director of the CRC and in 1983 I joined the London Borough of Enfield as its first Director of the Racial Equality Council, where the late Councillor Jackson was especially helpful during his Mayoralty. I left Enfield in 1985 to take up a job in Waltham Forest, where I worked until my retirement in 1998. Following my retirement I became more active in the Voluntary Sector, often being busier than when working on a full time basis! At one stage I was chairing nine different organisations stretching from Oxford, Croydon, Tower Hamlets and Waltham Forest to Enfield where I was Chair of the Enfield Racial Equality Council, Enfield Bangladesh Welfare Association, North London Asian Care, Director of Enfield Voluntary Action, Ponders End Development Trust and non-executive Director of the NHS Trust.

In terms of achievements I can, on reflection, include the establishment of Cherwell Housing Trust in Oxford, which now has over 2000 units of social housing, along with the Caribbean Resource Centre in Croydon. In Waltham Forest I helped to establish and manage the Waltham Forest Asian Centre and in Enfield have been involved in development of the Racial Equality Council, North London Asian Centre and Enfield Bangladesh Welfare Association.

Turning to my year as Mayor and First Citizen I carry with me the responsibility of enhancing the boroughs image and liaising with various organisations. The guidance handbook for the Mayor says that there are three main roles for the Mayor (1) a symbol of authority and continuity; (2) a symbol of open society; and (3) an expression of social cohesion. I will to adhere to all three of these roles during my term as Mayor. In doing this I will also look to encourage good discipline in the Council Chamber, ensuring a high quality of debate. Personal attacks, aggrandisement or overbearing

political onslaught will not, in my opinion, create an environment of healthy debate. Good research and presentation will lead to an excellent standard of debate and would urge my fellow councillors to focus on the standard of debate rather than on attacking the other side. I will also seek to encourage mutual respect amongst and between all elected councillors and will look to allow healthy debate by strictly enforcing the rules enshrined in the Council's Constitution.

I intend to raise funds for my charity "recognising the community organisations' contributions to society". I will encourage all community organisations that do not get any funding, yet provide useful services to the community, to apply as I want to recognise and appreciate their work through my charity.

I will seek to represent all the main religious groups in the borough through the Mayors Chaplaincy this year. The community in Enfield is made up of 53.6% Christian, 16.7% Muslim, 3.5% Hindu and 1.4% Jewish and I intend to promote the religious mix and diversity of our community by enabling the various religious groups to provide blessings at our Council meetings.

Finally I would like to thank my wife and daughter for being my pillars of strength and supporting me in my ambition and career. I would further like to thank my guests and members of the public who have so kindly joined me to share this special day with me. I would also like to thank my aunt Dr Kusum, representatives from the Bangladesh Welfare Association and many personal friends who are with me tonight.

I would also like to inform you that I will not be seeking election as a councillor next year, which means I can look forward to my real retirement after my time as Mayor. Can I thank you for your support over the coming year, which I am greatly looking forward to.

The Mayor received a presentation from the Enfield Bangladesh Welfare Association recognising his achievement in being appointed as the first Mayor of the London Borough of Enfield from Asian origin.

5 APPOINTMENT OF MAYORESS

The Mayor announced the appointment of Quamrun Anwar and Sabrina Anwar as his Mayoress for the 2013/14 Municipal Year. He then invested both with their badge of office.

6 APPOINTMENT OF DEPUTY MAYOR

The Mayor confirmed the appointment of Councillor Ingrid Cranfield as Deputy Mayor for the 2013/14 Municipal Year. The Deputy Mayor then made and signed a Declaration of Acceptance of Office and was invested by the Mayor

with her badge of office. Councillor Cranfield then made a speech thanking the Mayor and Council for her appointment as second citizen of the borough.

Councillor Cranfield highlighted the honour she felt at being nominated and would do her utmost to support the Mayor in representing the Council and serving all the people of Enfield.

7

APPOINTMENT OF DEPUTY MAYORS CONSORT

The Deputy Mayor announced the appointment of Adam Cranfield as her Consort for the 2013/14 Municipal Year. She invested him with his badge of office.

8

APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL AND CABINET

Councillor Taylor confirmed the appointments as set out below:

Deputy Leader – Councillor Achilleas Georgiou

Cabinet member for Adult Services, Care and Health – Councillor Don McGowan

Cabinet member for Business and Regeneration – Councillor Del Goddard

Cabinet member for Children and Young People – Councillor Ayfer Orhan

Cabinet member for Community Wellbeing and Public Health – Councillor Christine Hamilton

Cabinet member for Culture, Leisure, Youth and Localism – Councillor Bambos Charalambous

Cabinet member for Environment – Councillor Chris Bond

Cabinet member for Finance and Property – Councillor Andrew Stafford

Cabinet member for Housing – Councillor Ahmet Oykener

9

PRESENTATION OF THE PAST MAYOR AND MAYORESS' BADGES

The Mayor presented past Mayor's and Mayoress badges and certificates recording the Council's appreciation to the retiring Mayor, Councillor Kate Anolue and Mayoress Chinelo Anolue.

The Mayor, on behalf of the Council, thanked them for the contribution they had made as Mayor and Mayoress during the 2012/13 Municipal Year.

The Leaders of both Groups were also presented with a token of appreciation for their support over the year.

10

MAYORS ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS

The Mayor informed Council that he had no other announcements in connection with ordinary council business for the meeting.

11

MINUTES

AGREED that the minutes of the Council meeting held on Wednesday 27 March 2013 be confirmed and signed as a correct record.

12

APOLOGIES (IF ANY)

Apologies for absence were received from Councillors Alan Barker, Catriona Bearryman, Achilleas Georgiou, Denise Headley and Ahmet Oykener.

13

COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

None received.

14

MOTIONS

None received.

15

MEMBERSHIP OF COMMITTEES AND PANELS

Councillor Brett moved and Councillor Waterhouse seconded the report of the Director of Finance, Resources & Customer Services (No.1) asking the Council to determine the constitution and political balance of the committees, joint committees and panels that had been set up for discharge of the Council's functions.

NOTED that the calculation for allocation of seats had reflected the recent change in political representation on the Council, which had already been subject to review at the Council meeting on 27 February 2013.

AGREED that

- (1) the seats allocated to each political party on the committees and boards to which Section 15 of the Local Government and Housing Act 1989 apply, be approved as set out in Appendix A of the report.

- (2) in accordance with paragraph 3.3 of the report, Council resolves without dissent that the rules of political proportionality should not apply to those bodies marked with an * in Appendix A of the report.

16

APPOINTMENT OF COUNCIL BODIES FOR 2013/2014

1.1 Appointment of Council Bodies 2013/14: Planning Committee membership

NOTED that the provisional reference from the Members & Democratic Services Group, regarding membership of the Planning Committee had been withdrawn from the agenda. The withdrawal followed the Members & Democratic Services Group on 2 May 13, when it had been agreed that a more detailed membership review of the Committee be undertaken, for reporting back later in the year.

1.2 Appointment of Council Bodies 2013/14: Committee Membership list

AGREED to the establishment of the Council bodies for the 2013/14 Municipal Year and appointment of their memberships, as set out in the yellow list tabled at the meeting, subject to the following amendment:

- a. **Green Belt Forum:** Councillor East to replace Councillor D.Pearce.

1.3 Appointment of Council Bodies 2013/14: Terms of Reference

AGREED To confirm the Terms of Reference of those bodies set out in Part 2 of the Constitution (pages 2-11 to 2-17 for scrutiny) (pages 2-23 to 2-24 for cabinet) and (pages 2-25 to 2-54 for other committees and panels).

17

REPRESENTATIONS ON OTHER BODIES AND ORGANISATIONS

AGREED the Council's representation on other bodies and organisations as detailed on the green list tabled at the meeting, subject to the following amendment:

- (a) Enfield Homes: membership reduced from 6 to 4 members with Councillor Ibrahim and Councillor East removed from the membership list for this body as a result.

18

COUNCIL SCHEME OF DELEGATION

AGREED the authority's Scheme of Delegation, as set out in Part 3 (pages 3-2 to 3-12) of the Constitution.

19
CALENDAR OF MEETINGS

NOTED

1. The calendar of meetings included indicative dates for future meetings of the Council up until May/June 2014.
2. The updated version of the calendar, circulated with the "To Follow" papers for the meeting.

AGREED

- (1) the updated version of the calendar of meetings of the Council, including the next Council meeting, which had been scheduled on Wednesday 17 July 2013.
- (2) that approval of any further amendments to the calendar be delegated to the Director of Finance, Resources and Customer Services, in consultation with both party groups.

20
CALLED IN DECISIONS

None received.

21
DATE OF NEXT MEETING

NOTED that the next meeting of the Council would be held at 7pm on Wednesday 17 July 2013 at the Civic Centre.

17 July 2013

Opposition Priority Business: – Town and Country Planning and Strategic Planning

On June 14th, the Department of Communities and Local Government announced that Enfield Council is currently in line to be placed in 'special measures' allowing developers to bypass its planning department.

Councils that determine fewer than 30 per cent of major applications within 13 weeks over a two-year period are to be stripped of their planning powers.

In such cases, developers will be given the option of submitting major applications directly to the Planning Inspectorate (PINS), rather than the local planning authority. Given some of the historic decisions of PINS affecting Enfield, this will be disastrous.

This threat somewhat undermines the Labour Party's claim that it has made Enfield a 'Place to Do Business'.

However the threat comes as no surprise. The Conservative Opposition's consistently held view remains that the Labour administration is good at talking but spends a great deal doing very little. Its shortcomings in strategic planning can be evidenced by:

- (i) a failure to compulsorily purchase the Middlesex University Site for regeneration;
- (ii) a failure to act quickly to provide new school places, with the consequence that existing sites are being expanded above a size that was previously considered to be undesirable and with the consequence that the planning authority is determining applications after the council itself has entered into contracts for the construction of the sites;
- (iii) a failure to procure critical services from external suppliers in good time to ensure that value for money is achieved (e.g. Honeysuckle House);
- (iv) inadequate business planning in relation to the future of Southgate Town Hall operating against the public interest due to a poorly tendered scheme;
- (v) the failure to redevelop housing sites that have remained vacant at Parsonage Lane and Forty Hill etc.

The public has concerns about the planning process. It always has. However if the DCLG is threatening to put the planning department into special measures, this gives further credence to any concerns the public may have.

The criticisms made against the council in relation to planning are as follows:

17 July 2013

- (i) a failure to determine planning applications quickly enough, with the consequences that businesses are affected;
- (ii) a failure to consult adequately;
- (iii) pre-determination;
- (iv) the extent to which decisions are delegated;
- (v) lack of timely enforcement;
- (vi) the level of planning contributions being required by Enfield are a deterrent to development; and
- (vii) the quality and length of reports.

The Conservative opposition has recently been informed of the loss by the Council of relevant papers that concern the potential enforcement of an alleged planning breach. We therefore have the issue of document control, an issue that was identified by the Conservative opposition in relation to the management of sensitive child protection papers.

The Conservative Opposition recommends to Council that it commissions a peer review of all aspects of planning, requests a report that identifies existing practice within Enfield, how such practices compare with a number of authorities that are suitable for benchmarking and with recommendations, if there is any scope for improvement.

At the date of submission of this report, 8th July, the Member and Democratic Services Group is currently recommending the commissioning of the Planning Advisory Service to undertake a review, with a very narrow scope, namely to review how the planning committee is currently operating.

The Conservative Group queries why an external advisory service is necessary to perform such a limited scope of work, that could otherwise be performed by officers and councillors but recommends that the scope of services to be provided by the Planning Advisory Service be extended to cover those matters the subject of criticism referred to above.

Council Constitution: Part 4 Chapter 4.1 – Council Procedure Rules

13. OPPOSITION BUSINESS

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

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

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

(Updated: Council 11/11/09)

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

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

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

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

(Updated: Council 11/11/09)

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

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

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

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

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

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

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

(Updated: Council 22/9/10)

- (vii) Before the Majority party concludes the debate, the leader of the Opposition will be allowed no more than 5 minutes to sum up the discussion.

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

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

(updated Council: 22/9/10)

MUNICIPAL YEAR 2013/2014 REPORT NO. **44**

MEETING TITLE AND DATE:
Council – 17th July 2013.

REPORT OF:
Director of Regeneration, Leisure
and Culture

Contact officer and telephone number:

Neil Rousell – 0208379 4968

E mail: neil.rousell@enfield.gov.uk

Agenda – Part: 1

Item: 8

Subject:

No Stone Unturned in Pursuit of Growth
The Rt Hon the Lord Heseltine of Thenford
CH, October 2012.

Cabinet Member consulted:

Del Goddard – Cabinet Member for Business
and Regeneration

1. EXECUTIVE SUMMARY

On 31st October 2012 Lord Heseltine made 89 recommendations in his report “*No stone unturned in pursuit of growth*”, looking at all aspects of government policy that affect economic growth. Lord Heseltine set out his view that we need a more place based approach to drive economic growth in England and stated that too many decisions are taken in Whitehall.

On 18 March, HM Treasury and Department for Business Innovation and Skills published the Governments’ response to the Heseltine review confirming their agreement with the case for decentralising economic powers from central government to local areas and leaders.

The Government accepted in full or in part 81 of the 89 recommendations from the Heseltine Review.

This report sets out the case for a cross-party response to this important national growth Strategy.

2. RECOMMENDATIONS

- 2.1** Council is asked to agree to make representations to the Coalition Government to promote the 89 recommendations of the Heseltine report and to seek clarity of the time scale for implementing the growth strategy set out in the report.

3. BACKGROUND

*No Stone Unturned in Pursuit of Growth*¹ Lord Heseltine's recently completed report sets out a package of measures to deliver a faster and more regionalised growth strategy. In introducing the report he indicated that he thought the Government could do better in promoting growth.

The report took a very operational approach and focused on 'making it happen'. David Cameron commented positively and suggested that he felt it was a positive step towards much needed growth delivery. Enfield would echo this positive sentiment while recognising the scale of the challenge and the complexity of the work needed to establish the 'single funding pot' suggested in the report. The main thrust of the report is to use the power of greater localism and private dynamism to help generate growth. As such, it puts bodies such as Local Enterprise Partnerships (LEPs), Local Authorities (LAs) and local Chambers of Commerce in the front line working in a direct relationship with Government Departments.

His 89 recommendations (See Appendix 1) are predicated on positive changes in structures to enable the Government to work together coherently to drive through the change required. He suggests that:

- There should be greater collaboration between government departments and a shared vision for growth.
- Partnerships should be formed and power should be further devolved to local areas.
- Civil servants should work on the ground around the country instead of Whitehall. This could be interpreted as more support for localism and is certainly promoting a greater role for local authorities and economic stakeholders and the private sector.

Lord Heseltine's aspiration was that funding should be devolved to city-based engines of growth, coordinated by businesses and local councils.

In supporting this decentralisation approach Sir Merrick Cockell – Chair of the LGA said : "We are currently trying to tackle 21st Century problems with an outdated Victorian-era bureaucracy and this is costing us money and reducing the overall quality of the services people receive. What is needed is the devolution of decision making to local areas to get government agencies, councils, the police, head teachers and health professionals working together to design services that work for their communities. This will ultimately save money and lead to better services."

The recent Spending Review 2013 is obviously set within a challenging economic and fiscal climate. It is argued that a growth strategy would

¹ On 31st October 2012 Lord Heseltine set out a growth strategy looking at how Government spending could be aligned into a single funding pot that could drive economic growth.

help the economy and businesses to grow and provide more employment opportunities for our residents.

The government has stated the three principles underpinning the Spending Round are reform, growth and fairness. The Spending Round sets out a series of areas for investing public sector savings, which the Government believes to yield the highest economic returns:

- transport;
- science and innovation;
- education and skills;
- business support;
- reforms to drive competition and cut red tape.

However, the government indicated that the creation of a Single Local Growth Fund (SLGF) would happen in 2015-16 in response to Lord Heseltine's review. Recent indications² are that this fund would be well below the recommendations of the Heseltine review. Lord Heseltine predicted that some £49bn could be available but recent Whitehall sources have indicated that the SLGF will only be in the region of £2-3bn which would be considerably lower than expected or needed. This would seem to be inadequate in terms of promoting real and sustained economic growth.

4. ALTERNATIVE OPTIONS CONSIDERED

No alternative options have been considered as this report is for information and debate leading to possible policy development at a later stage.

5. REASONS FOR RECOMMENDATIONS

Economic growth for Enfield is essential if we are to achieve the Council aims of fairness for all, growth and sustainability and strong communities. A strong growth strategy would benefit the majority of residents that are unemployed or subject to the low wage economy. A strong and dynamic National Growth Strategy, backed up with resources, would make a significant contribution to reducing child poverty, fuel poverty and the poverty of ambition.

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

6.1 Financial Implications

There are no financial implications arising from this report. A separate report on the outcomes from the Spending Review

² The MJ – 27th June 2013 suggests that the SLGF would be in the region of £2-3bn.

2013 will be prepared by the Director of Finance Resources and Customer Services.

6.2 Legal Implications

The recommendations in the report request a cross party deputation to the Coalition Government. The council has various powers that enable the authority to act for the good of their community and areas as specific in various statutes such as the Localism Act 2011, a General Power of Competence. Once and if, additional work is developed around the 89 recommendations further legal advice will be provided as and when required.

6.3 Property Implications

There are no property implications arising from this report.

7. KEY RISKS

The main risk associated with this report would be where a dis-joined response was made on behalf of the Council. The Council acting in a strong and determined way with a cross party conscious about the need for a National Growth Strategy would be the best outcome for Enfield Residents. By acting together the Council would be able to voice its concerns and secure the resources needed to deliver an excellent growth strategy for Enfield. A local city-deal for Enfield, as part of a London settlement, would help to mitigate the impact of deprivation and poverty in our Borough.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Enfield recognises that people have different needs, find themselves in different circumstances, and may face barriers that could limit what they can do and be. We recognise that by promoting equality and celebrating diversity we will provide better quality services and outcomes for the people of Enfield. Our commitment to secure a better way of life for our residents is the underlying principle behind this report and our determination to seek the powers to deliver choice and growth is absolute.

8.2 Growth and Sustainability

The only way to achieve growth and sustainability would be for local government to undertake some of the tasks currently delivered by National Government. Decentralisation can unleash the growth potential of our local economy by securing a local growth deal as part of a London settlement or 'City Deal' which

is part of the ambitious growth programme set out by Lord Heseltine.

8.3 Strong Communities

Should the Council achieve a positive outcome from its representation to Government it would have the much needed resources to develop a sustainable growth strategy for Enfield,. This would help to build strong communities in Enfield.

9. EQUALITIES IMPACT IMPLICATIONS

No equality impact assessment/analysis has been undertaken, this should be would be undertaken on any growth strategy developed as a result of the National Strategy being implemented.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no performance management implications at this stage.

11. HR IMPLICATIONS

There are no immediate HR implications as a result of this report.

12. PUBLIC HEALTH IMPLICATIONS

The SLGF would include a number of funding sources that would have a direct and indirect impact on the health of our residents. The funding pot would bring together resources for decent homes and new affordable housing , employment opportunities for young people and skills training programmes that could combine to help residents avoid the health problems associated with deprivation and poverty.

Background Papers:

None

Appendix 1 –No Stone Unturned in Pursuit of Growth report The Rt Hon the Lord Heseltine of Thenford CH, October 2012.

Recommendations

Localism – building on our strengths

1. Central government should identify the budgets administered by different departments which support growth. These should be brought together into a single funding pot for local areas, without internal ring fences.
2. Local partnerships should bid for funds from central government on a competitive basis. Bids should be for a minimum of five years starting from 2015/16.
3. Government should streamline its management of EU Common Strategic Framework funds in England, strip out the bureaucracy of multiple programmes and align local allocations from the four funds with the single funding pot.
4. Taking full account of the Government's national growth strategy, all LEPs, in collaboration with local stakeholders, should lead the development of a long term strategy and business plan for their area that will be used to bid for economic growth funds from central government.
5. The Government should allocate LEPS up to £250,000 of new public funding, resourced through departmental efficiency savings and underspends, in each of years 2013/14 and 2014/15 specifically to devise their local economic strategies, and create the foundations for their implementation.
6. The Government should invite LEPs to review their boundaries within a three month period to ensure they have a good match with their functional economic market area and that they do not overlap.
7. In light of the new role and vision for LEPs, each LEP should ensure that their board has the necessary skills and expertise to deliver their expanded functions and pay particular attention to the representation of employees from both private and public sector.
8. At the earliest opportunity civil servants based across the country should be brigaded into Local Growth Teams, structured around clusters of LEPs, primarily tasked with joining up government and local partners in the areas of their responsibilities to facilitate, identify and realise economic opportunities.
9. Ministers and permanent secretaries should be associated with individual LEPs, not to advocate individual plans but to add an understanding of place to the existing culture of function.
10. Local authorities should have a new overarching legal duty to have regard to economic development in the exercise of all their activities and functions. Where local authorities share a functional economic market area they should be required to collaborate on economic development.
11. All two-tier English local authorities outside London should pursue a path towards unitary status. The Government should encourage this and work with authorities to clarify the process and enable it to happen.
12. Proposals for formal collaboration between local authorities that reinforce the standing of the LEP and enhance the partnership with the private sector across a functional economic market area, should be encouraged and prioritised for government approval. All proposals to move to unitary or combined authority models should be scrutinised by the Prime Minister's Growth Council.
13. The Government should remove all legislative barriers that are preventing local authorities from collaborating within functional economic market areas, including moving to a unitary status.
14. Local authority council members should be elected using the same electoral cycle across England where the whole council is elected at the same time every four years.
15. Legislation should be passed to enable combined local authorities, and other combinations of authorities, that wish to elect a conurbation mayor to do so.

Whitehall – a confident, strategic centre of government

16. The Government should produce an overarching and long term National Growth Strategy and its vision for wealth creation, with concrete commitments against which it can be held to account.
17. A new National Growth Council should be established, chaired by the Prime Minister and with a strong, cross-government focus on driving growth and wealth creation.
18. Operational responsibility for implementation of the National Growth Strategy should rest with a designated minister, supported by a secretariat.
19. Government should establish a shadow Growth Council of permanent secretaries and Non-Executives chaired by the designated minister to drive implementation of the Growth Strategy across all departments.
20. Departments should include a growth commitment in their annual business plans setting out their contribution to the Growth Strategy over the previous year and planned action for the coming year. This should explicitly include how departments will use the economic levers available to them to support growth over the long term.
21. The role of Non-Executives in the development of growth commitments and departmental business plans should be strengthened and formalised. Non-Executives should have access to the Growth Council secretariat to support their enhanced role.
22. Departments should work with the public bodies they sponsor to ensure they explicitly consider their potential for wealth creation when developing business plans.
23. Government must continue to look at opportunities for devolving or transferring the functions of public bodies to the local level or to the private sector.
24. A Whitehall management information system must be introduced and should encompass management and financial data as set out in Annex F.
25. The Cabinet Office should work with departments to remove restrictions on departments recruiting externally for key skills and professionals – including disapplying general pay ceilings, recruitment freezes and redeployment pool policies. In making recruitment decisions, departments should focus on controlling their total salary costs. Where a recruitment breaks a pay ceiling, departmental Non-Executives should give their approval to the process and the appointment.
26. Departmental Non-Executives should be able to make recommendations on the appointment of permanent secretaries.
27. Barriers to secondments between the public and private sectors should be removed and secondment programmes in government departments should be reinvigorated.
28. Civil Service Learning should develop courses aimed at encouraging public and private sector people at all levels to train together.
29. Civil Service Learning should be recreated as a commercial body to train civil servants to perform more strategic roles and develop expert policy knowledge, and to market its services overseas.
30. Government departments should offer all major sectors of the economy the opportunity to form a relationship with government.
31. The Department and the sector should agree an appropriate level of interaction which is endorsed by the Growth Council. Each relationship should be set out in departmental growth commitments.
32. Lead departments should coordinate the Government's interaction with each sector, ensuring there is a constructive dialogue with mutual understanding and shared ownership of outcomes.
33. An Industry Council should be established for each formal partnership between government and a sector.
34. Government departments and industry sectors should jointly nominate lead trade associations to represent sectors in their dialogue with government and encourage the private sector to bring about a major rationalisation of trade associations to enhance the quality of the debate.
35. Government should increase the number of companies managed through the Strategic Relationship Management model and this should be used by all government departments.

Government and growth – catalyst, enabler, partner

36. Every government department should recruit a Chief Procurement Officer at competitive market rates, reporting direct to the permanent secretary, to lead the procurement and delivery of major projects and improve the capabilities of their procurement cadre. The department's Non-Executives should approve the selection process and appointments.
37. The Cabinet Office should place a general duty on all public bodies, setting out the procurement standards to which they should adhere, by providing a pan-government procurement strategy, legislating if necessary.
38. The Government should go further in its plans to build strategic relationships with industry, ensuring that the long term impact on technological advantage and the UK industrial base are taken into account in the procurement of specialist technologies.
39. The Government should continue to commit to the long term stability of the core funding of science and research, at a level which keeps pace with our international competitors.
40. UKTI should work with the Technology Strategy Board and the Research Councils to strengthen the marketing of the UK as an inward investment destination on the back on our world-renowned research excellence.
41. The Department for Business, Innovation and Skills and the Technology Strategy Board must set out a clear statement explaining how they and other government agencies will work with LEPs and the devolved administrations to better connect national strategy with local initiative.
42. All government departments, working through the Chief Scientific Advisers Committee, should consult with the Technology Strategy Board and Research Councils UK on the development of their growth commitments.
43. Rather than setting up duplicate teams across government, a single source of expertise for innovative procurement should be established that builds on existing work and successful mechanisms. This resource should help to aggregate demand and coordinate activity around shared innovation challenges, provide expertise, coordination and guidance, and scale up and develop innovative procurement initiatives.
44. The British Standards Institution, Technology Strategy Board and Research Councils UK should work together to ensure that new standards are set earlier in the development of new technologies in the UK.
45. The Government should survey the practices and procedures of all regulators involved in conjunction with the sectors affected with a view to simplifying procedures and avoiding unnecessary duplication between agencies.
46. Government should involve the private sector in drafting regulations so it is a collaborative process. It should invite trade associations, through the lead associations for their sectors, to submit precise redrafting of existing regulations prior to wider consultation on any changes.
47. Through its review of both the Principles of Economic Regulation and the Compliance Code for non-economic regulators, the Government should impose an obligation on regulators to take proper account of the economic consequences of their actions.
48. In preparing for any review process, regulators should invite the lead sectoral trade association (or a national body in the case of horizontal regulators) to analyse and publish evidence on the impact of the regulator's activities – both what it does and how it does it – on the businesses affected. This published evidence would then be available for analysis and comment by other interested parties.
49. Regulators should set out their service standards and cost recovery policies clearly, showing how much they will charge under what circumstances.
50. Regulators should publish policy statements showing how they will ensure that their decisions are both internally consistent across their geographic area, and consistent with those of any other bodies which regulate the same businesses.
51. All regulators should adopt systems of earned recognition and meet the cost of inspections carried out at the discretion of the regulator within any recognition period.
52. All non-economic regulators should publish policies showing how their customers can ask, without prejudice, for an independent second opinion on a regulatory decision or requirement.

53. The Government must continue to promote the British interest in Europe and all secretaries of state with EU business affecting their department should make bi-annual trips to Brussels to influence decision making throughout the EU policy making process. All departmental ministers with EU business should consider every proactive step possible to put Britain on the front foot at the negotiating table.
54. Government departments should develop greater capacity to identify forthcoming EU regulations well in advance.
55. The Planning Inspectorate should be given powers to investigate planning decisions proactively. The Government should also consider on a rolling basis all the possible options to inject urgency and purpose into the planning system.
56. The Government should consider the effectiveness of Local Development Orders and extend their use after consultation with affected parties to establish best practice.
57. The Government should consider using Special Development Orders to speed up specific planning decisions of strategic significance.
58. The Government Property Unit should work with local authorities to identify and publish details of all surplus and derelict public land on the EPIMS database so that LEPs and local authorities can collaborate to bring this land back into reuse in support of the local economic strategy.
59. The Government should set up a new Development Corporation under an independent chairman from the private sector, comprised of representatives of central government, the Mayor of London, London boroughs, Kent and Essex councils and with a majority of members from the private sector and related disciplines. It should not exceed 20 members. Once created the Corporation should be given the powers it needs to drive its vision for future growth. It should be able to bid for its funds from the single pot.
60. The Government should accept the need to clarify urgently its preferred solution to the problem of airport capacity in the South East and indicate that preference whilst making its implementation conditional on the outcome of the next election.
61. The Government needs to set out a definitive and unambiguous energy policy, including the supporting financial regime, to give the sector the certainty to invest.
62. The Government should initiate discussions through the Bank of England and, in cooperation with the appropriate regulators, seek one or more solutions to enable UK pension funds to invest in UK infrastructure assets. The Government should ensure that best practice applies to both public and private sector pension fund investments.

Private sector – broadening the capacity for excellence

63. The chambers of commerce could benefit from an enhanced legal status to support their role as coordinating hubs for business support and engagement at local level. The Government should consider legislating to give chambers basic statutory functions, whilst guaranteeing their continuing independence from government. It should provide for compensation if government opts out of these arrangements.
64. Government and the private sector should collaborate to create a strong and stable, locally-based, private sector business support infrastructure. This should be centred on an enhanced role for chambers of commerce. At the minimum, government should pursue option 2 and take all appropriate steps to secure its implementation.
65. Local authorities should publish the list of all businesses paying non-domestic rates so that chambers and other business representative bodies can identify businesses in their area more reliably, and seek to draw them into the local businesses support initiatives. There should be exceptions for businesses where the identification of business premises could give rise to security concerns.
66. An updated Code of Practice for Trade Associations should be developed. It should be given teeth by making compliance with the Code a condition for membership of the Trade Association Forum.
67. The Trade Association Forum should press ahead with the development of a competency framework for individuals to drive up professionalism within trade associations.
68. The Trade Association Forum should develop an enhanced directory of associations which is easily navigated through keyword searches.

69. In developing their economic plans, LEPs and chambers should consider ways in which leadership and management capabilities in local businesses can be raised making full use of local networks, local training providers and businesses themselves. Plans could, for example, incorporate commitments from large corporates and leading mid-size businesses to help raise leadership and management capacities in their supply chains.
70. The development of leadership and management skills should be integrated, where appropriate, into the education and skills system at every level, from schools through to higher education and vocational skills training. We need to see individuals having opportunities to develop their leadership and management capabilities earlier on in their working lives, alongside the development of technical or academic competencies.
71. As part of their growth commitments, departments should set out plans for sector-based supply chain programmes, learning from the experiences of the Advanced Manufacturing Supply Chain Initiative.
72. Government should ensure the availability of long term patient loan capital to growing businesses which do not want to dilute their equity. It should give serious consideration to tasking the new Business Bank to provide this either by itself or in partnership with the Business Growth Fund.
73. The Government should take a greater interest in foreign acquisitions from the perspective of the UK's industrial strategy priorities, using an enhanced sector knowledge and expertise. Government should do far more to engage with potential foreign investors in our core sectors to secure commitments to developing the UK research, skills and supply base, and in exceptional cases to discourage unwanted investments. We should underpin this by signalling a greater readiness to use existing powers in the Enterprise Act 2002 to allow ministers to consider takeovers and mergers to ensure our long term industrial capabilities are given proper consideration.

Education and skills – the foundation for growth and prosperity

74. All failing schools should be subject to the intervention process forthwith. There should be a clear timetable within which an improvement strategy for each school is agreed, with the education authorities using their powers to intervene if the head teacher and governors fail to act. If local authorities delay, central government should intervene.
75. The regional directors being appointed to lead Ofsted's new regional structure should be given formal powers to act swiftly where they identify problems in local schools.
76. Business engagement should be incorporated far deeper into the school curriculum in order to develop young people's understanding of business, increase their employability, and further their understanding of career and future training options and where they might lead. LEPs should consider how they engage with local schools and work with chambers to facilitate this.
77. The bureaucracy and paper work around work experience and work placements must be streamlined. DfE must be clear about what is absolutely necessary. Government must then ensure the removal of all regulations and requirements that place unnecessary burdens on employers, schools and colleges.
78. All boards of governors in secondary schools should include two influential local employers, at least one of whom should have good connections with the wider business community. This could be coordinated by the local chambers of commerce.
79. Local authorities should publish the Destination Measures for all secondary schools in their areas alongside academic attainment so that parents can make better informed choices, and to incentivise schools to give a higher priority to developing the employability of their leavers.
80. The existing budget lines for adult careers advice should be included in the single funding pot. Each LEP, as part of its local economic plan, should consider how careers advice is best provided in its area to meet the needs of both the adult population and the requirement under the Education Act 2011 for careers advice in schools.

81. The budget for vocational training for learners aged 19 and over, and all funding currently set aside for apprenticeships for those aged 16 and over, should be devolved to local areas through the single funding pot described in Chapter 2. This therefore calls into question the continuation of the Skills Funding Agency. Each LEP should incorporate skills needs within their local economic plans driven by the needs of local employers and the practical experience of FE colleges.
82. All FE learning providers must consult and agree their provision with LEPs to ensure that the courses they offer to 16-18 year olds reflect local labour requirements. In addition, any vocational courses delivered by FE providers to learners of any age must conform to the defined national standards set by employers and industry.
83. Action to address NEETs is best taken at the local level. Resources to tackle the problem should therefore be available from the single pot. Youth unemployment will not be a problem or priority for action in every area, but where it is, LEPs working with local authorities, employers and other local partners should develop proposals for reducing NEET numbers as part of their local economic plans.
84. Industry Councils should work with the higher education sector to ensure that courses are relevant, incorporate placements in industry, and match the skills for which there is demand. Government needs to consider incentives to encourage and develop this further.
85. Higher Education courses should, where appropriate, be a collaboration between employers and universities. For shortage subjects for which there is strong employer demand, universities and employers should develop models where a commitment from firms of between a third and a half of a student's course fees will commit the student to working for that employer for a fixed number of years after graduation. This should be taken forward by the relevant Industry Councils.
86. The Home Office should undertake a targeted communication programme to improve business understanding of the skilled worker immigration rules to align perception and reality.
87. Government should review the regulations relating to immigration policy as part of the Red Tape Challenge process.
88. Government should accelerate the pace at which it is tackling illegal immigration, overstayers and the backlog of residency applications. It should do this through a significant but temporary redeployment of public sector people and resource. The backlog should be tackled on a task and finish basis, with clear targets and milestones, so that the redeployment does not become permanent.

Making it happen

89. An experienced implementation team should be set up in the centre of government, including secondees from the private sector, LEPs and local authorities.

This page is intentionally left blank

MUNICIPAL YEAR 2012/2013 REPORT NO.**207A****MEETING TITLE AND DATE:****CABINET – 24th April 2013****COUNCIL – 17th July****2013****JOINT REPORT OF:**

Director of Schools and Children's Services

Director of Finance, Resources and Customer Services

Agenda – Part: 1**Item: 9****Subject: Garfield School Reprovision of a 3FE School****Wards: Southgate Green****Key Decision No: 3698****Cabinet Members consulted: Cllr Ayfer Orhan and Cllr Andrew Stafford**

Contact officer and telephone number:

Gary Barnes 0208 379 4250

E mail: gary.barnes@enfield.gov.uk**1. EXECUTIVE SUMMARY**

This report details proposals for the reprovision of Garfield Primary School rather than the originally proposed expansion. The reprovision will not only provide the necessary expansion required to meet the additional school places need, but enhance the teaching environment for all pupils in the school. The new facilities including a multi-use games area (MUGA) will enable the school to become a focal point for the local community and will enhance the planned Ladderswood estate regeneration.

2. RECOMMENDATIONS

- 2.1 Council is asked to consider the approval and adoption of the scheme in the Council's capital programme
- 2.2 Council is asked to note that Cabinet agreed to:
 - (a) The reprovision of the school rather than the expansion of the site.
 - (b) Approve funding for developing and submission of a new planning application to Planning Committee.
 - (c) Approval to seek, at an appropriate time, the approval of the Secretary of State to the disposal of Education land to delegate the detail of the extent of the land to be disposed of to the Cabinet Members for Children & Young Children and Finance & Property; and Directors of Schools & Children's Services and Finance, Resources and Customer Services.

- (d) The funding of the reprovion of the school as detailed in the Part 2 report.
- (e) Approve the tendering of the building works and disposal of any surplus land on the open market and delegate to the Cabinet Members for Children & Young Children and Finance & Property; and Directors of Schools & Children's Services and Finance, Resources and

3. BACKGROUND

- 3.1 The Garfield school site is situated in the south west corner of the Borough. The site is 4.066 acres and bordered by Upper Park and Springfield roads.
- 3.2 Currently Garfield school has been included within the Council's Primary Schools Expansion Programme (PEP). The proposal is to expand the current school site from a 2FE to a 3FE available as soon after the beginning of September 13 as possible. To this end as part of the PEP programme a planning application was submitted to the Council's Planning Committee on the 28th February 2013 detailing the expansion to the school, which was subsequently approved.
- 3.3 However, due to the complexities of the site and the need to schedule the school buildings expansion within the confines of the current build, the expected completion date for the expansion is now estimated for April 2014. In addition the original estimated development costs have increased; full details of the original cost estimates together with the revised estimates are included within the Part 2 report on this agenda.
- 3.4 Although the Governing Body have been very supportive of the Council's proposal to expand the school, they highlighted their concerns as to the current difficulties in managing and teaching on the site due to the difference in levels across the site. These variations in levels mean that it is difficult to access parts of the sites without traversing large numbers of stairs. Their concerns were that by expanding the school these issues would be exacerbated increasing the difficulty of managing the education process within the school. In addition the current accommodation is made up of a number of sprawling buildings of varying age, quality and design, with poor outdoor facilities particularly for the younger pupils.
- 3.5 The current site has a large soft play area of some 1.06 acres however, due to land falls and levels, a substantial elements of the area are unusable for extended times during the year.

- 3.6 The school is located adjacent to the proposed Ladderswood estate which is currently part of a regeneration programme.
- 3.7 Based on the above, officers were asked to consider the option of rebuilding the school within the current site rather than the agreed proposed school expansion. A new build option would not only improve the site in terms of education but would also be a new focal for the Ladderswood community.
- 3.8 A proposal outlining general land requirements for the new school including the size of land required for disposal (see Appendix 1) was submitted to the Governing Body on 16th April and was agreed in principle. Subject to Cabinet approval officers from Schools and Children's Services and Architectural Services will meet with representatives from the school to formalise a detailed proposal and agree a design brief.
- 3.9 To enable the additional costs of the build to be minimised, it is proposed to introduce a MUGA as well as a soft play area this will enable the school to increase its community focus by offering the facilities outside of school hours. In addition the intensification of use of the MUGA will enable the release of approximately 3800 square meters of land for disposal for residential development. Income from the disposal will be used to offset the additional cost of the new build compared to the original cost of the proposed expansion. The cost estimates both in terms of build and disposal values together with other agreed funding streams are detailed in the Part 2 report on this agenda.
- 3.10 Subject to approval of the proposals detailed in this report it is expected that the new build will be completed by September 2014, however, there is a need for additional school places from September 2013

4. ALTERNATIVE OPTIONS CONSIDERED

To provide the necessary additional school places via the addition of new classrooms whilst retaining the current school buildings.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The Council has an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. The redevelopment of the school will provide cost effective strategy to deliver the additional places required in the area.
- 5.2 It is recommended that Cabinet approve the proposed redevelopment of the school not only to provide the needed additional places but also

to improve the teaching environment at the site and to enhance the school as a focal point for the local community.

- 5.3 The school has made every effort to reduce any negative impact on the pupil learning experience from the poor quality environment, however a recent Ofsted inspection highlighted the additional pressure placed on staff due to the builds they are required to work in and recommended the need for improvements to the site.

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

6.1 Financial Implications

Please see the Part 2 report for financial implications

6.2 Legal Implications

- 6.2.1 Localism Act 2011 brought the general power of competence into force for principal local authorities and states that "A local authority has power to do anything that individuals generally may do" subject to the limitations set out in s.2 of the Localism Act.
- 6.2.2 Under s.14 of the Education Act 1996 to ensure that sufficient school places for both primary and secondary education are available within its area for children of compulsory school age. Section 111 of the Local Government Act 1972 further gives the Council the power to do anything ancillary to, incidental to or conducive to the discharge of its statutory functions. Together with responsibilities to ensure Council buildings are accessible the re-provision of the school will provide an opportunity to provide a modern facility.
- 6.2.3 Where the re-provision leads to surplus land Schedule 1 to the Academies Act 2010 extends the requirement to obtain Secretary of State consent to dispose of education land which has been used for any school in the last 8 years. In addition where disposal includes school playing fields a separate consent is also required under s.77 of the School Standards and Framework Act.
- 6.2.4 Should the consent of the secretary of state be obtained the Council has the power to dispose of land held by them in any manner they wish pursuant to Section 123 of the Local Government Act 1972, subject to certain provisions. The land will need to be identified as surplus and disposal will need to be in accordance with the Council's Property Procedure Rules. The Property Procedure Rules require that all disposals should be

made on a competitive basis. This will demonstrate that the Council are achieving the best price reasonably obtainable for each property.

- 6.2.5 Planning Permission will be required in respect of the re-provision of the school site and an application must be made in accordance with the Town and Country Planning Act 1990 (as amended). This will require statutory and public consultation including consultation in respect of the loss of playing field. Pursuant to the Council's constitution this matter will be required to be considered at planning committee. Works should not commence until such time as approval is given and any pre-commencement conditions (if required) by the planning permissions are discharged.
- 6.2.6 Any contract for the development of a suitable design and the contracts for the construction of the building will need to be tendered in accordance with the Council's Contract Procedure Rules and all agreements entered into will need to be in a form approved by the Assistant Director of Legal Services

6.3 Property Implications

- 6.3.1 The proposal as set out in this report will provide the additional primary places required within the immediate area. The proposal is a significant improvement on the PEP. Not only will it provide an enhanced learning environment but will also provide modern fit for purpose facilities.
- 6.3.2 The bulk of the current school site (including classrooms, playing fields and playgrounds) are not fully compliant with the Disability Discrimination Act (DDA) 2005 or the Equalities Act 2010 and place an added burden on the school in ensuring compliance which comes at an additional cost. Creating a new school will enable the school to function effectively and be inclusive and accessible to all.
- 6.3.3 The existing school will require investment into the fabric and its systems over the coming years. With the primary expansion programme of works for this school going over budget by 30%, a complete new build of the school will create financial savings over the longer term and enhance the school's longevity and sustainability.
- 6.3.4 The proposal to redevelop the school site and provide a new build school will result in the site's optimisation. The better site layout will allow some land to be released for alternative development that will command a positive capital receipt from its disposal. This receipt would be used towards the partial funding of the new school.

- 6.3.5 Disposal of land will need to be in accordance with the Council's Property Procedure Rules.
- 6.3.6 The current school building is located on a tight site, as shown in the appendices, and is constrained by differing land levels. Any new development will have to take account of this with regards to the design and cost implications of the development.
- 6.3.7 This proposal presents a challenging timetable; however, it could be achieved using modern methods of construction.
- 6.3.8 Once planning permission is gained Building Regulations will need to be adhered to as part of the enabling and construction works.
- 6.3.9 Further property implications are highlighted in Part 2.

7. KEY RISKS

7.1 Opposition to permanent expansion

It is possible that the local community could be a concern about the expansion of the school; however, this was not raised by stakeholders when the original planning application was submitted as part of the PEP programme. It is also proposed to form a stakeholder consultation group to ensure all parties are aware of involved in the redevelopment of the school

7.2 Delivery Timescales

The delivery of the new school for September 2014 will be challenging however, a detailed programme has been developed with clear programme milestones and progress of the scheme will be closely monitored closely by the Architects who will be managing the project, the Head Teacher and the Governing body, the Cabinet Member and Council officers at a senior level.

7.3 Planning Consent

Although Planning Committee approved the original planning application as part of the PEP programme it will be necessary to submit a new application which will require planning consent. The architects will follow pre-application so that designs presented to the Planning Committee are of a high quality and best placed for approval. However, there is clearly a risk at this stage that any application would be rejected.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

This proposal will result in pupil places being created in the area in order to meet demand which will also create employment opportunities for teaching and support staff. The proposed improvement to the will provide greater opportunities for enhanced community use.

8.2 Growth and Sustainability

By ensuring that places are provided in area will ensure that pupil mobility in the area is kept to a minimum. This therefore means that increased road travel is minimised and families can be encouraged to walk to school.

8.3 Strong Communities

The proposals outlined in this report will provide additional places in the area which will support the agreed regeneration of the Ladderswood estate which has already commenced, and will ensure that young children will not have to travel unmanageable distances to and from school.

9. EQUALITIES IMPACT IMPLICATIONS

An equality impact assessment was completed for approval as part of the Primary School Expansion Programme strategy in June 2012. The strategy was developed to ensure that there are sufficient places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to high quality education. In accordance with the publication of statutory notices, it will be necessary to complete full consultation with residents and parents where there is a proposal to permanently expand a school.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The provision of additional places at the school identified in this report will enable the Authority to meet its statutory duty to ensure the availability of sufficient pupil places to meet demand.

11. HEALTH AND SAFETY IMPLICATIONS

As the project will involve contractors working on existing school site, the Council will ensure that contractors provide the highest level of Health and Safety on site.

There are no specific health and safety implications other than the impact of additional traffic, generated by increased numbers at the school. Working with Highways, funding has been included in the cost summary to allow for traffic mitigation measures on the roads around the school. As part of the planning approval process a traffic impact assessment has to be submitted and the Planning committee will have to give approval.

12. PUBLIC HEALTH IMPLICATIONS

Providing primary school places in the areas where there is demand will encourage parents and carers to walk to school. This will impact on the health and well-being of the public in Enfield. Walking to school will encourage healthy lifestyles, and reduce pollution caused by traffic.

Background Papers

None

MUNICIPAL YEAR 2013/2014 REPORT NO. **13A**

MEETING TITLE AND DATE:Cabinet – 19th June (KD 3719)Council – 17th July 2013**REPORT OF:**

Directors of Schools and Children's
Services, and Finance, Resources
and Customer Services

Agenda – Part: 1**Item: 10**

Subject: SCHOOL EXPANSION PROGRAMME
PHASE 2 2013/14 – 2017/18

Wards: All

Cabinet Members consulted:

Cllr Ayfer Orhan and Cllr Andrew Stafford

Contact Officer:

Michael Toyer, telephone: (020) 8379 5485

e-mail: michael.toyer@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report updates the strategy for the provision of pupil places, last updated in June 2012 to establish phase one of the primary expansion programme. In response to the recent annual review of statistics about the demand for pupils, a comprehensive solution for delivering the extra places required up to 2017/18 is proposed. The demand for Primary school reception places is projected to be 15 forms of entry over the period with six required for September 2014 and a further nine for September 2017. This has been confirmed by an independent expert. Just under half of this demand is expected to be met by provision from Free/Academy Schools but the Council will need to plan to expand Local Authority maintained schools to ensure it continues to meet the statutory responsibility to provide sufficient school places in the borough.
- 1.2 Secondary school provision up to 2016/17 meets projected demand but demand and provision for 2017/18 will need to be kept under review to ensure that there is capacity in place. Recent projections show that there is expected to be demand for an extra eight forms of Secondary school entry above current and planned provision in September 2017. Population projections and the supply of places will continue to be reviewed annually and the programme updated accordingly.
- 1.3 Cabinet approval has been obtained to establish phase two of the school expansion programme and a provisional budget to run from 2013/14 to 2017/18, with Council being asked to approve its inclusion within the Capital Programme. This is required as known Free / Academy Primary school provision does not meet all demand. The Council programme will ensure the extra building capacity required is delivered so that the statutory duty to provide sufficient pupil places can still be met.
- 1.4 Cabinet approval included Delegated authority for a series of decisions to:
 - Establish the detailed programme and projects, including project level budgets within the programme; and
 - Agree procurement approaches, land transactions, place orders, submit planning applications and enter into contracts with required contractors.

2. RECOMMENDATIONS

- 2.1 Council is asked to note that Cabinet approved:
- 2.1.1 The updated strategy to provide the additional school places required between 2013/2014 and 2017/18;
 - 2.1.2 The establishment of the school expansion programme to run from 2013/14 to 2017/18;
 - 2.1.3 The recommendation to Full Council of a provisional budget of up to **£44.318 million** to deliver 1,680 extra Council funded Primary school reception places, including the cost of rebuilding and re-configuring existing schools between 2013/14 and 2017/18, subject to availability of funding, agreement of detailed scheme costs, and clear demonstration of value for money.
 - 2.1.4 That the projects and budgets for the new build of Garfield Primary School and the main scheme at Grange Park Primary school move into phase two of the school expansion programme with their budgets added to the programme budget referred to in paragraph 2.1.3.
 - 2.1.5 Delegated authority to the Cabinet Members for Children and Young People and for Finance and Property in consultation with the Directors of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on:
 - The individual schools and sites that can be expanded, and decisions on statutory expansions, to meet the need for extra pupil places up to 2017/18;
 - Entering in to contractual arrangements and placing orders for each expansion project; and
 - Conducting any necessary land transactions as individual schemes are developed.
 - 2.1.6 Delegated authority to the Directors of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on the:
 - Detail of programme and project management arrangements, including any subsequent changes to arrangements that are required;
 - Submission of planning applications; and
 - The appropriate procurement routes for individual schemes.
 - 2.1.7 Council is being asked to consider the approval and adoption of the for Phase 2 of the School Expansion Programme (as detailed above) in the Council's capital programme.

3. BACKGROUND

The Primary Expansion Programme

- 3.1 The Primary Expansion Programme (PEP) phase one will provide an additional 1,890 permanent school places across all year groups beginning in 2013/14 across eight schools and also includes increased capacity to support previous school expansions. An operating budget of £24.993 million was agreed in December 2012. A final budget will be agreed in the summer as part of the Key Decision on signing contracts (Memorandum of Agreement).
- 3.2 As each of the PEP schemes has developed, it has become necessary to adapt the programme in light of school consultation, site constraints and planning issues. The major changes have been:
- The removal of three schools from the current phase of the programme where it was clear that extra provision of Primary places for September 2013 was not feasible, the schools were:
 - Oakthorpe, site constraints and the views of the Governing Body;
 - Broomfield, the school entered an Ofsted category; and
 - Walker, the Governing Body did not support the proposed scheme to enable expansion.
 - An expansion of scope and specification at schools to deliver the best educational conditions possible and refurbish existing accommodation; and
 - Changes to phasing of the buildings, handover to schools and the opening of the new permanent buildings.
- 3.3 A summary of the deliverables for the PEP programme schools is set out below:
- 3.3.1 Chesterfield School
Replace inadequate accommodation to support improved educational outcomes and to allow bulge classes to complete their cycle at this 4FE school;
- 3.3.2 Prince of Wales Primary School
Complete the accommodation requirements of the school's permanent expansion from 2 FE to 3 FE;
- 3.3.3 Worcesters Primary School
Complete the accommodation requirements of the school's permanent expansion from 2 FE to 3 FE;
- 3.3.4 Highfield Primary School
Provide the additional accommodation to permanently expand the school from 2fe to 3FE;
- 3.3.5 George Spicer Primary School
Accommodate a permanent additional 2FE for the school with Reception and Key Stage One classes in a new building on the Kimberly Gardens Site;
- 3.3.6 Edmonton County, Bury Campus, all age school

Provide 2 FE of primary school accommodation at Bury Campus to make Edmonton County School an all age school. Project complicated by reconfiguring Secondary accommodation and will deliver primary school places from January 2014;

3.3.7 Grange Park Primary School

Provide the accommodation required by the School to permanently expand from 3 to 4FE. Reception classroom to be delivered for September 2013 with main scheme to be delivered for September 2014. The main scheme project will now sit in phase 2 of the School Expansion Programme;

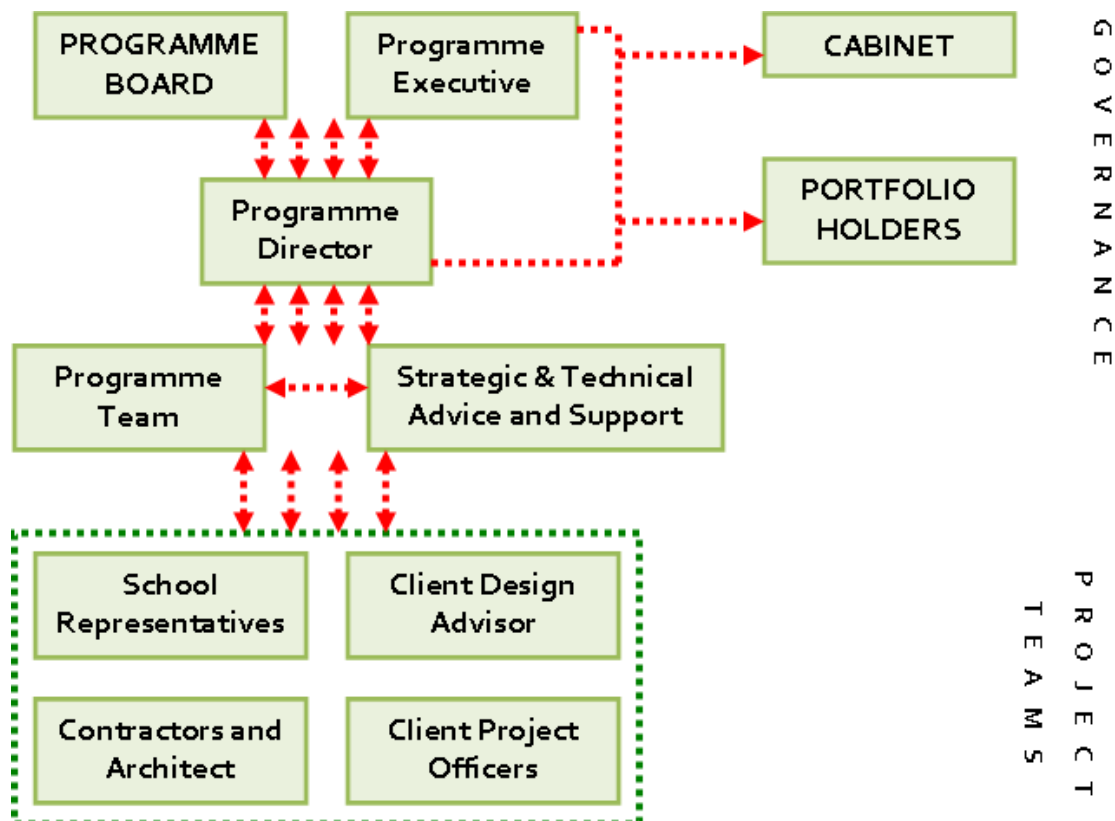
3.3.8 Garfield Primary School

Original scheme reviewed and the school will now be completely rebuilt to allow permanent expansion from 2FE to 3FE with a target date for completion of September 2014. Temporary accommodation for extra pupils will be in place for September 2013 and the project will now sit in phase two of the School Expansion Programme.

Programme and Project Structure for the PEP

- 3.4 The PEP has a complex programme structure due to the involvement of external parties in establishing the programme. The programme structure has changed over time to reflect changing roles of organisations involved and the current scheme is set out below. The general approach is that it was very much programme driven and top down in nature for the initial phase with a transition to project based in the run up to and beyond contract signature (Memorandum of Agreement).

PEP Programme Structure



Procurement for the PEP

- 3.5 The current programme is using the Scape Framework to secure the services of construction contractors. Scape undertook a procurement process to set up a framework for works that comply with the Public Contract Regulations 2006 in a two stage selection process under OJEU (Restricted procedure).
- 3.6 Corporate Procurement conducted due diligence of the Scape frameworks and have confirmed that it is set up in line with EU requirements. The most economically advantageous tenders were provided by Kier and Willmott Dixon.
- 3.7 The Scape framework is a perfectly acceptable option for procuring construction contractors and it has a value for money component built in. It is a very good choice when there is a programme imperative as it provides immediate access to contractors, certainty on contractor overheads and profit fees and a clear process roadmap for key milestones.
- 3.8 The Scape Framework prescribes use of NEC3 contracts, which is a change as JCT has historically been used for Council School construction contracts.

4. Proposal for a School Expansion Programme to deliver extra places between September 2014 and September 2017

The need for Primary School pupil places

- 4.1 Given the pressure on places in recent years an independent review was conducted in March to May 2013 by Openbox Consulting in, a company that has supported a number of local authorities with pupil place modelling. Openbox reviewed Council and Government data separately to the annual release of population projections from the Greater London Authority, that is used in pupil place projections, and the planning areas used by the Council. The main points from this review are as follows:
 - That the number of primary pupil place planning areas should be reduced from twelve to six;
 - That the Council should provide as extra 3% to 4% of places above projected demand to allow for fluctuations in population projections and to provide parents with a degree of choice;
 - Extra Primary reception places (four forms of entry) are needed in the North East Enfield area from 2014. Two further reception forms of entry are required from 2017 in this area;
 - Extra Primary reception places (two forms of entry) are needed in the South West of the borough from September 2014. Two further reception forms of entry are required from 2017 in this area;
 - For the North, West Central, South East and Hadley Wood areas existing capacity currently meets projected demand up to September 2016; and

- If the demand for extra places in September 2014 can be provided the population stabilises for two years but demand increases again for September 2017 which results in a need for extra Primary reception places in five of the six new primary pupil place planning areas.

4.2 The independent statistics supplied by Openbox Consulting have been compared with the most recent GLA population projections and they are broadly in line¹. There is little difference in the projected demand up to 2017/18. Separate reports will address potential changes to the pupil place planning areas and confirm which statistics should be used for planning the provision of places and which for the School Capacity Collection submissions to the Education Funding Agency. Population projections will continue to be reviewed annually to inform Council decisions on the provision of school places.

¹ Population projections currently available do not include the population increase from the planned housing developments in the Meridian Water regeneration scheme.

- 4.3 The table below shows in detail the need for Primary School places for September 2014 and September 2017. It should be noted that in all Primary school expansions the reception class is required initially, followed by extra classes for school years one to six to accommodate the increased number of pupils as they move up each year. Following a school expansion decision it takes seven years for the school to reach full capacity.

Primary School Need for Classes and Places in 2014/15 and 2017/18

Enfield Primary Areas	Extra capacity required for September 2014-20				Extra capacity required for September 2017-23			
	Reception classes in 2014	Total classes by 2020	Reception pupils in 2014	Total pupils by 2020	Reception classes in 2017	Total classes by 2023	Reception pupils in 2017	Total pupils by 2023
North East	Additional 4	28	120	840	Additional 2	14	60	420
North	0				Additional 1	7	30	210
West Central	0				Additional 1	7	30	210
South East	0				Additional 3	21	90	630
South West	Additional 2	14	60	420	Additional 2	14	60	420
Hadley Wood	0				Additional 0			
TOTALS	Additional 6	42	180	1,260	Additional 9	63	270	1,890

- 4.4 An initial list of Primary schools that have the potential to expand has been produced. Further feasibility work and consultation with the schools is required. The spread of those schools across the six pupil place planning areas is summarised in the table below.

Schools and sites with the potential for expansion between 2013 and 2017

- 4.5 The table below represents the list of options for providing extra school capacity that could help meet demand. For some planning areas there are more options for the provision of extra places than are required to meet demand. All options are subject to feasibility and consultation. As individual schemes progress through feasibility and consultation, final decisions will be made and the list of options will be updated to become confirmed schemes.

Primary Area	Schools/sites	Comments (need)	Comments (delivery)
North East Enfield	ARK John Keats Academy – ARK 1 (+1FE)	Required to meet projected demand for 2014	The school is considering whether to increase the planned Primary school intake by one form of entry.
	A primary school expansion (+1FE)	Required to meet projected demand for 2014	Subject to consultation, feasibility and funding.
	An all-age free school (+2FE)	Required to meet demand for 2014	Subject to consultation, feasibility and funding – would not be Council funded
	A potential expansion to create an all-age school (+2FE)	Required to meet demand for 2017	Subject to need, consultation, feasibility and funding
North Enfield	A primary school expansion (+1FE)	Option to meet demand for 2017	Subject to consultation, feasibility and funding. This option would require a land acquisition.
	St Johns (+0.5FE)	Option to meet demand for 2017	Classes are currently small and there is an opportunity to provide extra buildings to allow classes to become full-size
	A potential expansion to create an all-age school (+2FE)	Option to meet demand for 2017	Subject to need, consultation, feasibility and funding
West Central Enfield	A primary school expansion (+1FE)	Option to meet demand for 2017.	Subject to consultation, feasibility and funding
	Edmonton County (+2 FE) – transferred from stage one	Planned expansion helps meet current and future demand	Plans and contractors in place and will open in January 2014, funded by current PEP.

Primary Area	Schools/sites	Comments (need)	Comments (delivery)
South East Enfield	Bowes Annex (+1FE)	Option to meet projected demand for 2017	Some capacity in place, an opportunity to permanently expand by building four extra classrooms, if required.
	A new free school (+2FE)	Required to meet projected demand for 2017	Subject to consultation, feasibility and funding – would not be Council funded.
	Oasis 2 – Hadley (+1FE)	Required to meet projected demand for 2017	The school is considering whether to increase the Primary school intake by one form of entry.
South West Enfield	A potential expansion to create an all-age school (+2FE)	Option to meet demand for 2017	A longer term option and subject to consultation, feasibility and funding.
	A potential school expansion (+2 FE)	Required to meet demand for 2014	Option still in the initial stages of feasibility regarding the potential permanent site.
	A primary school expansion (+1FE)	Option to meet demand for 2017	A medium term option currently being negotiated with the Governing Body which has been carried forward from phase one and will be subject to further consultation, feasibility and funding.
Hadley Wood	No extra reception capacity needed		

- 4.6 The Department for Education has approved the Meridian Water Academy, which is in the south east area of the borough. The school is not included above as it will provide capacity to meet the demand for places resulting from the new housing that forms part of the Meridian Water regeneration scheme. That population increase is not yet included in the population projections used by the Council.

Secondary School Need for Classes and Places in 2014/15, 2015/16 and 2017/18

- 4.7 The report by Openbox Consulting also covered the demand for Secondary school places, the main points from the analysis of their projections were as follows:
- There is spare capacity in terms of Year 7 Secondary School places in the North of the Borough up to and beyond 2017/18 but these schools have a borough-wide catchment due to their central location;
 - In the East of the Borough an extra six Year 7 Secondary School classes are required in September 2014 then another seven for September 2015.
 - In September 2017 a further five Year 7 Secondary School classes are required in the East of the Borough with a further three Year 7 classes needed in the West.
- 4.8 The tables below shows the need for Secondary School places across the borough. There are fewer place planning areas as pupils of Secondary School age are more able to travel longer distances.

	Extra capacity required for September 2014			
Enfield Secondary Areas	Year 7 classes in 2014	Total classes by 2018	Year 7 pupils in 2014	Total pupils by 2018
East	Additional 6	30	180	900
North	0			
West	0			
TOTALS	Additional 6	30	180	900

	Extra capacity required for September 2015			
Enfield Secondary Areas	Year 7 classes in 2015	Total classes by 2019	Year 7 pupils in 2015	Total pupils by 2019
East	Additional 7	35	210	1,050
North	0			
West	0			
TOTALS	Additional 7	35	210	1,050

Enfield Secondary Areas	Extra capacity required for September 2017			
	Year 7 classes in 2017	Total classes by 2021	Year 7 pupils in 2017	Total pupils by 2021
East	5	25	150	750
North	0			
West	3	15	90	450
TOTALS	Additional 8	40	240	1,200

Schools and sites that will meet demand between 2014 and 2017

- 4.9 Up to September 2015 only the East of the borough needs to address an increase in demand. A combination of new provision from Heron Hall Academy (initially +3FE from September 2013 for three years rising to 6FE over time) and ARK John Keats (+6 FE from September 2014) plus existing capacity in the North area means that demand for Secondary School places can be met up to September 2016.
- 4.10 For 2017/18 a further eight forms of Secondary School entry will need to be provided. Current capacity and the progress of confirmed Free / Academy Schools will continue to be monitored. At this point in time ARK North Enfield Academy has been confirmed by the Department for Education as a new school in the borough for September 2014 but the provider will need to secure a site. It is expected that the school is likely to aim to provide an extra six forms of entry.
- 4.11 The independent statistics supplied by Openbox Consulting have been compared with the most recent GLA population projections and they are broadly in line. There is little difference in the projected demand up to 2017/18. Separate reports will address potential changes to the pupil place planning areas and confirm which statistics should be used for planning the provision of places and which for the School Capacity Collection submissions to the Education Funding Agency.

Proposal for the provision of extra school places to meet projected demand

- 4.12 Across the borough, the demand and supply of Primary school places can be summarised as follows:

Primary Provision	2014		2017		TOTAL	
	Extra forms of entry	Extra places	Extra forms of entry	Extra places	Extra forms of entry	Extra places
Projected Demand	6	1,260	9	1,890	15	3,150
Free/Academy school supply	3	630	4	840	7	1,470
Requirement for Council funded	3	630	5	1,050	8	1,680

supply						
--------	--	--	--	--	--	--

- 4.13 It is proposed that for the provision of extra Primary reception places the Local Authority puts in place a programme to:
- Investigate and deliver options to deliver an extra two forms of entry by September 2014 in the South West area of the Borough;
 - Investigate and deliver options to deliver an extra one form of entry by September 2014 in the North East area of the Borough;
 - Deliver extra building capacity to provide an extra five forms of entry at Primary schools by September 2017 including the cost of rebuilding and re-configuring existing schools through local authority funding; and
 - Monitor the progress of Free/Academy Schools that are seeking to provide places in the Borough.
- 4.14 It is proposed that for the provision of extra Secondary Year 7 places the Local Authority:
- Continues to monitor the progress of Free/ Academy Schools that are seeking to provide places in the Borough.
 - Reviews, in May 2014, the Secondary school pupil place projections alongside Free / Academy school applications then updates the strategy for providing places accordingly.

Special school places

- 4.15 The council recognises that the increase in pupil numbers across the borough will also impact on special school provision. Officers are currently carrying out an analysis of future demand for places and predicted areas of need. Where extra places are required then proposals will be brought forward accordingly.

Pupil Referral Unit places

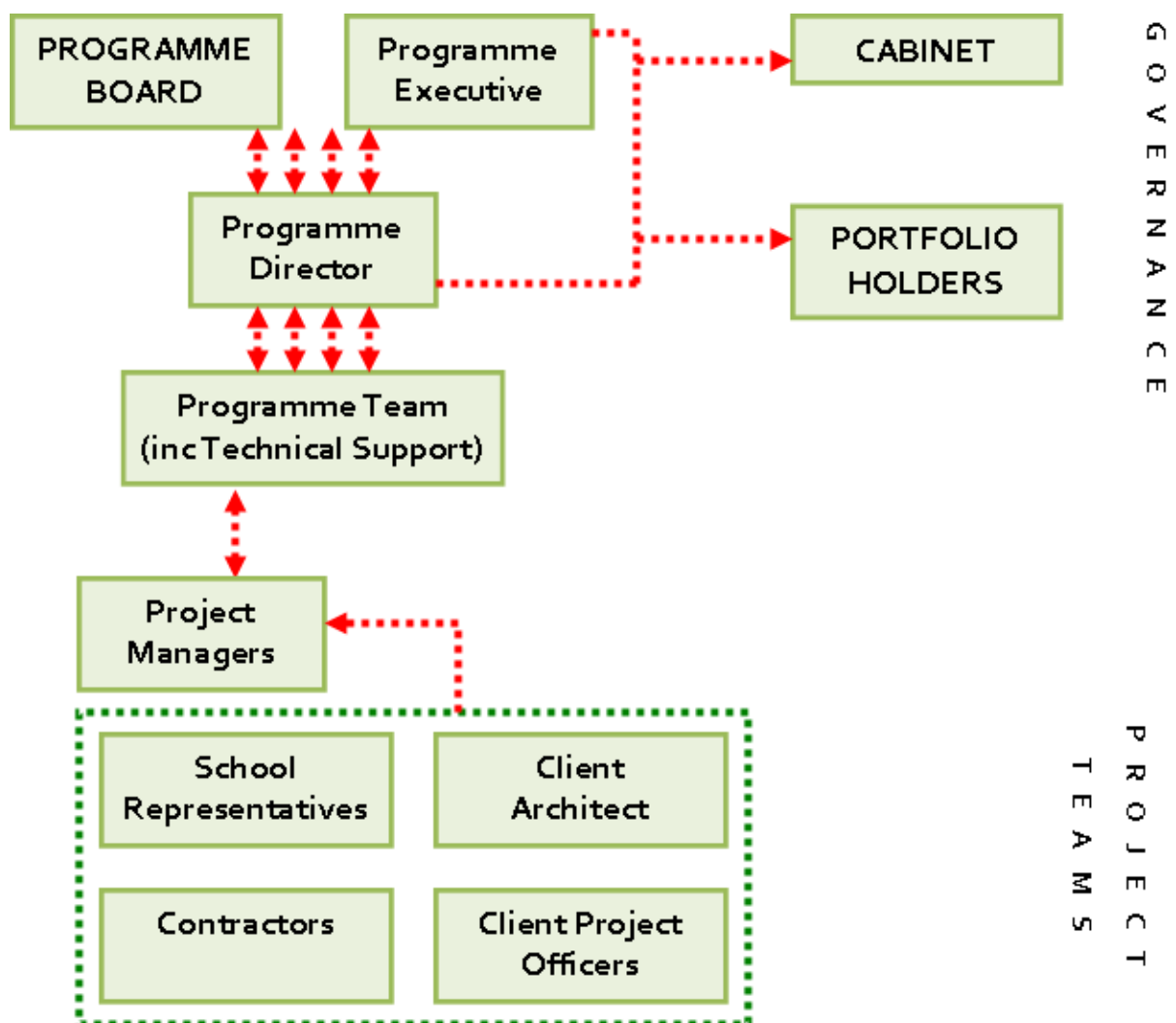
- 4.16 Recent legislation (April 2013) requires that all Pupil Referral Units are managed and funded in the same way as maintained schools. As part of the implementation of this change in legislation the Council is considering whether there is a need to increase places at the Enfield Secondary Tuition Centre.

Programme and project management

- 4.17 It is proposed that the next phase of the School Expansion Programme broadly uses the existing PEP structure, and is driven from the outset by a robust project approach and Project Managers that report into a modified Programme Management structure. This is essential to ensure each scheme's particular features, opportunities and constraints, as well as local views and needs, are addressed from the outset.
- 4.18 The changes result in changes to some of the key roles within the programme structure although reporting lines and Governance arrangements remain the same.
- 4.19 The key changes proposed are as follows:
- Use a Project Manager for each scheme using standard PRINCE2 methodology to manage and co-ordinate all work packages and report regularly to a more strategic programme team.

- Use a Client Architect leading a design team, instead of a Client Design Advisor. This role is critical to controlling time, cost and quality parameters and would be undertaken or directed by Council officers to ensure consistency of approach work with the Schools to develop designs and requirements for the contractors to respond to.
- Establish a Programme Team that includes technical advisors rather than using internal commissioning arrangements to incorporate a policy and challenge function.
- Formalise the Programme Executive to report to the Director of Schools and Children's Services and includes the Assistant Directors of Regeneration, Education, Finance and Property.
- Expand the feasibility reports to include a consideration of pupil movements in the planning area and the potential impact of the proposed expansion on the wider planning area.
- Introduce a clearer routemap for individual projects within the programme with a project review, or gateway report, at key stages.

Proposed School Expansion Programme Structure



Procurement

- 4.20 It is proposed that the Programme Team and Executive will consider appropriate options for procurement on a project by project basis. The options will generally be:
- Engaging construction contractors and/or technical advisors through established EU compliant frameworks, either directly ie via Scape or via running mini-competition exercises i.e. Government Procurement Services (GPS) in compliance with the framework terms; or
 - Conducting a tender exercise in accordance with the Councils Constitution including EU compliant tenders where applicable.
- 4.21 The procurement route for existing expansions schemes to be shifted under the new programme are as follows:
- Grange Park – continue with the Scape arrangements using Kier Construction;
 - Garfield – investigate the most appropriate procurement options for the scheme outlined in the 24th April Cabinet report.

Proposed Delegated Authority arrangements for the programme

- 4.22 Subject to Cabinet approval, to facilitate the establishment of the programme a series of delegated authorities are proposed.
- 4.23 It is proposed that Cabinet delegates authority to:
- (a) the Cabinet members for Children & Young People and Finance & Property, in consultation with the Directors of Schools & Children's Services and Finance, Resources & Customer Services, to take decisions on:
 - placing of orders with contractors;
 - award of contracts;
 - appropriate land transactions; and
 - establishing project level budgets
 - (b) the Directors of Schools & Children's Services and Finance, Resources & Customer Services to take decisions on the:
 - detailed programme management arrangements;
 - submission of planning applications;
 - the use and procurement of technical advisors (ie. quantity surveyors, architects, etc); and
 - procurement route for the works required for each scheme.
- 4.24 It is proposed that Cabinet approves that the Grange Park main scheme and Garfield new scheme are included within this next phase of the school expansion programme with the established scheme budgets added to the new programme budget and each scheme subject to the new programme management arrangements.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Enfield Council has a statutory responsibility to provide the necessary school places. The Primary Expansion Programme creates a mechanism to assist with the delivery of extra capacity required. Not providing places cannot be considered an option;
- 5.2 The following proposals have been considered but rejected:
- Increasing class sizes to over 30 pupils. Current legislation stipulates that Key Stage One classes cannot exceed 30 pupils with only one qualified teacher. This does not apply to Key Stage two. However, school accommodation does not normally allow for more than 30 pupils in one class base.
 - The use of community halls as emergency class bases. This option has been explored with a number of head teachers in relation to the development of the Partner School initiative. However, the revised strategy seeks to deliver a programme of permanent expansions.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Council has an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. This report sets out the proposed strategy and delivery arrangements to oversee delivery arrangements for schools with funding secured for expansion, to further develop options for expansion by conducting feasibility studies and consultation with the schools identified and to secure funding through opportunities that become available.
- 6.2 This strategy and delivery arrangements will deliver the additional reception places required in the areas of highest demand up to 2017/18. The expanded capacity aims to provide a higher level of flexibility built in to counter sudden increases in demand.

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

7.1 Financial Implications

- 7.1.1 The proposed programme budget for Cabinet approval is set out below. This budget total does not include Garfield and Grange Park as (subject to formal Council approval re Garfield - see separate report on Council agenda) both schools are included in the Capital Programme. However it is proposed that once the new phase of the programme is established that both schemes are included
- 7.1.2 To generate the budget below, outturn figures from recent modular and traditional built expansion and separate modular build schemes have been used to produce estimated costs for the purpose of setting a high level programme budget.

School expansion programme budget for phase two

Council funded pupil places required	Budget required for 2013/14 - 2017/18 (4.5 years)
630 new from 2014	£11,139,000
1,050 from 2017	£19,704,000
Allowance for re-configuring/rebuilding	£9,771,000
Land acquisitions	2,000,000
Programme management (at 4%)	£1,704,000
TOTAL	£44,318,000

- 7.1.3 The phasing of this budget across financial years is proposed as per the table below, which will need to be reviewed annually to allow for updated information that will come from feasibility studies, funding rounds and consultation.

2013/14	2014/15	2015/16	2016/17	2017/18
£4,765,621	£20,795,633	£3,296,469	£6,252,035	£9,207,602

- 7.1.4 As each project is developed through the stages of feasibility, planning and delivery relevant value for money tests will be applied. As design and procurement progresses individual project budgets and funding will be established and subject to further agreement. At that stage, relevant comparisons with Department for Education, Education Funding Agency and Cabinet Office Government Construction Cost bench marks will be made as these rely on metre squared rates being available.
- 7.1.5 It is proposed that the current budgets for the Grange Park main expansion scheme and Garfield new expansion scheme are transferred to this programme budget for operational reasons.
- 7.1.6 It is proposed that Cabinet delegates authority to the Cabinet Members for Children and Young People and for Finance and Property in consultation with the Directors of Schools and Children's Services and Finance, Resources and Customer Services to agree project level budgets within the overall programme budget and any subsequent project budget variance within the programme budget.
- 7.1.7 The availability of funding for the programme will depend upon future allocations of government grants such as Basic Need Grant and the outcome of the recent bid for Targeted Basic Need Grant, which is likely to be announced later this month. This bid was for up to £37 million, and, if this is successful, £24 million could be used to fund the expenditure in 2014/15 and 2015/16. The remaining £13 million is allocated to the provision of extra places through Free / Academy school schemes. Subsequent bidding rounds are uncertain but if conducted will be used to fund expenditure in 2016/17 and 2017/18.
- 7.1.8 If grant funding, as described in paragraph 7.1.7 is not forthcoming, decisions on individual schemes will need to be taken in the context of affordability, taking account of the significant impact that prudential borrowing would have

on revenue budgets. For every £1 million of borrowing, an additional pressure of £75k will need to be added to the annual revenue budget. Where there are other relevant opportunities in the future to bid for capital funding then these will be taken to contribute to the programme budget and minimise the Council's capital allocations and/or prudential borrowing.

7.2 Legal Implications

- 7.2.1 Section 14 of the Education Act 1996 requires that an authority ensures that sufficient school places are available within its area for children of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to actively plan to remedy any shortfall. Section 111 of the Local Government Act 1972, includes the power to do anything ancillary to, incidental to or conducive to the discharge of any of its statutory functions. The recommendations within this report are in accordance with these powers.
- 7.2.2 Each school expansion will be subject to the statutory consultation process prescribed by Section 19 of the Education and Inspections Act 2006, The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 and The School Organisation and Governance (Amendment)(England) Regulations 2009. There is also statutory and non statutory guidance (Expanding a Maintained School Guidance for Local Authorities and Governing Bodies) issued by The Department for Education. The decision on each statutory expansion will be made by the Cabinet Member for Children and Young People.
- 7.2.3 Where Planning Permission is required in respect of any school expansion that proceeds beyond feasibility considerations and initial consultation with schools such will be accordance with the Town and Country Planning Act 1990 (as amended). This will require statutory and public consultation. Pursuant to the Council's constitution such will be required to be considered at planning committee. Works should not commence until such time as approval is given and any pre-commencement conditions (if required) by the planning permissions are discharged.
- 7.2.4 In accordance with the Councils Constitution, in particular Contract Procedure Rules, the Council is able to utilise a range of EU compliant frameworks to engage the services of construction contractors or technical support staff such as architects or quantity surveyors. Any use of a framework must be in accordance with the framework terms.
- 7.2.5 All legal agreements will need to be in a form approved by the Assistant Director of Legal Services.
- 7.2.6 Any acquisition or disposal of land will need to be in accordance with the Council's Property Procedure Rules.

7.3 Property Implications

- 7.3.1 The Strategy set out in this report will provide additional primary places in local areas of need.

- 7.3.2 Where an acquisition may present itself, in order assist in the School Expansion Programme, these opportunities will be need to be assessed in more detail with feasibility and due diligence studies.
- 7.3.3 The budget put aside in table 7.1.1 suggests possible land values only. Stamp Duty Land Tax (SDLT), transactional costs (legal, surveyors and disbursements) and potential VAT are all excluded from the figures presented within this report.
- 7.3.4 The site values will depend upon the prevailing market conditions at the time, and external valuations may be required to support the acquisition of land.
- 7.3.5 The land acquisition strategy will be challenging. Several internal and external approvals will be required and the Council will need to obtain appropriate consents in place.
- 7.3.6 Relevant stakeholder consultation will be required from the outset to support either acquisition or disposal of land and gaining planning permissions. Consultees may include English Heritage, the Greater London Authority (GLA), Sports England and the appropriate Secretary of State.
- 7.3.7 The use of modular construction will assist with speeding up the construction process, but requires significant investment upfront in the design process. Additionally it has the potential to lower costs as compared with the traditional build routes. The modular construction also significantly improves a buildings environmental performance and overall sustainability.
- 7.3.8 To meet statutory requirements it is vital to ensure that the Council's financial accounts do not include buildings (or parts of buildings) that have been demolished. To ensure we have high quality records and meet our statutory obligations Education Asset Managers will complete a demolition notification form and return to Property Services.
- 7.3.9 An inventory list of any material procured and produced will need to be kept. In the event of failure, appropriate arrangements will need to be made for these supplies to be retained and secured for the Council until a decision is made on how best to dispose of them.
- 7.3.10 Property Services will need to be aware and sent the new data being generated for the expansion of these schools. These include floor plans with room data for the purposes of the Asset Management System, Atrium.
- 7.3.11 Property Services is to be involved from the outset with aspects of the expansion programme regarding project management, acquisition, disposal and other land development issues.
- 7.3.12 Once planning permission is gained Building Regulations will need to be adhered to as part of the enabling and construction works.

8. KEY RISKS

Additional capacity and contingency

- 8.1 The revised Provision of Primary Places Strategy has been revised by this report to set out the arrangements to commence delivery of a further 1,680 primary school places in the 2013/14 to 2017/18 period. This is in response to the recent review of pupil number projections. The next set of pupil number projections will be available in Spring 2014 and will be reviewed to inform the annual update to the strategy for providing school places. Our aim is to improve parental choice, and minimises the risk of providing insufficient pupil places.
- 8.2 There is a risk that if popular and successful Enfield schools near the borders of neighbouring boroughs are expanded then this could encourage an influx of pupils from those boroughs if they have not been successful in expanding their own provision.
- 8.3 Actual pupil numbers will be carefully monitored against projections, to ensure that the Council strives to provide places in the actual areas of demand (i.e. local places for local children). Officers will also continue to engage in regional and bilateral discussions about the provision of places to assess provision in other Boroughs.

Opposition to permanent expansion

- 8.4 A number of factors are likely to cause concern to some stakeholders, experience to date suggests that car parking and increased traffic flows will result in most opposition. The programme and project team members will work closely with schools and Governing Bodies to ensure that designs are of high quality and that issues of concern are addressed in the design proposals. The informal and statutory rounds of consultation will be managed in a way that makes them accessible to stakeholders, including residents, to maximise opportunities for input.

Basic Need Funding

- 8.5 The annual submission to the Department for Education (DfE) is based on identifying existing capacity in the system. Thus, close monitoring of pupil numbers and a review of projections will ensure that the Council is best placed to maximise any Basic Need Funding for the provision of school places.

Delivery Timescales

- 8.6 Each school year the Council will have to fulfil its statutory duty to provide sufficient school places. Programme and project milestones will be clearly identified and progress monitored closely by the Programme Executive and Board which is made up of stakeholders, Cabinet Members, Headteachers, Governors and Council officers at the most senior level.

Planning Consent

- 8.7 Each school expansion will require planning consent. During the initial design and pre-planning processes, architects will carefully follow pre-application advice that has been provided, so that designs presented to the Planning Committee will be of a high quality and best placed for approval. However, there is clearly a risk at this stage. Some flexibility regarding pupil numbers will

be provided within the programme to ensure that the Council meets its statutory duty to provide sufficient school places.

Costs

- 8.8 The estimated cost of expansion as outlined in the body of the report could well place additional strain on the Council's finances. If Government grant funding is not forthcoming then prudential borrowing might have to be a route to funding school expansion but this would have a significant impact on revenue budgets. For every £1 million of borrowing, an additional pressure of £75k will need to be added to the annual revenue budget.
- 8.9 The programme cost will be reviewed as part of an annual programme review in April that will consider the updated statistics on pupil places; levels of school provision, particularly planned Academy or Free School provision; and the progress of individual projects. Costs for each established project will be managed through the project and programme management arrangements and be subject to the Council's usual due diligence and value for money tests.

9. IMPACT ON COUNCIL PRIORITIES

Fairness for All

- 9.1 This proposal will result in pupil places being created across the Borough in order to meet demand in the relevant geographical areas which will also create employment opportunities for teaching and support staff. Further improvement and investment in school buildings will provide greater opportunities for enhanced community use.

Growth and Sustainability

- 9.2 By ensuring that places are provided in areas of highest demand, this will ensure that pupil mobility across the Borough is kept to a minimum. This therefore means that increased road travel is minimised and families can be encouraged to walk to school.

Strong Communities

- 9.3 The proposals outlined in this report will provide additional places in parts of the Borough where pressure on local schools is forecast to be greatest. The extra places provided in the neighbourhoods of highest demand will help satisfy demand in these specific areas and will ensure that young children will not have to travel unmanageable distances to and from school.
- 9.4 The proposals in this Strategy will allow the Authority to have greater control over the provision (and potential future reduction) of pupil places, allowing more opportunities to stabilise local communities and ensure that there are local places for local children,

10. EQUALITIES IMPACT IMPLICATIONS

- 10.1 An equality impact assessment was completed for approval of the overall strategy in June 2012. The strategy was developed to ensure that there are sufficient places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to high quality

education. The delivery of the strategy is updated annually following a review of pupil place projections. In accordance with the publication of statutory notices, full consultation with residents and parents on each proposed school expansion will be conducted.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 The provision of additional places at the schools identified in this report will enable the Authority to meet its statutory duty to ensure the availability of sufficient pupil places to meet demand.
- 11.2 The strategy presented in this report is consistent with the national agenda for expanding popular and successful schools.

12. HEALTH AND SAFETY IMPLICATIONS

- 12.1 As all of the school expansion projects will involve contractors working on existing school sites, the Council will ensure that contractors provide the highest level of Health and Safety on site and meet Criminal Records Bureau (CRB) requirements.
- 12.2 There are no specific health and safety implications other than the impact of additional traffic, generated by increased numbers at the PEP schools. Working with Highways, funding has been included in the cost summary to allow for traffic mitigation measures on each of the schemes. As part of the planning approvals process, traffic impact assessments have to be submitted for each scheme, and the Planning committee will have to give approval.

13. PUBLIC HEALTH IMPLICATIONS

- 13.1 Providing school places in the areas where there is demand will encourage parents and carers to walk to school. This will impact on the health and well-being of the public in Enfield. Walking to school will encourage healthy lifestyles, and reduce pollution caused by traffic.

This page is intentionally left blank

MUNICIPAL YEAR 2013/2014 REPORT NO. 45

MEETING TITLE AND DATE:
Council - 17th July 2013

REPORT OF:
Director - Environment

Agenda – Part: 1

Item: 11

Subject: Section 16 of the London Local Authorities and Transport for London Act 2003 (for the management of Illegal footway crossovers)

Wards: All

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 On 24 April 2013, Cabinet approved:

- a) Amendments to the technical standards for footway crossovers,
- b) A policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover,
- c) A policy for enforcement action where residents allow their vehicles to project from their forecourts and overhang the public footway

A copy of the Cabinet report (No.203) has been attached as background information

1.2 The new enforcement policy, 1.1(b) above, includes serving a section 16 notice, under the London Local Authorities and Transport for London Act 2003, on an occupier of a premises, who habitually permits vehicles to cross the footway, to require him to cease doing so if there is no footway crossover.

1.3 A resolution is now required by Full Council to agree a date upon which section 16 provisions will come into effect.

2. RECOMMENDATIONS

To agree that the appointed day for implementation of section 16 of the London Local Authorities and Transport for London Act 2003 be 1st November 2013.

ENV 13.24 Council

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	2 nd July 2013
Version	Final	Page	1 of 4	Date approved	
				Date of next review	N/A

3. BACKGROUND

- 3.1 On 24 April 2013, Cabinet approved a policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover.
- 3.2 The new enforcement policy includes the serving of a s16 notice (under the London Local Authorities and Transport for London Act 2003) on an occupier of a premises who habitually permits vehicles to cross the footway, to require him to cease doing so if there is no footway crossover.
- 3.3 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 At Full Council on 25th January 2012 a resolution was passed to adopt the provision of section 16 of the London Local Authorities and Transport for London Act 2003. This was agreed at that time to provide an option for managing illegal crossings, which has now been formally incorporated into the Council's policy for managing this issue which includes a number of options according to the specific situation. However, pursuant to section 3 of that Act, a further resolution is now required by Full Council to agree a date upon which those provisions will come into effect.

4. ALTERNATIVE OPTIONS CONSIDERED

None

5. REASONS FOR RECOMMENDATIONS

The London Local Authorities and Transport for London Act 2003 states that section 16 can not come into effect until the 'appointed day', which must be fixed by resolution of a borough council.

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

6.1 Financial Implications

None other than those identified in the Cabinet Report.

ENV 13.24 Council

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	2 nd July 2013
Version	Final	Page	2 of 4	Date approved	
				Date of next review	N/A

6.2 Legal Implications

- 6.2.1 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.
- 6.2.2 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 prior to s16 coming into operation. S16 notices will therefore only be of use where occupiers are driving across a footway into parking areas that do not comply with permitted development or do comply but were built after s.16 coming into operation
- 6.2.3 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.
- 6.2.4 The recommendations contained within this report are within the Council's powers and duties

6.3 Property Implications

None other than those identified in the Cabinet Report.

7. KEY RISKS

None other than those identified in the Cabinet Report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

As identified in the Cabinet Report.

8.2 Growth and Sustainability

As identified in the Cabinet Report.

ENV 13.24 Council

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	2 nd July 2013
Version	Final	Page	3 of 4	Date approved	
				Date of next review	N/A

8.3 Strong Communities

As identified in the Cabinet Report.

9. EQUALITIES IMPACT IMPLICATIONS

None other than those identified in the Cabinet Report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

None other than those identified in the Cabinet Report.

11. HEALTH AND SAFETY IMPLICATIONS

None other than those identified in the Cabinet Report.

12. PUBLIC HEALTH IMPLICATIONS

None other than those identified in the Cabinet Report.

Background Papers

None

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	2 nd July 2013
Version	Final	Page	4 of 4	Date approved	
				Date of next review	N/A

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).

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	1 of 11	Date approved	
				Date of next review	N/A

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

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	2 of 11	Date approved	
				Date of next review	N/A

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

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	3 of 11	Date approved	
				Date of next review	N/A

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.

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	4 of 11	Date approved	
				Date of next review	N/A

- 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

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	5 of 11	Date approved	
				Date of next review	N/A

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.

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	6 of 11	Date approved	
				Date of next review	N/A

- 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

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	7 of 11	Date approved	
				Date of next review	N/A

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 crossovers 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.

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	8 of 11	Date approved	
				Date of next review	N/A

- 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

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	9 of 11	Date approved	
				Date of next review	N/A

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.

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	10 of 11	Date approved	
				Date of next review	N/A

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.

\$320faxtj.doc

Author	Stephen Skinner	Classification	Un-classified	Date of First Issue	7 March 2013
Owner	Theresa Dodd	Issue Status		Date of Latest Re-Issue	22 March 2013
Version	Final	Page	11 of 11	Date approved	
				Date of next review	N/A

This page is intentionally left blank



**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.

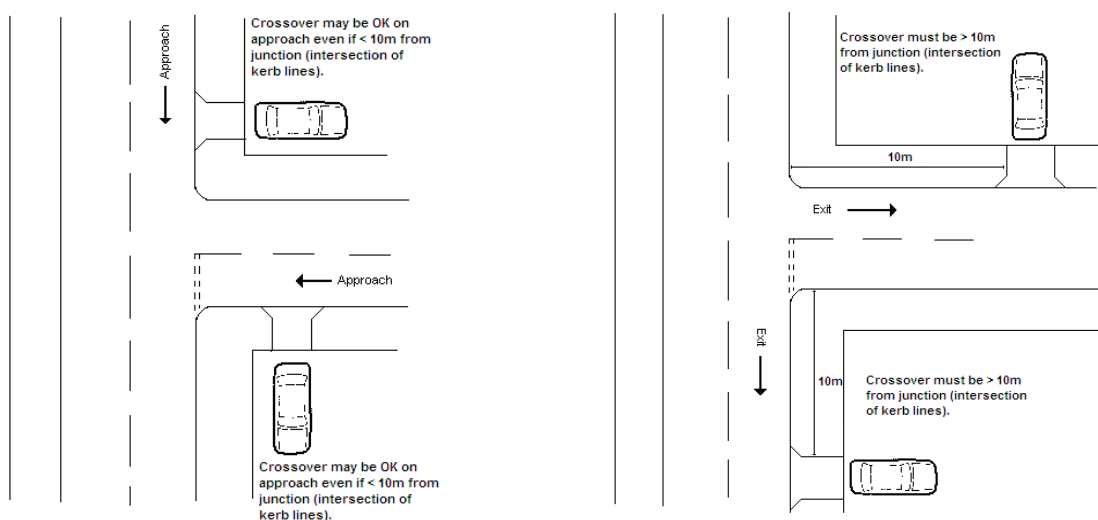
Road Safety

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.



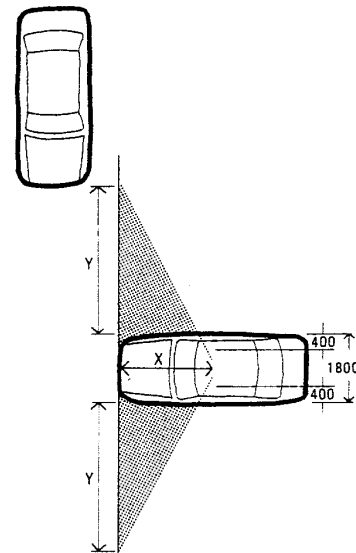
Visibility

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.

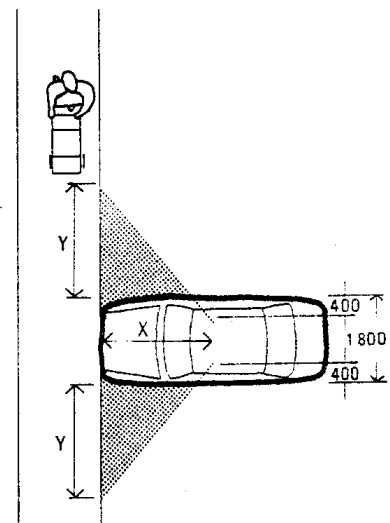


Footway Visibility

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	<p>A vehicle hardstanding should therefore normally be at least 4.8 metres deep</p> <p>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).</p>	<p>A vehicle parking area should therefore normally be at least 4.8 metres deep</p> <p>(Removed)</p>
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>

				width may need to be slightly exceeded to take account of site constraints, such as the bonding pattern of the paving, etc.
--	--	--	--	--

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.	(Removed)
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).	(Removed)

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.	<p>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.</p> <p><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.</p> <p><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.</p>
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.	<p><i>(Removed)</i></p> <p>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.</p>

			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.	(Removed)
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		<p><i>(Added) Planning Permission</i></p>		<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. (Removed)
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.	(Removed)

This page is intentionally left blank

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 pro-active 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.

This page is intentionally left blank

MUNICIPAL YEAR 2013/2014 REPORT NO. **29**

MEETING TITLE AND DATE:

 Cabinet - 10th July 2013

 Council – 17th July 2013

REPORT OF: Ray James

 Director of Health, Housing &
Adult Social Care

 Contact officer and telephone
number:

Pauline Kettless 0208 379 4725

E mail: Pauline.Kettless@enfield.gov.uk

Agenda - Part: 1
Item: 12
Subject: Reprovision Project – Next Steps
Wards: All
Key Decision No: 3593
**Cabinet Member consulted: Councillor
McGowan**

1. EXECUTIVE SUMMARY

- 1.1 This report proposes a way forward in terms of Next Steps in the development and delivery of the Re-provision Project.
- 1.2 Financial information can be found in Part 2 report.

2. RECOMMENDATIONS

- 2.1 Cabinet is asked to agree the commissioning and building of a dual registered nursing and residential care home and then separately the procurement of the service delivery aspect of the project , additional recommendations are contained in the Part 2 report.

3. BACKGROUND

- 3.1 The Reprovision Project remit has been to re-organise and improve care provision to older people through the reprovision of two Local Authority run Care Homes (Coppice Wood Lodge and Bridge House) that currently fall below CQC standards, and to establish a high quality service within a single new purpose built, state of the art building. It has been planned that the new facility would provide care and accommodation for 70 plus older people with Dementia related need on the former Elizabeth House Site, 1 Old Road, EN3.
- 3.2 The rapidly changing financial and market environment over the past few years has had a profound impact on procurement of these and similar services.
- 3.3 The Council over the past two years has sought to procure the Reprovision Project twice without success. The tender package offered to bidders was based on a design, build, operate, maintain model (DBOM) whereby the provider would be expected to enter into a long-term service contract to deliver the care service and would have to fund, develop and equip a suitable dual-registered care home facility to provide it from, which would be located on a Council owned site.
- 3.4 It is clear that there are factors within the wider market that should be considered as part of the next steps decision making process including:
- Over the last two years two significant providers have experienced considerable problems.
 - Although the care home property market was until 2010 perceived as being stable in terms of prices, during 2011 prices fell by 3.3% and the market does not appear to have recovered
 - 2011 saw 750 care homes re-assigned by landlords to new providers due to financial challenges, with 31,000 service users involved
- 3.5 Need for the service has been established through needs assessment.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Potential Options

Options considered are contained within the Part 2 report.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The proposed way forward, supported by related recommendations for consideration has been identified as posing least risk and offers the most viable approach, given the current market situation.

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

6.1 Financial Implications

Are contained in Part 2 report.

6.2 Legal Implications

- 6.2.1 The Authority is the Social Services authority for the London Borough of Enfield, within the meaning of the Local Authority Social Services Act 1970, and has the responsibility as defined under the National Health Service and Community Care Act 1990 to provide community care services.
- 6.2.2 The Authority is empowered to procure the provision of building works and care services pursuant to Section 1 of the Local Government (Contracts) Act 1997, Section 29 of the National Assistance Act 1948, Section 45 of the Health Service and Public Health Act 1968 and the Localism Act 2011. The provision of a residential and nursing care home at Elizabeth House is in accordance with the above legislative powers.
- 6.2.3 The Council must also adhere to the Duty of Best Value and must consider this duty in the manner in which the works and the services are provided in accordance with the Local Government Act 1999.
- 6.2.4 The resultant contracts must be in a form approved by the Assistant Director of Legal Services.

6.3 Property Implications

Are contained in Part 2 report.

7. KEY RISKS

- 7.1 Key risks are identified in Part 2 report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The tender processes will be conducted in accordance with both the Council's Contract Procedure Rules and EU procurement rules. Therefore the tender processes will be transparent and fair and encourage healthy competition within a specialist sector.

8.2 Growth and Sustainability

The new facility will offer potential work opportunities in an area of employment need in the Borough. It will contribute to the regeneration of the physical environment by the development of an attractive, quality building on a currently empty site.

8.3 Strong Communities

The new service will contribute to the community by providing a quality service to vulnerable older people in the borough, and support maintenance of family relationships, provide employment opportunity to borough residents and potentially be of benefit to other local businesses.

9. EQUALITIES IMPACT IMPLICATIONS

An Equalities Impact Assessment was undertaken to inform and support the previous procurement exercises, the findings and recommendations from this are still current

10. PERFORMANCE MANAGEMENT IMPLICATIONS

Contractual framework will have clear performance management requirements with monitoring taking place on a regular basis to ensure both timely delivery and quality.

11. HEALTH AND SAFETY IMPLICATIONS

Not applicable.

12. HR IMPLICATIONS

Are contained in the Part 2 report

13. PUBLIC HEALTH IMPLICATIONS

The development of the reprovion project on the former Elizabeth House site will create a major new nursing and social care residential facility which will provide enhanced benefit to the target service user group within Enfield.

Background Papers

None.

MUNICIPAL YEAR 2013/2014 – REPORT NO. 46

MEETING TITLE AND DATE

Council: 17th July 2013

REPORT OF:

Director of Finance, Resources and Customer Services

AGENDA PART 1

ITEM 13

SUBJECT:

**2014-18 Medium Term Financial Plan
Update and 2013 Spending
Round**

Cabinet Member consulted:
Councillor Andrew Stafford

Contacts: Richard Tyler Tel: 0208 379 4732
Isabel Britain Tel: 0208 379 4744
Ian Slater Tel: 0208 379 4034

1. EXECUTIVE SUMMARY

- 1.1 This report sets out the outcomes of the 2013 Spending Round and the medium term financial planning position of the Council. The Spending Round has confirmed that deep cuts lie ahead for local government in the future on top of the 33% funding reductions since 2010.

2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Notes the outcomes of the June 2013 Spending Round.
- 2.2 Notes the medium term financial position set out in Section 5.
- 2.3 Continues to lobby the Government to recognise Enfield's demographic and welfare pressures to ensure that they are fully reflected in its future grant distribution methodology.
- 2.4 Lobby local MPs to make representations to Government about the public spending reductions, and the unacceptability of damping which is making a difficult situation worse.

3. BACKGROUND

- 3.1 Local Government has faced significant cutbacks since the current Government came into power in 2010. The 2010 Spending Review set out a four year plan which in real terms contained 33% reductions to public sector funding. In addition to the grant reductions, there have been a number of other fundamental changes to local government funding, including:

- Local Business Rate Retention.
- Council Tax Support Localisation.
- Welfare Reform.
- Public Health Reform.

3.2 Grant Damping

Enfield continues to suffer from grant damping. Under this mechanism, funding is re-distributed from the original needs formula to prevent large year-on-year turbulence in individual authority grant levels. This has meant that Enfield continues to receive a lower proportion of funding than it has been calculated as needing by the government's own distribution formula.

The Council has been underfunded from grant damping ever since grant floors were introduced over a decade ago. The Council has lobbied through successive Administrations about this unjust situation and has lobbied the Secretary of State on more than one occasion but damping still remains an integral part of the system.

In theory, damping and floor protection should be a transitional arrangement that unwinds over several years to avoid significant swings in Government funding. This has proved not to be the case and the new funding arrangement which localises business rates will see the 2013/14 floor damping rolled into the 2014/15 base figures to become a fixed and permanent part of the system until the reset planned for 2020.

This is clearly unfair and the Council will take every opportunity to continue to lobby central government on this subject.

3.3 Council Tax Freeze Grant

Enfield has worked hard over the last four years to identify efficiencies and saving proposals in order to maintain frontline services whilst the grant cuts have been implemented. The Council has set a balanced budget and frozen Council Tax levels over each of these years and has maintained appropriate reserves and balances to safeguard against future risks.

During this period, the Government has provided grants to support a Council Tax Freeze. The Council Tax Freeze Grant, whilst welcome, is one-off funding and therefore builds up pressures for future years. It should be noted that for this reason 35% of authorities chose not to accept the Council Tax Freeze Grant offer in 2013/14.

The table below illustrates this point by showing how much money Enfield received or will receive in each year from the freeze grants and how much it would notionally have received by putting up the Council Tax by an equivalent amount.

Council Tax Freeze Grant		2011/12	2012/13	2013/14	2014/15	2015/16
		£000's	£000's	£000's	£000's	£000's
2011/12	3%	3,028	3,028	3,028	3,028	
2012/13	3%		3,050			
2013/14	1%			1,219	1,219	1,219
2014/15 (estimated)	1%				963	963
2015/16 (estimated)	1%					968
		3,028	6,078	4,247	5,210	3,150
Equivalent Council Tax Yield		3,028	6,078	7,297	8,260	9,228
Notional gap in resources		0	0	3,050	3,050	6,078

This table shows that by accepting the Freeze Grants the Council is balancing the books with time-limited funding rather than the ongoing yield from council tax increases. This process would work if the Council had freedom to increase council tax when the time limited grants cease, but this is restricted by the referendum process designed to cap tax increases at 2% or less.

3.4 Council Tax Support Localisation and Welfare Reform

The Government has replaced the national Council Tax Benefit scheme with local schemes of Council Tax Support. As reported earlier in the year, it is a significant change as:

- It is accompanied by reduced Government grant funding of the scheme (by 12%) and;
- The risk of any caseload increase is borne locally and will not attract additional grant funding.

Enfield Council is particularly adversely affected as it currently has the second highest Council Tax Benefit caseload in London. The Council is faced with funding a net £4.0m deficit (after Council Tax technical changes for 2013/14 are taken into account) from reduced payments of Council Tax Support compared with the previous (national) council tax benefit policy.

In Enfield, 27,000 households are being asked to contribute to their Council Tax bill for the first time. It is too early to provide meaningful collection data, but there is an obvious risk to these families' ability to pay. The Council is closely monitoring this situation and the impact it is having on Enfield.

Targeted interventions for those affected by Government welfare reforms

Successful joint working across council services and partners has enabled the identification of those affected by the benefit changes and proactive contact to be made either in person or by phone and letter. Those families and individuals most at risk have been prioritised for support. A joint taskforce comprising council, Citizens Advice Bureau and Job Centre Plus staff has worked together with families and where necessary, link with training providers, childcare places and money advice/debt counselling delivered by Enfield Citizen's Advice Bureau.

The key mitigations are finding employment, finding the additional money or moving to more affordable or smaller accommodation (in the case of under-occupation in the social rented sector).

Hardship Schemes

The Council is awarding hardship grants to families in severe financial hardship through its Discretionary Hardship Payments, Emergency Support Scheme and a new Council Tax Hardship Scheme. For leaseholders, a review of the Financial Assistance Package available to leaseholders has been completed and once the Authority's financial assumptions and requirements in the Business Plan are made available, recommendations for improvement of that support will be submitted for consideration.

Public Health Reform

As of 1st April 2013 Local Authorities have taken over public health responsibility from the NHS, for improving the health of their local population under the legislative framework of the Health and Social Care Act 2012.

The Department of Health (DH) announced in early January 2013 that the public health grant allocation for Enfield in 2013/14 will be £12.961 million rising by 10% to £14.257million in 2014/15. However it should be noted that Enfield has historically been underfunded in the area of Public Health. This was confirmed in the work carried out by the DH in determining the new Public Health grants. The baseline spend per head for 2013/14 is £36. The actual target is £48 per head. However, even though Enfield was one of the Boroughs to receive the maximum increase of 10%, the grant allocation equates to £40 per head i.e. £8 below target (circa £2.6million). The position for 2014/15 is similar, with a target of £50 per head but actual grant equating to £43 per head, i.e. £7 below target (circa £2.2million).

4. JUNE 2013 SPENDING ROUND

- 4.1 On 26 June 2013, the Chancellor of the Exchequer George Osborne revealed details of the Spending Round, outlining government spending plans for 2015-16. Unlike previous Spending Reviews, this year's Spending 'Round' related to one year only and has been announced earlier than usual.

The last Spending Review (SR2010) outlined spending plans for the four years up to and including 2014-15 as part of the government's plan to eliminate the structural deficit by 2015. Slower than anticipated economic growth has delayed the target date and meant further departmental spending cuts are being made in 2013-14 and are planned for 2014-15.

The 2013 Spending Round confirms a further £11.5 billion of reductions which will be made in 2015-16 and provides a breakdown of how these cuts fall across government departments. It also includes a package of growth measures designed to stimulate the economy including £3 billion of capital investment in infrastructure.

The 2013 Spending Round is set within the context of a challenging fiscal and economic environment. Economic growth since the last Spending Review has been slow, which has delayed the Coalition government's intention that the structural deficit (the gap between tax receipts and government spending when the economy is operating at full capacity) would be eliminated by 2015. The 2013 Budget provided updates on the government's two primary economic rules, outlined in the Spending Review of 2010:

- that the government balance the cyclically-adjusted current budget over the coming five years; and
- that net debt will reduce as a share of the economy by 2015-16.

The Office for Budget Responsibility (OBR) concluded that the government was 'on course' to meet the first fiscal mandate, but predicted that the second rule would be missed by two years with debt not falling until 2017-18. Further cuts of 1 per cent to government departmental budgets in 2014-15 were announced in the Budget and additional cuts of £11.5 billion were earmarked for 2015-16.

The overall cut to government expenditure limits has been distributed unevenly across government departments. Funding for health, schools, international development and frontline military has been protected, magnifying cuts for the remaining departments.

The Department for Communities and Local Government (DCLG) has received a larger cut than most other departments (at 10%), following the trend established at SR2010. From 2010-11 to 2014-15, the DCLG local government expenditure limits received the largest cut to funding (in cash terms) of any government department and one of the largest percentage cuts overall. As a result, core funding to councils has been cut by around 33 per cent in real terms over that period.

5. THE MEDIUM TERM POSITION – FUTURE OUTLOOK

- 5.1 The 10 per cent cut to the Department of Communities & Local Government budget in 2015-16 is concerning for local government, but perhaps more concerning is the outlined reductions to expenditure limits in 2016-17 and 2017-18. The Government also forecasts further reductions in expenditure across departments of 2.8 per cent in 2016-17 and 2.5 per cent in 2017-18. This suggests that local government will be hit even harder in those years if the protections awarded to other departments in 2015-16 are repeated.

It is clear therefore that further cuts across all Councils are here for several years to come. At his recent key note speech at the LGA conference the LGA chairman Cllr Sir Merrick Cockell said:

“Government taking big decisions may be tough but delivering them is tougher and dealing with the implications of such change day after day, year after year, well, that is toughest of all.

We have endured the steepest reductions over the current Spending Review with 33 per cent cuts in real terms. Now, with a single year further 10 per cent cut announced in the Spending Round we were confirmed, yet again, as the hardest hit part of the public sector.

We will have to deal with the impact on our residents. For many there will be a reduction, and in some cases, loss of important and valued local services such as culture, leisure facilities, school support, road maintenance and growth. We know from our own modeling work the current financial position of many councils is unsustainable in the medium to long term.”

The position for Enfield mirrors that set out across many other authorities. The spending round provided control totals at a national level and so there are a number of variables that need to be assumed to interpret the impact on Enfield. Full detail on the settlement at authority level for 2015/16 and future years is unlikely to be provided until autumn 2014

The table below shows that the medium term position will be difficult with significant savings requirements across the plan. The medium term financial plan presented to Council in February 2013 identified that these cuts were likely and the spending round announced on June 26th has confirmed that this is to be the case.

Despite this the Council is well placed to balance the budget in 2014/15. The planning process has already identified over £17m of savings for 2014/15 and a process is well underway to close the remaining gap. But it is clear that the Council faces stark choices over service delivery from 2015/16 onwards. These stark choices are likely to be mirrored with the need to reappraise the relationship between the Council and its community, building on the great strengths already in place in Enfield and stripping back unnecessary and unhelpful bureaucracy and process, whilst making greatest use of technology and self-service, and reducing citizens' reliance on the Council wherever possible.

	2014/15	2015/16	2016/17	2017/18#
Medium Term Financial Plan	£'000	£'000	£'000	£'000
Council Tax Base	96,343	96,864	98,899	100,877
Inflation	3,957	6,000	6,000	6,000
Additional costs of population growth	2,210	1,410	1,580	2,000
Other cost increases	2,206	2,066	3,300	2,500
Savings approved by (Council Feb13)	(17,829)	(2,760)	(1,267)	0
Reductions in Government Funding	15,886	11,547	6,900	7,000
Council Tax Collection	1,086	0	0	0
Savings Gap presented to Council (Feb 13)	(5,495)	(16,228)	(14,535)	(15,483)
Savings Gap March 13 Budget Announcement	(1,500)			
Budget Requirement	96,864	98,899	100,877	102,894
Taxbase	88,031	88,118	88,118	88,118
Band D Charge	£1,100.34	£1,122.35	£1,144.79	£1,167.68
% tax change	0.0%	2.0%	2.0%	2.0%

MTFP updated for 2017/18 since February Council Report

As stated in the Spending Review, the position is difficult from 2015/16 onwards.

The Council is preparing as well as it can for these cuts and has maintained the levels of balances and reserves it holds in order to mitigate risk and prepare for the difficult decisions ahead. All services are being reviewed for further efficiencies and all new procurements are subject to robust challenge to ensure value for money is delivered.

The Council continues its new ways of working programme designed to enable staff to work more flexibly thereby cutting back on office space and costs. The Council is also actively developing its website to further enable self serve and automation for customers.

6 ALTERNATIVE OPTIONS CONSIDERED

6.1 Not applicable to this report

7 REASONS FOR RECOMMENDATIONS

7.1 To ensure that members are aware of medium term financial position for the authority including all potential risks and reductions in government funding.

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

8.1 Finance Implications

Financial implications are implicit in the main body of this report. The Council needs to consider risk in its process in order that council reserves and balances will be appropriately set to ensure the continued financial stability of the Authority.

8.2 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.

9 KEY RISKS

- A reduction in fee income across all service areas has continued due to the recession and is being monitored in 2013/14 as part of the monthly budget monitoring regime.
- Welfare reforms especially relating to homelessness
- Increased demand for services which is subject to tight financial control in all areas of spend
- Other pressures arising from the state of the UK economy

10 EQUALITIES IMPACT IMPLICATIONS

10.1 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.

- 10.2 Financial reporting and planning is important in ensuring resources are used to deliver equitable services to all members of the community.

11 PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 The report provides clear evidence of sound financial management and efficient use of resources.

12 IMPACT ON COUNCIL PRIORITIES

- 12.1 Fairness for All – The Spending round and potential service reductions which may follow will impact on the Council's ability to deliver on this priority
- 12.2 Growth and Sustainability – The Spending round and potential service reductions which may follow will impact on the Council's ability to deliver on this priority
- 12.3 Strong Communities – The Spending round and potential service reductions which may follow will impact on the Council's ability to deliver on this priority

13 PUBLIC HEALTH IMPLICATION

There are no public health implications directly related to this report

MUNICIPAL YEAR 2013/2014 REPORT NO. **47**

MEETING TITLE AND DATE:
Council: 17th July 2013
REPORT OF:

 Director of Health,
Housing and Adult Social
Care

Agenda – Part: 1
Item: 14
Subject: Implementing Healthwatch in Enfield – delivery of the Healthwatch functions

Wards: All

Key Decision No: 3665

Cabinet Member consulted:

Councillor McGowan – Cabinet Member Adult Services, Care and Health

Contact officers and telephone numbers:

Michael Sprosson Tel: 020 8379 3961

 E mail: Michael.sprosson@enfield.gov.uk

Matt White Tel: 020 8379 8167

 Email: Matt.white@enfield.gov.uk

1. EXECUTIVE SUMMARY

1.1 The Health and Social Care Act 2012 introduced a statutory duty for, local authorities to establish, by incorporation or through commissioning, an effective replacement for the existing Local Involvement Networks (LiNs). Local Healthwatch organisations are being set up across the country, created by local authorities to ensure that the public and service users have a voice that influences health and social care services.

1.2 This report provides background and progress to date of the development and implementation of Healthwatch in Enfield and seeks full Council ratification to the creation of a Community Interest Company that will deliver Healthwatch functions in Enfield. .

2. RECOMMENDATIONS

The Council is requested to:

- 2.1 note the progress to date on developing and implementing Healthwatch in Enfield.
- 2.2 formally approve the creation of a Community Interest Company limited by guarantee, named as Enfield Consumers of Care and Health Organisation (ECCHO), that will take on the functions described in the Health and Social Care Act 2012.
- 2.3 note that subject to formal Council approval to establishment of the company, the Cabinet Member for Adult Services, Care & Health will be requested to agree by Portfolio decision, the provision of a grant (subject to conditions, including a satisfactory annual performance review) to ECCHO for delivery of the functions of the Local Healthwatch as provided under the Health and Social Care Act 2012 for the reasons contained herein.

3. BACKGROUND

- 3.1 Healthwatch Enfield will be at the heart of the local community, embracing Enfield's diversity, and playing a key part in enabling people to become active residents. As the independent local consumer champion for health and social care in the borough, it will effectively engage and involve individuals, organisations, professionals and the wider public to facilitate genuine improvements in health and social care services in Enfield.
- 3.2 Healthwatch Enfield will help to ensure people are aware of the health and social care services available to them and how they can get the best out of these services. It will also have a seat on the Enfield Health and Wellbeing Board, ensuring that the views and experiences of patients, service users, carers and others are taken into account when preparing local needs assessments and commissioning strategies, including the Joint Strategic Needs Assessment.
- 3.3 In its direction to local authorities, following the amendments to the Health and Social Care Act 2012, the Government is keen that Councils use flexible approaches in developing local Healthwatch organisations in the way that they think it will best serve their local communities. The Council has taken, and continues to take, account of the views of local people in making decisions about the way Healthwatch Enfield is set up and delivered.

3.4 In order to facilitate this process, officers ran two well attended workshops with residents and key stakeholders present. Approximately 150 people (interested individuals, voluntary and community organisations, patient, user and carer groups, local LINKs representatives) contributed to the visioning of Healthwatch Enfield with a particular focus on the organisational model. The Council also sought the views of the wider community through a postal and online questionnaire and through the Residents Panel survey. The Council is proceeding according to the overwhelming majority of respondent's feedback to this programme of engagement. It was agreed to:

- establish a Healthwatch Enfield Reference Group
- recruit a local Healthwatch Enfield Chair and Board members;
- support the development and implementation of a new independent Healthwatch Enfield organisation.

In response to the feedback from the consultation and engagement process the following action was undertaken:

3.5 Officers received more than 20 nominations for the membership of the proposed Reference Group. The purpose of the Reference Group, comprised of a broad representation from local voluntary and community groups, was to support the development and implementation of Healthwatch Enfield and to carry the messages of Healthwatch Enfield into the local community and to aid consultation. The Reference Group held its first meeting on 4th March 2013 and there was overall acceptance to the approach being taken to developing and implementing Healthwatch Enfield. It is envisaged that the Reference Group will play a key continuing role going forward, ensuring that the voice of Enfield people is heard.

3.6 In order to satisfy the requirements of the NHS bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and to fulfil this statutory responsibility from 1st April 2013, the Local Authority was required to facilitate the set-up of a legally constituted body corporate in the form of a Community Interest Company in order to deliver the Healthwatch function. The Community Interest Company was limited by guarantee and named as 'Enfield Consumers of Care and Health Organisation' (ECCHO). This was identified as the optimal governance model for the activities which needed to be delivered. The main reason for this being that the Articles of Association allow for different types of membership of the organisation that have distinct and clearly defined roles and responsibilities. Whilst the Company has been incorporated there has been no trading activity, pending full Council approval being sought to

the establishment of the Company (as required under the Council's Constitution). Two Council officers, the Joint Chief Commissioning Officer and the Head of Finance, Environment and Adult Social Care, have been named as the Directors and Subscribers to the company. In addition an Independent Chair and four Board Members have been recruited, along with a Chief Executive Officer.

- 3.7 The role of the independent Chair will include leading and developing Healthwatch Enfield as an independent organisation, setting the strategic plan and direction and introducing strong governance to enable Healthwatch Enfield to represent the views of Enfield's residents. Four members of the local community have been recruited as the Board Members all with a variety of skills and experience. The role of Board Members will be to act in the capacity of Director and Trustee contributing to the strategic direction of Healthwatch Enfield and the organisation responsible for delivery of statutory functions, and ensuring effective service delivery, and strong governance and management. The purpose of the Chief Executive Officer is to secure improvements to local health and social care services by collecting and using locally expressed views in a powerfully persuasive way; meet all statutory, regulatory and contractual requirements and to devise and execute a strategy for the effective and efficient delivery of the roles of Healthwatch Enfield and the organisation responsible for delivery of statutory functions. The Reference Group referred to earlier was involved in all of the above recruitment processes, however none of the appointments to the Company have yet been implemented pending approval to the establishment of the Company being confirmed by Council. Subject to approval being received, the Council Officers will resign from their position in the company in order to allow the independent appointments to take up their position.
- 3.8 In addition to the steps set out in 3.6 above, an interim signposting function was also set up within the Council's Access service in order to fulfil the immediate statutory responsibility from the 1st April 2013. This was designed to respond to enquiries from members of the public and provide information or guide to a direction where they could get the relevant information regarding health services. A telephone number (020 8379 8119) was issued to Healthwatch England and to NHS partners and has been publicised. In addition arrangements have been made to host the local Healthwatch Enfield website which has been installed and is currently in the final stages of construction www.healthwatchenfield.co.uk.
- 3.9 Council is now being asked to formally approve the creation of the limited company that will deliver the statutory Healthwatch functions in Enfield. The Council will not be the owner or a member of this company and will not have a role in the company's business or decision making.

- 3.10 Subject to formal Council approval to establishment of the company, the Cabinet Member for Adult Services, Care & Health will be asked to agree the provision of a grant (for a 2-year term) with the option to extend up to a further 3-years (subject to conditions, including a satisfactory annual performance review), to ECCHO for the benefit of the Enfield community by the delivery of the functions of the Local Healthwatch as provided under the Health and Social Care Act 2012, subject to negotiation of a service level agreement that will contain proportionate light touch processes to provide assurances of and validate service delivery, for the reasons contained herein.

4. THE COUNCIL'S ROLE

- 4.1 The Council recognises and values the operational independence of ECCHO and does not have the power to determine its work programme. The Council will not be an owner or member of ECCHO but will develop a Service Level Agreement between itself and ECCHO which will set out agreed key outcomes, outputs and will contain proportionate light touch processes to assure and validate service delivery. ECCHO will be grant funded by the Council and funding will be disbursed on a regular basis throughout the term on the basis that ECCHO demonstrates its ability to carry out its functions effectively through regular reporting and effective liaison.
- 4.3 In the event that there is any serious deficiency in ECCHO's performance, the Council would agree a recovery plan with ECCHO. The recovery plan would entail whatever changes the Council deems necessary to rectify performance; and further funding might be dependent on acceptance of and progress against the recovery plan.
- 4.4 In the unlikely event of fundamental failure by ECCHO, the Council would have the option of terminating the Service Level Agreement early and finding alternative provider(s). This may entail a competitive procurement. In this event, the Service Level Agreement will provide for the transfer of certain assets. In particular the membership list and records of issues raised with Local Healthwatch, to the Council or to an alternative provider(s).

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 An alternative to this proposal would be to commission and procure an external third party provider to deliver the function in the long term or in the interim but this was not local stakeholders' preferred option.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Health and Social Care Act 2012 states that local Healthwatch organisations must be a social enterprise (in the legal form of a Community Interest Company). Therefore in order to meet our statutory obligation, a body corporate was required to be in place for 01st April

2013. This report is now seeking formal approval to the establishment of the Company in accordance with the Council's Constitution.

- 6.2 The Council has a statutory responsibility (according to the Health and Social Care Act 2012) to commission and fund a Local Healthwatch in the borough that is effective and provides value for money. In a letter from the Director General for Social Care, Local Government and Care Partnerships, dated 2nd March 2012 and addressed to local authority chief executives to clarify their statutory duty to commission effective and efficient local Healthwatch organisations, it was stated that it will be up to local authorities to decide how they commission and fund local Healthwatch; this may include grant in aid funding with no automatic requirement to use the EU tender process and that each case should be considered on its merits.
- 6.3 The Government has made clear that, while the final decision about what each local Healthwatch will look like is for the Local Authority, this decision should be made in consultation with local community stakeholders : this underlines the principles of good commissioning based on active engagement to understand local need. From the extensive consultation and engagement carried out, local stakeholders asked for a new independent Local Healthwatch to be set up. The process described is consistent with the wishes of local stakeholders and is congruent with the approach being taken by other local authorities.

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

7.1 Financial Implications

- 7.1.1 The authority has been awarded a grant from DoH for the implementation of a local health watch in 2012/13 and additional allocations in 2013/14. Any cost associated with the start up of the local Enfield Heath Watch will be met from the grant (DoH circular ref: 17068). Any costs above the level of grant funding will need to be met from existing Health Housing and Adult Social Care resources.
- 7.1.2 The proposal to set up a company limited by guarantee will ensure that the board of trustees are protected from personal liability for the company.
- 7.1.3 The company is required to be registered with companies house and submit annual accounts.

7.2 Legal Implications

- 7.2.1 The Council has a statutory duty under section 221 of the Local Government and Public Involvement in Health Act 2007 (as

amended by the Health and Social Care Act 2012) to make contractual arrangements for ensuring that certain activities set out in that section are carried on in the Council's area. These activities include promoting, supporting and enabling local people to be involved in the commissioning, provision and scrutiny of local care services. The details of the arrangement to be made are set in The NHS bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Health watch) Regulations 2012 (statutory instrument no 3094("the Regulations").

7.2.2 The Regulations require that the contractual arrangements are made with a social enterprise. On 18th April 2013 the ECCHO was incorporated as a community interest company on a not for profit basis. Section 1 of the Localism Act 2011 empowers the Council to do anything an individual may generally do unless the Council is expressly prohibited otherwise. The setting up of the company is in accordance with this power.

7.2.3 The Council must ensure compliance with its constitution in regards to the setting up of the company. Under the Council's Constitution the establishment of any companies or trusts or acquiring share capital in companies other than on behalf of the Pension Fund Investment Panel is listed as a matter reserved for Council. This report seeks ratification of full Council for the matters set out in section 2 of the report.

7.2.4 The Council must be mindful that any arrangements it makes the company following the incorporation must be in accordance the Council's Contract Procedure Rules, the Public Contracts Regulations 2006 and the European rules on state aid.

7.3 Property Implications

7.3.1 There are no property implications in regard to this proposal at this time.

8. KEY RISKS

8.1 Where risks exist to project delivery they will be closely managed through robust processes to assure and validate service delivery.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

This proposal is aligned with the Council's aim of serving the whole borough fairly as it promotes inclusiveness and wider representation.

9.2 Growth and Sustainability

Building and funding a new local organisation would help promote growth and sustainability locally.

9.3 Strong Communities

The proposal aims to strengthen the voices of the local community in shaping and improving the local health and social care services they receive. This will have a positive contribution towards building strong and inclusive community.

10. EQUALITIES IMPACT IMPLICATIONS

- 10.1 The proposals will provide opportunities for all sections of the community to be able to shape an inclusive and responsive local organisation.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

- 11.1 This proposal will primarily allow the Council to meet its statutory requirements.
- 11.2 Better public involvement will also contribute towards the Council achieving better care outcomes for its residents and better results in its performance management and assessment.
- 11.3 Effective, light touch and proportionate processes will be implemented that will monitor the results of activities and the delivery of outcomes. .

12. PUBLIC HEALTH IMPLICATIONS

- 12.1 Having a robust health champion reflecting resident needs and priorities will be essential in ensuring that local health services are responsive and equitable.

Background Papers

None included.

MUNICIPAL YEAR 2013/2014 REPORT NO: 48**MEETING TITLE AND DATE:**

Members & Democratic
Services Group – 8 July
2013
Council – 17th July 2013

REPORT OF:

Director of Finance
Resources & Customer
Services

Agenda – Part: 1	Item: 15
Subject: Reference from Members & Democratic Services Group – Amendment to Constitution: Councillor Conduct Committee & Member Code of Conduct All wards	
Cabinet & Other Members consulted: n/a	

Contact: John Austin – Assistant Director Corporate Governance (020 8379 4094)

E mail: John.Austin@enfield.gov.uk

1. EXECUTIVE SUMMARY

This report is seeking approval to changes to the Terms of Reference for the Councillor Conduct Committee and Member Code of Conduct, following a review undertaken by the Councillor Conduct Committee.

2. RECOMMENDATIONS

Council is asked to consider and approve the amendments to the Terms of Reference for the Councillor Conduct Committee and Member Code of Conduct, as detailed in section 3.1.2 of the report.

3. BACKGROUND**3.1 Councillor Conduct Committee**

- 3.1.1 At the last meeting of the Councillor Conduct Committee (2 May 2013) members were asked to consider the outcome of discussions between the Monitoring Officer, Assistant Director Legal Services and Council's two Independent Persons in relation to a number of

issues affecting the Member Code of Conduct and Terms of Reference for the Committee.

3.1.2 As a result of these discussion the Committee agreed:

- (a) That standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents be incorporated within the Code of Conduct with the following wording:
 - (i) An allowance, payment or indemnity given to members or any ceremonial honour given to members.
 - (ii) Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
 - (iii) Housing matters and rents (provided that those functions do not relate particularly to the members tenancy or lease).
- (b) The procedure for handling complaints against councillors and co-opted members should be specifically referred to within the Members Code of Conduct with a paragraph added after the existing paragraph 20 as follows: "All complaints will be dealt with according to the Council's Procedure for Handling Complaints against Councillors and Co-opted Members as set out in Appendix A to the Code of Conduct."
- (c) To amend its Terms of Reference in order to reflect the wider remit of the previous Standards Committee. This would involve the current Terms of Reference being amended from

"To deal with policy, complaints against councillors and issues concerning the members Code of Conduct"

To include the following additions:
 - (i) To promote and maintain high standards of conduct by councillors and all co-opted members.
 - (ii) To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution
 - (iii) To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council

on the adoption or revision of the Code and all other codes within the Constitution

- (iv) To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- (v) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee

3.1.3 Given the impact on Members, these changes, although approved by the Councillor Conduct Committee, were also referred onto the Members & Democratic Services Group for consideration prior to recommendation onto Council. The Members and Democratic Services Group at their meeting on 8 July 2013, approved the changes and recommended that they be referred on to Council for final approval.

4. ALTERNATIVE OPTIONS CONSIDERED

None – The changes to the Councillor Conduct Committee Terms of Reference and Code of Conduct have been referred onto Council following detailed review by the Councillor Conduct Committee and consideration of the Members and Democratic Services Group.

5. REASONS FOR RECOMMENDATIONS

To reflect the changes agreed by the Councillor Conduct Committee. The review undertaken has sought to reflect good practice and the experience in operating the relevant practices and procedures.

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

6.1 Financial Implications

None – the changes required to the Constitution will be met from within existing resources.

6.2 Legal Implications

The recommendations within the report have been designed to reflect, as part of the Council's Constitution, the requirements within the Localism Act 2011, Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

7. KEY RISKS

The changes proposed to the Code of Conduct had been designed to address concerns around the absence of clear guidance relating to the Member Code of Conduct which it was felt could lead to breaches and complaints.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All & Strong Communities

The changes recommended by the Councillor Conduct Committee are aimed at strengthening the representative role of ward councillors which will benefit all members of the communities they serve.

9. EQUALITIES IMPACT IMPLICATIONS

It has not been necessary to carry out an Equalities Impact Assessment in relation to this proposal.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The review undertaken by the Councillor Conduct Committee was undertaken to provide clear guidance and assist the Council in managing its business in as efficient and effective a way as possible.

11. PUBLIC HEALTH IMPLICATIONS

There are no specific public health implications arising from the proposals within this report.

Background Papers

None

London Borough of Enfield

Councillor Conduct Committee

Annual Report 2012/13

1. INTRODUCTION

This is the first Annual Report of the London Borough of Enfield's newly formed Councillor Conduct Committee. It sets out the key issues we have dealt with during the past year and looks ahead to our priorities for 2013/14.

2. MEMBERSHIP

The Councillor Conduct Committee in 2012/13 was made up of four councillors (two from each party, including each of the party whips), supported by two independent persons.

Councillors

Councillors: Yasemin Brett (Chair), Chris Murphy, Michael Rye and Tom Waterhouse (Vice Chair)

Independent Persons

Lawrence Greenberg (appointed 7 November 2012 for a term of office ending on 30 June 2013)

Christine Chamberlain (appointed 30 January 2013 for a term of office ending on 30 June 2014)

Officers

The Committee's lead officers were John Austin (Assistant Director of Governance and Monitoring Officer), Asmat Hussain (Assistant Director Legal Services and Deputy Monitoring Officer) and Penelope Williams (Committee Secretary).

3. TERMS OF REFERENCE

The terms of reference of the Councillor Conduct Committee, as set out in the Council's Constitution (see Part 2 – Section 2.7), are to deal with policy, complaints against councillors and issues concerning the members' Code of Conduct. The Committee is ultimately responsible for the promotion and monitoring of high standards of conduct among Enfield councillors.

It also provides advice on the code of conduct for both councillors and co-opted members, on member training, and can grant dispensations to members from requirements relating to members' disclosable pecuniary interests.

In May 2013 the Committee agreed changes to the original terms of reference to include the following:

- To promote and maintain high standards of conduct by councillors and all co-opted members.
- To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.
- To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

These changes are due to be ratified by Council in July 2013.

4. MEETINGS

The Committee held ten meetings during the year: on 13 June 2012, 8 August 2012, 17 September 2012, 8 October 2012, 17 October 2012, 16 January 2013, 28 January 2013, 14 February 2013, 14 March 2013 and 2 May 2013. Three dealt with the appointment of independent persons.

5. CHANGES TO THE STANDARDS REGIME

- 5.1 The Localism Act (November 2011) made fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities. Previously local authorities were obliged by law to adopt a national code of conduct and to have a Standards Committee to oversee the behaviour of their councillors and receive complaints. This no longer applies.

Instead, local authorities, who have as before a responsibility to provide and maintain high standards of conduct amongst councillors, have had to draw up their own local codes. It also became a criminal offence for councillors to deliberately withhold or misrepresent a financial interest.

The new arrangements came into effect on 1 July 2012.

- 5.2 On 30 March 2012 Council agreed to replace the Standards Committee with the Councillor Conduct Committee.
- 5.3 At our first meeting the Councillor Conduct Committee considered and agreed a new code of conduct and complaints procedure which were put to Council for approval in July 2012.
- 5.4 There was some discretion as to what should be included new code provided that it was consistent with the seven principles listed below.

Enfield's code was based on the old code with the addition of the new requirement for registering and disclosure of disclosable pecuniary, other pecuniary and non pecuniary interests.

As required under the act, the new code of conduct was consistent with the following seven principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Committee decided that in addition the following principles which had been in the old code should be included as well as a public interest test for councillors to follow.

- Respect for others
- Duty to uphold the law
- Stewardship

“Would a member of the public, with knowledge of the relevant facts, reasonably regard your interest as so significant that it is likely to prejudice your judgement of the public interest?”

- 5.5 The new code included the requirement that disclosable pecuniary, other pecuniary and non pecuniary interests must be declared and registered. Members with disclosable pecuniary interests still have to withdraw completely from a meeting where the relevant item is being discussed.
- 5.6 The Committee decided that members should continue to refresh their register of interests at least annually, even though this was no longer a statutory requirement and that disclosable pecuniary interests' must be declared at meetings, even though they may have stated them on the register or have notifications pending.
- 5.7 A new complaints process was also drawn up providing a much more streamlined process. Under this new process the Monitoring Officer in consultation with one of the independent persons was given delegated authority to filter complaints and to decide whether they merited investigation or could seek alternative ways to resolve them.
- 5.8 If appropriate, the Monitoring Officer (in consultation with the Independent Person) can refer the outcome of an investigation to the Councillor Conduct Committee. The Committee will consider the investigating officer's report including evidence and representations from

both parties associated with the complaint and decide whether or not there has been a breach of the code of conduct.

- 5.9** The parties involved in the complaint will have a right of appeal, but only where the decision taken was considered unreasonable or procedurally flawed or where new evidence was produced which, if available at the time of the original decision, may have changed the outcome.
- 5.10** Changes were made to how dispensations could be dealt with. The Monitoring Officer was delegated the power to grant dispensations in cases where so many members have disclosable pecuniary interests in a matter that it would “impede the transaction of the business” and where without the dispensation, the representation of different political groups would be upset so as to alter the outcome of any vote. Other dispensations have to be considered by the Councillor Conduct Committee.

6. INDEPENDENT PERSONS

The Localism Act provided that all local authorities had to appoint an Independent Person or Persons to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield decided to appoint two Independent Persons who work closely with the Council’s Monitoring Officer.

The main role of an Independent Person is to be available to be consulted on decisions to investigate complaints, and before a decision is made, on an investigated complaint. On top of this they can be consulted on other standards’ matters, including by the member who is subject to an allegation.

They are also expected to develop a sound understanding of the ethical framework, as it operates within the Council and to act as advocate and ambassador for the Council in promoting ethical behaviour.

Advertisements were placed on the Council website and in local papers, with information on the positions sent to local voluntary groups.

In October, Lawrence Greenberg, the former chair of the Standards Committee, was appointed, but in accordance with the requirements of the Localism Act his term of office comes to an end on 30 June 2013. He was joined in January by Christine Chamberlain, a local magistrate who is very experienced in arbitration matters and Chair of the Independent School Appeals Panel. We are currently recruiting for a replacement to Lawrence Greenberg.

Since appointment, they have worked with the monitoring officer on complaints received about councillors and attended meetings to discuss changes to dispensations, disclosable pecuniary interests, other interests, the complaints procedure and the committee terms of

reference.

7. THE COMMITTEE'S WORK PROGRAMME - 2012/13

We adopted a work programme for the year, which this year has been focused on bringing in, establishing and reviewing the changes which have been made to the standards regime. The main items discussed this year are listed below.

7.1 Councillor Code of Conduct and Complaints Procedure

At its first meeting the Councillor Conduct Committee agreed the new code of conduct and complaints process which were adopted by Council in July 2012.

7.2 Registration and Declaration of Interests, Gifts and Hospitality

Under the new regime members are obliged to declare disclosable pecuniary, other pecuniary and non pecuniary interests. These replaced the old categories of personal and prejudicial interests. A new form was developed and considered by the Committee. This was issued to all members in May 2013. Details are available on the Council website.

At the Committee's suggestion a section on for declaring gifts and hospitality was included on the form. There was a new obligation to ensure that gifts and hospitality were declared regularly. It was suggested that regular reminders were to be included in the Members Newsletter.

At another meeting members went through some scenarios to clarify when the different types of interests applied.

In March the Committee reviewed the circle of influence as regards disclosable pecuniary interests, which had been drawn quite widely to include anyone with whom the member had a close personal association. Research was undertaken to find out how other councils were dealing with these issues. Some other councils had adopted a narrower definition. After detailed consideration it was agreed that Enfield would retain the wider definition.

7.3 Dispensations

In January the Committee met to consider granting a general dispensation to all members on the Council Tax Local Support Scheme which was to be discussed at Council in January 2013. This was to enable as many members as possible to vote on the scheme.

However, following detailed discussion, the Committee decided that it would be more appropriate for the granting of dispensations to be considered on an individual rather than general basis in this case, to

avoid the possible public perception that members with a direct pecuniary interest in how the scheme would apply to them be given a general dispensation to vote on the item. Subsequently guidance was received from the Department for Communities and Local Government that dispensations were not necessary in this case.

At a further meeting the issues of dispensations for Council Tax, Housing Rents and Members Allowance Scheme were also discussed. The Committee agreed to grant the requests for dispensations in the following areas, effective until the next Council election in 2014:

- An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- Setting Council Tax or a precept under the Local Government Finance Act 1992, as amended from time to time or any superseding legislation.
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- Housing matters and rents (provided that those functions do not relate particularly to the members tenancy or lease).

The dispensations were approved under Section 31(4) of the Council's Councillor Code of Conduct, on the grounds that it would be in the interests of persons living in the Borough for as many members as possible to be able to debate and decide on the issues in question.

7.4 Review of Committee's Terms of Reference

In March the Committee reviewed the terms of reference and made the changes highlighted above.

8. MEMBER CODE OF CONDUCT - COMPLAINTS

In 2012/13 the monitoring officer in consultation with one of the Independent Persons, resolved that two cases of alleged breaches of the Code be referred for further investigation. These were brought forward in the latter part of the year and continue to be investigated.

During the year, the Monitoring Officer has also received a number of informal complaints, but wherever possible these have been resolved without the need for a formal investigation. These will be reported to the Councillor Conduct Committee on a quarterly basis.

9. TRAINING ON THE NEW CODE OF CONDUCT AND COMPLAINTS PROCESS

All members received training on the new code of conduct and complaint process. The Monitoring Officer briefed both political groups at the start of the year. Refresher training was carried out in May/June 2013.

All members of the new Enfield Health and Wellbeing Board, established in April 2013, also received a briefing on the new code. Regulations stated that they also needed to sign up to the Council Code of Conduct.

10. WEBPAGES

Our webpages are being reviewed and will provide information about the Committee, its role and purpose and on making a complaint against councillors and co-opted members. The pages are within the 'Councillors, Elections and Decisions' section of the Council's website.

11. FUTURE WORK PROGRAMME 2013/14

We will agree a work programme for 2013/14, at the first meeting of the new Municipal Year. Areas of work for next year will include a review of the complaints process and terms of reference, a review of the member conduct training programme and an update on the arrangements for councillors, pre and post the 2014 local government elections.

12. CONCLUSION

As Chair, I would like to take this opportunity to thank the Monitoring Officer, Independent Persons and my fellow committee members for their sound and thoughtful contributions towards the encouragement and maintenance of a robust local standards regime during the year.

On behalf of the Councillor Conduct Committee, I would also like to thank the officers of the Council who have supported the work of this Committee.

Councillor Yasemin Brett
25 June 2013

17MUNICIPAL YEAR 2013/2014 REPORT NO. 49**MEETING TITLE AND DATE:**Council 17th July 2013**REPORT OF:**

Overview and Scrutiny Committee

Contact officer and telephone number:

Mike Ahuja

Head of Corporate Scrutiny and Community Outreach Services

Tel 0208 379 5044

Agenda – Part: 1**Item: 17****Subject:** Enfield's Scrutiny Annual Report 2012/13**Wards:****Key Decision No:****Cabinet Member consulted:****1. EXECUTIVE SUMMARY**

- 1.1 The Council Constitution requires the Overview & Scrutiny Committee to prepare and present an Annual Report to Council detailing the work undertaken by the Council's scrutiny function over the last Municipal Year.
- 1.2 A copy of the Scrutiny Annual Report 2012/13 has been attached (as Appendix 1) for consideration and endorsement, prior to publication.

2. RECOMMENDATIONS

- 2.1 That the Council considers and endorses the Scrutiny Annual Report 2012/13 for publication;
- 2.2 That Council notes the areas identified as future challenges for Enfield's scrutiny function within the Annual Report.

3. BACKGROUND

- 3.1 The 2012/13 Annual Report will be the 14th produced by Enfield's Scrutiny function.

3.2 The Annual Report provides a summary and evaluation of key scrutiny activities over the year, with a focus on its key outcomes.

3.3 The report covers the work of each of the Council's six Scrutiny Panels and the Overview & Scrutiny Committee, with each Panel providing a summary of the work they have undertaken focussed around their overall effectiveness and key outcomes. Its structure and content has been designed and approved by the Overview & Scrutiny Committee. The format of the report has been amended over recent years to highlight the key outcomes being achieved by scrutiny, as well as to make the publication as cost effective and user friendly as possible.

3.4 As well as outlining the varied work undertaken by individual Panels, the Annual Report also has a key role to play in raising awareness and the profile of the Council's scrutiny function not only within the Authority but also amongst its external partners/stakeholders and with the public.

3.5 The Annual Report also includes a specific section looking forward and identifying a number of key challenges to be addressed by the Council's scrutiny function over the coming year.

3.6 The Annual Report has been presented in draft and, subject to endorsement by Council, will then be published in its final format. Once again this year access to the report will be via the scrutiny website.

4. ALTERNATIVE OPTIONS CONSIDERED

No other options have been considered, as the scrutiny function is required, under the Council's Constitution, to present an annual report to Council for adoption.

5. REASONS FOR RECOMMENDATIONS

To comply with the requirements of the Council's Constitution.

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

6.1 Financial Implications

All costs associated with the production and publication of the Scrutiny Annual Report will be contained within the current budget allocated to the Council's scrutiny function.

6.2 Legal Implications

The Council has duties within an existing legal framework for scrutiny. The Council's Constitution requires the Overview & Scrutiny Committee to present an Annual Report to Council, which includes details of the

reviews undertaken and the key outcomes along with any work planned for the coming year.

The Council's scrutiny function supports the Council in meeting its duties under the Equality Act 2010 to avoid discrimination and promote equality of opportunity and access.

7. KEY RISKS

No material risks have been identified

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The role of scrutiny in Enfield includes ensuring, as part of any review, that services are being provided on a fair and equitable basis for all members of our communities.

8.2 Growth & Sustainability

Growth and Sustainability are key areas of work specifically identified in the work programmes for the Housing, Growth and Place Shaping & Enterprise and Environment, Parks & Leisure Scrutiny Panels over 2010/11. As part of the approach towards scrutiny in Enfield all Panels are encouraged to consider issues relating to sustainability and the support that can be provided to secure further inward investment in the borough.

8.2 Strong Communities

The scrutiny process provides an opportunity for elected members of scrutiny panels, and members of the local community, to actively contribute towards reviewing the delivery, performance and development of public services provided to all residents of Enfield by the Council and its partners. Community engagement has been recognised as a particular strength of scrutiny in Enfield and it's intended to continue encouraging this approach over the coming year.

9. EQUALITIES IMPACT IMPLICATIONS

Equality issues are considered in all scrutiny work. The Overview and Scrutiny Committee and each of the scrutiny panels have a vital role to play in ensuring that the Council meets all the statutory duties under the Public Sector Equality Duty of the Equality Act 2010, particularly in ensuring that the authority has due regard to the needs of diverse groups when designing, evaluating and delivering services in order to -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act

- advance equality of opportunity between persons who share a protected characteristic and persons who do not share a protected characteristic, and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 The key aims for the Council's scrutiny function include:

- to review & assess the delivery and performance of services provided by the Council (along with the Health Service and Safer Stronger Communities Board);
- to assist in the monitoring & development of Council policies and strategies;

10.2 The work programmes produced by each Panel are designed to reflect these aims and as such the work undertaken by the Council's scrutiny function has a significant role to play in the Council's performance management framework.

11. PUBLIC HEALTH IMPLICATIONS

The health and wellbeing of Enfield residents is a key part of the remit of all Scrutiny Panels with specific responsibility delegated to the Health and Wellbeing Scrutiny Panel

Background Papers

None

SCRUTINY ANNUAL REPORT 2012/13

Contents

1. Foreword
 2. Introduction
 3. Looking Forward: Future Challenges
 4. Improving Local Services: Key Achievements for Scrutiny 2012-13
 5. Overview & Scrutiny Committee
 6. Older People & Vulnerable Adults Scrutiny Panel
 7. Children & Young People Scrutiny Panel
 8. Crime & Safety and Strong Communities Scrutiny Panel
 9. Sustainability and Living Environment Scrutiny Panel
 10. Health & Wellbeing Scrutiny Panel
 11. Housing Growth & Regeneration Scrutiny Panel
 12. The Public: Getting Involved
- Appendix A Scrutiny some key statistics
- Appendix B Engagement of the Community/ Stakeholders giving evidence in 20012/13

Foreword by Chairman of Overview & Scrutiny Committee

I am pleased to introduce the Annual Report for 2012/13 on the work of Enfield's Scrutiny function. The aim of this report is to highlight the work undertaken by scrutiny in Enfield over the last year and - more importantly - the outcomes being achieved as a result.

As you will see we have continued to look at a wide range of services provided not only by the Council, but also by a range of partner agencies.

I would like to thank all councillors and officers who have contributed to the scrutiny function over the last year along with the wide range of participants from the local community and other stakeholder groups, without whom we would not have been able to carry out our work.

I hope you enjoy reading this report and look forward to your continued involvement with the scrutiny function over the next and future years.

Councillor Toby Simon
Chairman of the Overview & Scrutiny Committee

Introduction

What is Scrutiny?

The Local Government Act 2000 gave local authorities the power to scrutinise, in order to make local government and its decision-making process as open and transparent as possible, with greater public accountability. These powers have been extended by the Local Government & Public Involvement in Health Act 2007 along with the Local Democracy Act 2009 to cover a wide range of partners.

Scrutiny Panels in Enfield have a key role to play in:

- providing a 'critical friend' challenge to the executive policy makers and decision takers;
- providing a mechanism for the voice and concerns of the public and other local stakeholders to be heard;
- contributing towards the development of policy & strategy;
- driving improvement in public services;
- conducting robust evidence based reviews carried out by independent minded councillors who lead and own the process.

Scrutiny in Enfield

In Enfield the support to scrutiny is provided through the Corporate Governance Division, which includes the specialist scrutiny and outreach support unit.

The Overview & Scrutiny Committee (OSC) manages the overall scrutiny function, with 6 Panels which from May 2011 covered the following areas:

- Children & Young People
- Crime and Safety & Stronger Communities*
- Health & Wellbeing
- Housing, Growth & Regeneration*
- Older People & Vulnerable Adults
- Sustainability & Environment

*These two Panels are chaired by members of the Opposition Group on the Council.

The work undertaken by scrutiny is based on work programmes set at the start of each year. Each Panel operates with the councillors and other co-opted Members, aiming to gather as much evidence as they can before proposing improvements and changes for the Council, NHS bodies, the local Community Safety Partnership or other partners to consider.

The Panels also seek to encourage public participation and the involvement of residents, customers, partner agencies and staff in the scrutiny process.

Councillor Call for Action (CCfA)

Councillor Call for Action (CCfA) is a service that provides ward councillors with the ability to raise local issues of concern formally through scrutiny. These are issues which members have tried to resolve without success. Scrutiny's role in the CCfA process is a "means of last resort", with issues only being raised through scrutiny once all other resolution avenues have been exhausted. The process for dealing with CCfAs has been designed to focus on outcomes and resolutions for councillors and the local community rather than on processes. It sits alongside existing mechanisms for councillors to resolve issues, whilst still meeting the statutory duty placed on scrutiny to consider issues raised and respond in a timely manner.

A major success for this year through CCfA is the agreement has been reached to redevelop a local library to accommodate a 'Joint Service Centre' that will provide a new GP practice, dentist practice, library and community space. A CCfA was raised following identification of the unsuitability of local GP premises following problems with primary care infrastructure both in terms of capacity and delivery. There was an urgent need to deliver improved primary care facilities in the locality to address the current limitations. This was evidenced by the investigation carried out for the CCfA. This work also highlighted the need for a new dental practice and improved community and library facilities. The new GP surgery is planned to be opened in 2013/4.

Petitions

The Overview and Scrutiny Committee has responsibility, under the Council's petitions scheme, for receiving petitions with 1,562 or more signatures and for dealing with any appeals on the steps the Council has taken in response to the submission of a petition. The petitions dealt with are reported below. Between September 2010 and March 2013 we have dealt with 68 petitions.

Officer Support

The Scrutiny function now also supports the Council's outreach work, including in particular the Area Forums, thus bringing together all our citizen involvement work. This is particularly important in relation to major issues such as the budget where the Annual Budget Meeting of the Overview and Scrutiny Committee enables all the comments on budget proposals to be brought together for review.

Looking Forward: Future Challenges

A number of key challenges as well as opportunities for improvement have been identified for the following and future years:

- Continuing to work with and scrutinise a wide range of local partners;
- Implementing the new powers for Health Scrutiny

The logo for Enfield Scrutiny features a red abstract shape on the left. To its right, the word "ENFIELD" is written in a bold, black, sans-serif font, and the word "SCRUTINY" is written below it in a bold, red, sans-serif font.

ENFIELD SCRUTINY

Serving the people

- To continue working to set realistic, focussed and well-balanced work programmes with fewer items allowing more detailed review and capacity for any issues raised under CCfA and call-in;
- To increase engagement of the public and other interested stakeholders in the work being undertaken by scrutiny;
- To continue the very effective collaborative (cross-party) working between Scrutiny Chairs & members;
- To continue focussing on member development based on the scrutiny member development programme;
- To continue working to raise the national and regional profile of Enfield's scrutiny function as an example of good practice;

Improving local services - Key Achievements for Scrutiny in 2012/13

Following a Councillor Call for Action, which raised difficulties with lack of space at a GP premises in Enfield Lock, negotiations for a new purpose built centre being constructed on council-owned land are progressing, which will replace the existing facility currently operating from a terraced house.

The Sustainability and the Living Environment Panel made a successful recommendation to Cabinet this year, relating to a £10m retrofitting contract signed with British Gas, negotiated and prepared by the "New Directions" project team. A successful joint meeting was held with the Health and Well Being Panel and considered, sports in parks, school meals and planning regulations relating to fast food.

The Crime and Safety and Strong Communities Scrutiny Panel organised events for the Parent Engagement Panel and young people and adults with disabilities to ascertain their concerns on crime and safety in the Borough.

As a pilot authority, the Housing, Growth & Regeneration Panel scrutinised the introduction of the welfare reforms including the benefit cap and under-occupancy proposals.

The Older People and Vulnerable Adults Scrutiny Panel has continued to champion the dignity code. The Panel values the contributions from members of the public and voluntary sector co-optees representing vulnerable groups within Enfield.

The Children's Services Scrutiny Panel has been reviewing Primary Pupil Places, and has made a number of recommendations in a report that went to Cabinet; these included evaluation of the strategy for partner schools to ensure the strategy is having a positive impact on school attainment results, and to identify and engage with schools early in the expansion process and discuss solutions to potential difficulties such as concerns over traffic and parking.

Overview and Scrutiny Committee

Committee Members:

Cllr Toby Simon (Chairman)
Cllr Alan Sitkin (Vice - Chairman)
Cllr George Savva MBE
Cllr Alev Cazimoglu
Cllr Rohini Simbodyal
Cllr Michael Rye OBE
Cllr Edward Smith

Education Statutory Co-optees:

Alicia Meniru & 1 vacancy (Parent Governor)
Simon Goulden (other faiths/denomination)
Mr Tony Murphy (Catholic Diocese rep)
Vacancy (CofE rep)

Overview and Scrutiny Committee has responsibility for the leadership, management and co-ordination of the Council's scrutiny function. The Committee approves an annual scrutiny work programme, so as to ensure that each Panel's time is effectively and efficiently utilised and also manages the scrutiny of the Council's annual budget consultation.

The Committee is also responsible for dealing with the call-in procedure. This allows Members of the Council to require that the implementation of decisions taken by Cabinet, individual Cabinet Members or Directors be suspended to enable further review.

During 2012/13 the Committee dealt with 8 call-ins, two of which were referred back to the decision maker for reconsideration.

The Committee also has responsibility for initial consideration of any Councillor Calls for Action (CCfA) referred to scrutiny. CCfA provides members with an opportunity to formally raise issues of local concern with scrutiny where other methods of resolution have been exhausted. Whilst no issues have been referred onto the Committee for consideration this year, this reflects the successful role played by the Corporate Scrutiny officer team as "gatekeeper" in seeking to resolve issues, without the need for referral onto scrutiny. The success achieved under Enfield's CCfA continues to be recognised nationally, particularly in terms of the support to members in their representational roles..

The Committee has responsibility, under the Council's petitions scheme, for receiving petitions with 1562 or more signatures and for dealing with any appeals on the steps the Council has taken in response to the submission of a petition.

The Committee held its Annual Budget Meeting in January to review the outcome of the budget consultation. Detailed analysis of the substantial savings proposed

Serving the people

focussed on the robustness of the estimates and their consistency; and on the risks they posed in implementation.

The general work programme of the Committee has included monitoring performance of the Council's Revenues & Benefits Service, including the progress being made around the Welfare Reforms. The Committee has also kept a "watching brief" on the outcome of the Council's review into the use of consultants, interim and agency staff, linked to its wider interest in development of the Council's budget and consultation process. Regular updates also continue to be provided monitoring use of the Council's urgency procedures.

As part of its management and co-ordination role, the Committee has undertaken an annual evaluation of the scrutiny function as well as monitoring the progress being made with the implementation of recommendations from scrutiny reviews.

2013/14 Overview & Scrutiny Committee Contact Details

Chairman: **Cllr Toby Simon**

Vice Chairman **Cllr Alan Sitkin**

Head of Corporate Scrutiny & Community Outreach: Mike Ahuja

Corporate Scrutiny & Community Outreach Secretary Koulla

Panaretou Tel 0208 379 4835

Older People and Vulnerable Adults Scrutiny Panel

Panel Members (Councillors): George Savva MBE Chair
 Chris Joannides Vice-Chair (until Feb 2013
 vacancy thereafter)
 Christopher Cole
 Ahmet Hasan
 Elaine Hayward
 Denise Headley
 Eric Jukes
 Chris Murphy
 Geoffrey Robinson

Co-optees: John Lynch (Enfield LINK) until 2012
 Chris Rash (Over 50s Forum)
 Rasheed Sadegh-Zadegh

The remit of the Panel is to consider adult social care provided by the Council and partners, implementation of national policy and local issues affecting service users, older people and vulnerable adults in the borough.

Three co-opted members have attended Panel meetings and Working Groups. Representatives of voluntary and community sector (VCS) organisations also contributed to the work of the Panel.

Health, Housing and Adult Social Care (HHASC) consulted the Panel on the Strategic Commissioning Framework. The analysis of responses to the consultation was discussed with the Panel prior to seeking Cabinet approval in January 2013. The Framework involves the new way funds are provided to VCS organisations for projects and services to support adults with health and social care needs.

The Carers Strategy Consultation was brought to the Panel in July 2012, followed later by a progress update. The strategy sets out to improve the range and quality of local services for carers. The Panel have been invited by the Chief Executive of the Carers Centre to visit and meet carers and staff. Individual Members have visited the Centre and have noted the good services being provided there.

The Safeguarding Adults Board 2011-12 Annual Report and Action Plan followed a consultation on the Safeguarding Adults Strategy 2012-15. The aim is to prevent abuse and to ensure an effective response to reports of abuse. A safeguarding training session was arranged for the Panel in October 2012.

The Panel considered the 2013-14 Budget Consultation proposals and the potential impact of budget reductions on HHASC services to elderly and vulnerable adults. The Chairman attended the annual Scrutiny Budget Commission.

ENFIELD SCRUTINY

Serving the people

Volunteers from the Quality Checker Programme were invited to attend and explain their role in this innovative Enfield scheme. Service user and carer volunteers undertake training and visit adult social care services to report on aspects of care – compassion, choice and control, food and activities. They will shortly begin reporting on care received in people's homes. The scheme was highly commended by the Panel.

The National Pensioners Convention Dignity Code was endorsed by the Panel in April 2012 and aims to uphold the rights and dignity older people who are less able to care for themselves. This Dignity Code (and the wider Dignity code adopted by the Council) has continued to be promoted by the Panel. A co-optee member attended the National Pensioners Convention event in January 2013 on the Panel's behalf.

A demonstration was provided on the developing 'E market place', part of the wider personalisation of care changes. The Personalisation Working Group also met to review the progress in transformation of care agenda.

The Panel was pleased to note continued improvements to the stroke pathway, rehabilitation services and improved information for stroke survivors following an update on implementation of the Joint LBE and NHS Stroke Strategy. Progress on the implementation of other joint strategies - End of Life Care, Intermediate Care and Enablement, and Dementia – was noted. The quality of dementia care in care homes and hospitals and services for sufferers were of particular interest. Unfortunately the Modernisation of Care (for People with Dementia) Working Group was unable to meet due to the Elizabeth House reprovision procurement schedules.

The final meeting covered mental health services. Members were particularly pleased to receive a briefing on new proposals by HHASC to raise awareness of dementia in the community and develop partnership working within the borough to promote this.

The Panel also received reports on:

Home Care Support Performance and Electronic Monitoring System
Recruitment and Retention of Qualified Social Workers and Managers
Social Services Income Collection and Debt Write-off
Enfield's Local Account (HHASC performance)

The Chairman would like to thank all those who have contributed to the Panel meetings this year including HHASC officers, voluntary and community sector representatives, service users, carers and interested members of the public.

2012/13 Older People & Vulnerable Adults Panel Contact Details

Chairman: **Councillor George Savva**

Vice Chairman:

Corporate Scrutiny & Community Outreach Officer: Linda Leith

Corporate Scrutiny & Community Outreach Secretary: Elaine Huckell

Tel 0208 379 3530

Dignity Code

The purpose of this Dignity Code is to uphold the rights and maintain the personal dignity of older people, within the context of ensuring the health, safety and well being of those who are increasingly less able to care for themselves or to properly conduct their affairs.

This Code recognises that certain practices and actions are unacceptable to older people, such as:

- Being abusive or disrespectful in any way, ignoring people or assuming they cannot do things for themselves
- Treating older people as objects or speaking about them in their presence as if they were not there
- Not respecting the need for privacy
- Not informing older people of what is happening in a way that they can understand
- Changing the older person's environment without their permission
- Intervening or performing care without consent
- Using unnecessary medication or restraints
- Failing to take care of an older person's personal appearance
- Not allowing older people to speak for themselves, either directly or through the use of a friend, relative or advocate
- Refusing treatment on the grounds of age

This Code therefore calls for:

- Respect for individuals to make up their own minds, and for their personal wishes as expressed in 'living wills', for implementation when they can no longer express themselves clearly
- Respect for an individual's habits, values, particular cultural background and any needs, linguistic or otherwise
- The use of formal spoken terms of address, unless invited to do otherwise
- Comfort, consideration, inclusion, participation, stimulation and a sense of purpose in all aspects of care
- Care to be adapted to the needs of the individual
- Support for the individual to maintain their hygiene and personal appearance
- Respect for people's homes, living space and privacy
- Concerns to be dealt with thoroughly and the right to complain without fear of retribution
- The provision of advocacy services where appropriate

Written by: NPC, Walkden House, 10 Melton Street, London NW1 2EJ
www.npcuk.org

Children & Young People Scrutiny Panel

Councillor Rohini Simbodyal (Chairman)
Councillor Jon Kaye (Vice-Chairman)
Councillor Glynis Vince
Councillor Chris Deacon
Councillor Marcus East
Councillor Nneka Keazor
Councillor Ali Bakir
Councillor Ann Zinkin
Councillor Derek Levy

Statutory Co-optees: Alicia Meniru (Parent Governor Representative), Vacancy (Church of England Diocese), Vacancy (Catholic Diocese), Simon Goulden (representing other faiths /denominations)

Non Voting Co-optees: Sally Moore (Primary Headteachers' Conference), Bruce Goddard (Secondary Headteachers' Conference), David Byrne (Enfield Colleges Principals Group), Enfield Youth Parliament representatives (EYP).

This panel deals with the scrutiny of the full range of children services including education, schools, early years, youth services and social care services for children and young people.

New Developments

Engagement and the views of young people are particularly important to the Panel, therefore, this year we have implemented a standing item on the agenda of an update from the Enfield Youth Parliament (EYP). The Panel have found this item very useful to feed into the work they are undertaking particularly on the working Group 'Getting Young People into Employment Education and Training' and the links with the Enfield Youth Parliament have really developed this year, through the engagement work undertaken.

The panel has also attended two of the Enfield Youth Parliament meetings to discuss and hear their views on particular items that are joint priorities. The Panel arranged for the Enfield Youth Parliament to receive a display of stop and search by the Police as one of the joint priorities was young peoples relationships with the police. This was considered to be a major concern amongst young people, and the police were able to demonstrate why they conduct the searches in the way that they do, this hopefully enabled a better understanding, and the EYP could relay these messages back to their peers.

Next year the Panel aims to make these same links with the Youth Engagement Panel, so that they have the opportunity to feed their views into the Scrutiny Panel business.

Working Groups

Primary Pupil Places

Due to the ongoing high demand for Enfield School places, the panel has continued its work on the Primary Pupil Places working group, keeping informed of new developments on the strategy, and monitoring the recommendations that the Panel proposed in late 2011:

- 1.To evaluate the strategy of the partner school initiative/satellite sites by measuring pupil attainment and standards.
- 2.That in future revised strategies present data which shows whether the objective to reduce mobility has been successful,
- 3.That in future early discussions should take place when schools are identified for potential expansion around best practice for traffic management.

Getting Young People into Employment Education & Training.

Not in Education Employment and Training (NEETS)

As of January 2013, there were 479 young people NEET in Enfield, this is out of a cohort of 11783 in academic years 12 – 14.

Councillors wanted to investigate what was preventing these young people accessing education employment or training by looking at the provision and support available, and barriers that they may face following their journey from school, through to college, or employment.

The Panel held a very interesting meeting with the Principals of all the local colleges and Headteachers and gained some valuable feedback from them on the barriers that effect young people, these views and the evidence collated over the year from other officers and young people will be fed into the final report and recommendations.

Pupil Attainment

The working group had some initial meetings with the School Improvement Team, and visited a headteacher of one of the boroughs outstanding schools. Work will continue into the next municipal year, however the main aim of the group is to understand the different factors that create inconsistencies with the schools in the Borough. To look at different cohorts of pupils to see what factors affect attainment. The working group will explore the factors that contribute/stop pupils gaining good outcomes and high levels of attainment and how the best performing schools enable pupils to reach their full potential.

Panel Meetings

In the full Panel meetings, the panel received detailed reports and presentations examining issues such as, mentoring, Change and Challenge, Young People's relationships with the police (joint meeting with EYP), Young Care leavers, and a joint meeting with the Health Scrutiny Panel on Childhood obesity. The Chairman was very

The logo for Enfield Scrutiny features a red abstract shape on the left, resembling a stylized 'E' or a flame. To its right, the word 'ENFIELD' is written in bold black uppercase letters, and 'SCRUTINY' is written in bold red uppercase letters below it.

ENFIELD SCRUTINY

Serving the people

concerned about the impact on families and children from Welfare reform and what actions the Council was taking so very early on in the year Officers came to Panel and presented information and the figures related to Enfield, and members raised their own concerns with officers.

Budget reductions were a major concern. Proposals were put forward by the Panel as part of the budget consultation rounds on ways in which the Council could save money but preserve valued services in the Children's services area. These views were fed into the Overview & Scrutiny Committee Budget Consultation.

Finally, regular updates were received on the work of the Children's Trust Board as well as regular reports on adoption and fostering services, children's social care complaints, recruitment and retention of social workers, and the Local Safeguarding Children's Board Business Plan.

2012/13 Children & Young People Panel Contact Details

Chairman: **Cllr Rohini Simbodyal**

Vice Chairman: **Cllr Jon Kaye**

Corporate Scrutiny & Community Outreach Manager: Claire Johnson &
Corporate Scrutiny & Outreach Secretary: Stacey Gilmour Tel: 020
8379 4187

Panel Members:

Councillor Michael Rye (Chairman)
 Councillor Ingrid Cranfield (Vice-Chairman)
 Councillor Chaudhury Anwar
 Councillor Ali Bakir
 Councillor Lee Chamberlain
 Councillor Patricia Ekechi
 Councillor Ahmet Hasan
 Councillor Simon Maynard
 Councillor Glynis Vince

Non-Voting Co-optees: Mr Brian Waters (Enfield Police Partnership Group – Management Committee), Rasheed Sadegh-Zadeh.

The Crime and Safety and Strong Communities Scrutiny Panel covers all aspects of crime and safety issues including fear of crime, anti-social behaviour, drug and alcohol misuse and emergency planning. This year the Panel has continued to work in partnership with the Metropolitan Police and a range of other stakeholders. The Panel has had a further community member as co-optee in addition to the Enfield Police Partnership Group – Management Committee member.

The Panel has continued to engage with and support the Safer & Stronger Communities Board (SSCB, Enfield's Community Safety Partnership) with consultation around its Partnership Plan and priorities. This has involved specific consultation events being arranged for harder-to-reach sections of the community including parents, through the Parent Engagement Panel (PEP) crime champions, young people and adults with disabilities. The priorities identified in the SSCB Partnership Plan for 2013/14 will be used to inform the Panel's work next year.

The Panel has commented and provided a monitoring overview on the performance of the SSCB. The Panel now receive a briefing at each meeting on local police numbers.

Specific reviews undertaken by the Panel include:

1. Metal theft

The review involved meeting officers from Environmental Crime, Licensing, Highways, Parks and the Metropolitan Police to collect evidence on the issue. The working group also met a scrap metal dealer to learn how metal theft affects scrap metal dealers and the challenges this crime causes.

Metal theft is a national issue due to the large increase in prices of metal, driven by increased global demand. The Council has suffered significant financial losses as a result of metal theft from parks and of gullies.

The final report was agreed by the Panel on the 18th April, providing a number of recommendations. Two of the key recommendations were:

Serving the people

- When a new application for registration is received from an address where there is already a registration in place under a different surname, the system should automatically flag this as a potential issue for investigation.
- Local police should undertake training on metal theft in the same manner as the British Transport Police. Currently this training is provided by Metal & Waste Recycling Limited.

2. Risks to young women from violence in relation to gangs

This work followed on from the review undertaken last year by the Crime & Safety & Strong Communities Scrutiny Panel on gangs, young people and weapon enabled crime

The review looked at work currently undertaken on this issue and included briefings from the Youth Engagement Panel lead for vulnerable girls and from one of the co-authors on an Interim Report produced by the Office of the Children's Commissioner (OCC) into Child Sexual Exploitation in Gangs and Groups. Three of the scrutiny recommendations have been taken directly from the OCC report.

An interim report was agreed by the Panel providing a number of recommendations. Two of the key recommendations were:

- Consideration should be given by Enfield's Safeguarding Children Board to using the self assessment tool produced by the University of Bedfordshire to conduct an audit of child sexual exploitation based on the early warning signs and vulnerabilities described in the report
- The Panel would look at these issues again in December 2013, after the publication of the OCC's final Inquiry Report

Other issues considered over the year have included arrangements to tackle domestic violence and Enfield's Troubled Families programme, known locally as Change and Challenge. They have also considered the SSCB Peer Review and received updates on the development of a gangs strategy and the Local Policing Model.

The Panel has looked to maintain its strong links with the SSCB, as its role continues to develop, and provides regular updates on its scrutiny activity for the Board. The Panel remains committed to retaining and building on these links over the coming year.

Panel Contact Details 2013/14:

2013/14 Crime & Safety & Strong Communities Scrutiny Panel

Chairman: **Cllr. Michael Rye**

Vice Chairman: **Cllr. Ingrid Cranfield**

Corporate Scrutiny & Community Outreach Officer: Sue Payne &

Corporate Scrutiny & Community Outreach Secretary: Koulla Panaretou. Tel: 020 8379 4835

Serving the people
Sustainability and Living Environment Scrutiny Panel

Panel members

Councillor Alan Sitkin (Chairman)
 Councillor Joanne Laban (Vice Chairman)
 Councillor Yasemin Brett
 Councillor Jayne Buckland
 Councillor Yusef Cicek
 Councillor Christiana During
 Councillor Robert Hayward
 Councillor Paul McCannah
 Councillor Daniel Pearce

The panel scrutinises environmental policy as well as ancillary areas of concern including parks/open spaces, leisure and recreation. The two internal council departments coming under the panel's remit are Environment and Regeneration, Leisure and Culture.

Following the successful format of previous years, the panel agenda split between input from Council services or from external speakers presenting in relevant topic areas. As for the work programme itself, this was divided into four thematic sections: roads; waste management; health; and other items.

The roads agenda included scrutiny of electric vehicles, car clubs, cycling routes and utility companies' responsibility for local congestion.

- Re: electric cars, the panel considered the current and future installation of charging points (the 'Source London' project carried out under the aegis of LB Enfield's 2020 Sustainability Programme) as well as the possibility of using planning processes to embed car club parking bays within new property developments. This latter item benefited from a presentation by ZIPCAR, the world's largest professional and private car club, which is looking to expand its presence in the borough.
- Re: cycling, the panel discussed modal shift efforts (including the progression of Enfield's greenways network) as well as the Council's general cycling safety efforts, starting with the 'Safe Urban Driver' training being disseminated and the Dr Bike cycle maintenance sessions
- Re: streetworks, the Panel heard that approximately 40,000 such initiatives are carried out on Enfield's highways each year, with discussion focusing on the responsibility of LBE's in-house team to co-ordinate such work for safety but also congestion reasons.

The waste management agenda included air quality, litter management and recycling performance in Enfield compared to other London Authorities.

- Air quality –first scrutinised in 2010 - was updated to monitor latest pollution data and review legislation and potential actions in this area
- Re: litter management, the Panel were informed that clearance activities has started to adopt a "Tidy Team" approach, one where operatives are grouped together for efficiency purposes. This has resulted in a marked improvement standards and satisfaction ratings.

Serving the people

- Re: recycling, the rollout of wheeled bins was completed in 2012, with Enfield's anticipated performance rate of 45% positioning it as one of London's top five boroughs. Discussions included the ongoing improvement in housing estate recycling rates, with members agreed that a recommendation be made to the Environment Department to promote reduced packaging use by the food sector and other manufacturers.

The health agenda, based on a joint panel meeting with Members of the Health and Well Being Scrutiny Panel, included scrutiny of a number of issues of relevance to both panels, including sports in parks, planning in relation to fast food establishments and school meals.

- Re: sports in parks, the installation of 'green gyms', the range of sports facilities available and usage data.
- Re: fast food establishments, planning applications near to schools, proliferation in certain areas, associated litter problems
- Re: school meals, nutritional value, menu offer, regulation of suppliers

In addition to these thematic topics, the Panel scrutinised several other items.

- Building enforcement, with a particular focus on unlawful development and the 'beds in sheds' enforcement project.
- The refurbishment of Enfield's leisure centres and the Council's contracts with Fusion
- The rebuilt Queen Elizabeth 2 Stadium
- Biodiversity, encapsulated in a London Wildlife Trust presentation and the establishment of a permanent working subgroup that will both enhance LBE's accumulation of data on fauna and flora in the borough and ensure closer links between the Sustainability scrutiny panel and the Green Belt Forum. Along similar lines, the Panel also received an update on issues relating to Friends of Parks groups, culminating in improved communications and scrutiny of the Council's new Friends Agreement.

The Panel also made one successful recommendation to Cabinet this year, pertaining to a more than £10m retrofitting contract signed with British Gas, negotiated and prepared by the "New Directions" project team that has been working under the auspices of LBE's Regeneration Department. New Directions is looking at a large number of innovative regeneration projects that – as they come to fruition and insofar as they relate directly to the Panel's remit – will receive regular scrutiny in the near future.

Lastly, as part of the Panel's annual business, it scrutinised the implications for related service areas of this year's Council budget, and passed comments on to the Overview and Scrutiny Committee for consideration.

Panel Contact Details 2013/14
2013/14 Sustainability and the Living Environment Panel Contact Details

Chairman: **Cllr Alan Sitkin**

Vice Chairman: **Cllr Joanne Laban**

Corporate Scrutiny & Community Outreach Officer: Andy Ellis &

Corporate scrutiny and Community Outreach Secretary: Koulla Panaretou.

Tel: 020 8379 4835

Health & Well-Being Scrutiny Panel

Panel Members (Councillors): Alev Cazimoglu (Chairman)
Anne Marie Pearce (Vice-Chairman)
Alan Barker
Andreas Constantinides
Ingrid Cranfield
Christiana During
Patricia Eketchi
Tom Waterhouse
Lionel Zetter

Co-opted Members: Tim Fellows
Karen Green (Enfield Parent Engagement Panel)
Maggie Paddon-Smith (Enfield LINK)

The Health and Wellbeing Panel hold the NHS to account in provision of health services for the local population.

The Panel has been kept informed of local progress in the transition to new organisations set up under the Health and Social Care Act 2012. This has been a substantial standing item on the agenda. The Chairman of the shadow Enfield Clinical Commissioning Group has regularly attended meetings over the year to update on their authorisation process.

The Barnet, Enfield and Haringey (BEH) Clinical Strategy continues to be a major focus given the proposed removal of A&E, maternity and inpatient children's services at Chase Farm Hospital in November 2013. This is also monitored at the five-Borough North Central London (NCL) Joint Overview and Scrutiny Committee. Two Panel members continue to represent Enfield Council at the Joint Committee.

BEH Clinical Strategy development plans at Chase Farm, Barnet and North Middlesex Hospitals were outlined to the Panel. Members have contributed to improving the inadequate parking proposals at Barnet Hospital, potentially affecting Enfield patients and their visitors travelling to Barnet Hospital. Following collaboration with Barnet Scrutiny Councillors, who attended our meeting, the Barnet Hospital planning application was increased by 202 additional parking spaces.

Progress on the implementation of the Enfield Primary Care Strategy has been presented to the Panel. Improving access to GP services, raising the quality of GPs and ensuring the same standards of care to all patients would be welcomed. The Panel requires evidence of the implementation of these initiatives and improved patient outcomes.

ENFIELD SCRUTINY

Serving the people

The Panel was asked in 2009 to monitor the progress of a 2009 Councillor Call for Action involving Ordnance Road GP surgery where local residents found it very difficult to get appointments. Progress has been slow but plans for a joint Council/NHS service centre incorporating a GP surgery, dental practice, library and community space were formally agreed at the end of March 2013.

Progress on the implementation of several joint Council /NHS Strategies have been presented to the Panel. These include Stroke, Intermediate Care and Enablement, End-of-life care, and Dementia. Two members of the Panel with a long standing involvement in improving stroke services have continued to attend monthly meetings overseeing the Stroke Action Plan implementation. The reduction in mortality following the introduction of the improved stroke pathway is welcomed.

The Chief Executive and Chair of Barnet and Chase Farm Hospitals Trust (BCFHT) attended the Panel regarding the proposed acquisition of the Trust by the Royal Free Hospital Trust. The final meeting of the year also included an update from both Trusts on further milestones required in the acquisition process. Future plans, initially covering the first five years, are currently being drawn up prior to submission to regulators prior to the final decision to proceed. The case for using the receipts from Chase Farm land sales locally was stressed by Panel Members.

Following the NHS decision to reduce the opening hours of the Evergreen walk-in centre the Panel sought assurance that the local population, particularly mothers and children, were not adversely affected by the variation in service. An NHS report, which concluded that the reduced service was working, was presented to the Panel. An further update will be included in the Panel's work programme for 2013/2014 in order to satisfy the Panel that there remains adequate provision for the local population.

Both NMHT and BCFHT were asked to present a briefing on patient experience and complaints at their hospitals and what was being done to ensure patient dignity, high quality care and compassion. Both Trusts outlined the strategies in place to address these issues. BCFHT also outlined their draft 21012-13 Quality Account including priorities for 2013-14.

Members visited Chase Farm A&E and spoke to clinicians and other staff to hear their views on the proposals to replace the A&E department with an urgent care centre. A report on the initial soft launch of the NHS 111 urgent care number in North Central London, which replaces NHS Direct, was given to the Panel.

The 2013-14 Budget Consultation was presented to the Panel for comment.

The Chair attended a number of events in her capacity as Chair of the Panel.

2013/14 Health & Wellbeing Panel Contact Details:

Chairman: **Cllr Alev Cazimoglu**

Vice-Chairman: **Cllr Anne Marie Pearce**

Corporate Scrutiny & Community Outreach Officer: Linda Leith &

Corporate Scrutiny & Community Outreach Secretary: Kasey Knight Tel
0208 379 4073

Housing, Growth and Regeneration Scrutiny Panel

Cllr Edward Smith (Chairman)

Other Members of the Committee

Cllr Ozzie Uzoanya (Vice Chairman)

Cllr Caitriona Bearryman

Cllr Christopher Cole

Cllr Ertan Hurer

Cllr Tahsin Ibrahim

Cllr Henry Lamprecht

Cllr Michael Lavender

Cllr Toby Simon

Co-optees

Mark Bellas (FECA)

Mark Hayes (Christian Action Housing)

The Panel scrutinises housing operations, technical services and property services provided in-house and via Enfield Homes. In addition, the Panel covers regeneration, enterprise and employment issues. The two internal council departments coming under the panel's remit are Housing, Health and Adult Social Care and Regeneration, Leisure and Culture.

Major changes have been introduced by the Coalition Government to housing and welfare policy over the past municipal year. The Panel and officers spent considerable time and effort trying to assess the implications of these changes for Enfield.

The housing element of the Work Programme in 2012/13 focused on the housing allocations policy, the new plans for the A406, Right to Buy, supply of affordable housing and the new Tenancy Strategy.

The panel were told that the revised allocations policy had received favourable feedback following the consultation process. Members were keen to ensure that the scheme would stand up to challenge and heard that it had been submitted to external lawyers who confirmed it was a robust scheme. Following discussion it was agreed social housing supply and demand would be a recurring item on the work programme.

Representatives from Notting Hill Housing Association attended to inform the Panel of the development of 400 properties included within the North Circular Area Action Plan (NCAAP). The proposal includes a mixed-market of sale and rental properties. The Panel were impressed by progress so far, but

highlighted the potential problems associated with high density of some of the schemes proposed.

The Panel noted that the new Right to Buy Scheme was attracting additional numbers of applications and completed sales following the increase by the Government of the discount cap. The Panel agreed that the significant rise in 'Buy to Rent' in the Borough was of concern because it was reducing the number of new homes available to first time buyers..

The Panel was informed that the Tenancy Strategy for 2013-18 reflects the Council's position that longer term tenancies are the best approach for addressing housing need, building strong neighbourhoods and sustainable communities. However, further scrutiny may be required at a later date to ensure that mobility is not constricted by the terms of permanent tenancy agreements.

As Enfield is a pilot Authority for the introduction of the welfare cap, the Panel was anxious to appraise itself of the consequences of Welfare Reform, including benefit caps and reductions in Housing benefit in cases of under-occupancy. Members were told about the work being undertaken by the Council to assist tenants to move into work where possible. Panel expressed their gratitude to officers for the work undertaken to date.

Several large scale regeneration projects were subject to scrutiny during the year and the Panel received detailed presentations on Ponders End, the Ladderswood Estate and Meridian Water, including the provision of a decentralised energy network. Members were invited on a tour of the regeneration sites and it was agreed that the Work Programme for the New Year should continue to monitor these developments.

An update relating to progress by the Worklessness Commission on identifying the obstacles to employment was provided to the Panel. The final report will be presented in the New Municipal Year.

As part of the Panel's annual business, the Panel scrutinised the Budget implications for the housing and regeneration service areas. Comments relating to the rising cost of temporary housing were passed to the Overview and Scrutiny Committee for consideration.

2013/14 Housing, Growth and Regeneration Panel Contact Details**Chairman: Cllr Edward Smith****Vice Chairman: Cllr Ozzie Uzoanya****Corporate Scrutiny & Community Outreach Officer: Andy Ellis &****Corporate Scrutiny & Community Outreach Secretary: Ann Redondo Tel 020 8379 4095**

The Public: Getting Involved

Scrutiny needs the support and involvement of local people, service partners and community groups to ensure it continues to function effectively and welcomes contributions in any of the following ways:

- Suggesting suitable topics for a future Scrutiny investigation; or
- Getting involved in reviews on particular subjects under Scrutiny
- Visit www.enfield.gov.uk/Scrutiny

It should be noted however that Scrutiny's role is not to deal with individual queries, concerns or complaints. Individual service issues or complaints need to be referred onto the relevant Department, ward councillors, dealt with through the Council's complaints or petitions procedures or raised at Area Forums or as Councillor Call for Actions.

We would welcome your views and comments on scrutiny and on the content of this report. If you would like to know more about the scrutiny function please refer to the contact information provided.

Contact:

Mike Ahuja: Head of Corporate Scrutiny & Community & Outreach

Tel no : 020 8379 5044

Mike.Ahuja@enfield.gov.uk

Alternatively you can contact us via the Scrutiny page on the Council's website:

www.enfield.gov.uk/Scrutiny

Or

Email: scrutiny@enfield.gov.uk

Individual contacts are also listed on the individual Scrutiny Panel pages.

Appendix A: Scrutiny- Some Key Statistics

In 2012/13 Scrutiny has:

- Held over 70 meetings, including Public and working group meetings
- Over 40 different Councillors serve on the 7 Scrutiny Panels
- Dealt with 8 Call-In's
- Received 3 requests for new Councillor Calls for Action.
- Dealt with 30 petitions
- Examined the budget proposals for each Council Group and submitted comments to Cabinet
- Visited various community facilities and front line services including the Hanlon Centre, Enfield Disability Association.

Every care has been taken to ensure that all organisations that were involved with scrutiny have been listed. We apologise if anyone has been omitted your contributions are still very much appreciated.

- Age Concern
- Alzheimers Society
- Arc Theature
- Avenue Residents Association
- Barnet & Chase Farm Hospital Trust
- Barnet Enfield Haringey Maternity Committee
- Barnet, Enfield & Haringey Mental Health Trust
- Bishops Stopford
- Chesterfield and Bowes Federation Schools
- Carers and Parents of Enfield
- Carlene Firmin, MBE
- Centre for Public Scrutiny
- Christian Action Housing
- CIDA
- Circle Anglia HA
- Civic Society Forum
- Comedy School
- Craig Park Youth Club
- Deaf Project
- Ebony Peoples Association
- Edmonton Eagles Boxing Club
- Enfield Asian Carers Consortium
- Enfield Asian Welfare Association
- Enfield Business & Retail Association
- Enfield Children & Young Peoples Service
- Enfield College
- Enfield Community Empowerment Network
- Enfield Disability Action
- Enfield Homes
- Enfield Link
- Enfield Mental Health Users Group
- Enfield PCT
- Enfield Racial Equalities council
- Enfield Rotary Club
- Enfield Saheli
- Enfield Schools Sustainable Environment Network
- Enfield Voluntary Action
- Enfield Youth Parliament
- Eversley Primary School
- Faber Maunsell Consultants
- Facefront
- Faith Forum
- Fairtrade Steering Group
- Federation of Enfield Community Associations
- Federation of Enfield Residents' Allied Associations
- Flavasum Trust
- Friends of the Parks Groups
- Hanlon Centre
- Houndsfield and Churchfield Federation Schools
- JMP Consulting
- Kongolese Childrens Association
- Landlords Association
- London Ambulance Services Patient & Public Involvement Forum
- London Borough of Haringey
- London & Quadrant HA
- London Wildlife Trust
- Metal & Waste Recycling Limited
- Metropolitan Housing Association
- Metropolitan Police Authority
- Millenium Performing Arts
- Mind in Enfield
- NHS Enfield
- Network Rail
- North Middlesex University Hospital Patient & Public Involvement Forum
- North Middlesex University Hospital Trust
- Notting Hill Housing Association
- Oak Tree Care Services
- One-to-One
- Over 50's Forum
- Parent Engagement Panel
- Park Avenue Pre-School
- Parkinson's Disease Society
- Primary headteachers Forum
- Reservoir Residents Association
- Royal College of Nursing
- St Thomas Nursery
- Secondary headteachers Forum
- Starksfield Primary School
- Stroke Action
- Thames 21
- Total Healthcare Groups
- Transport for London
- Unison
- Victim Support
- Volunteers Centre
- Youth Engagement Panel
- West Lea School
- Zipcar

Audit Committee Annual Report 2012/13

CHAIRMAN'S INTRODUCTION

I am very pleased to present this Audit Committee Annual Report for 2012/13 to both the Committee and to full Council.

The report shows that the Audit Committee has undertaken its role effectively, covering a wide range of topics and ensuring that appropriate governance and control arrangements are in place to protect the interests of the Council and the community in general.

I would like to thank all the members who served on the Committee during 2012/13. My thanks also go to Grant Thornton (external auditors) and to Council officers who have supported the work of the Committee and more specifically me in my role as Chairman.

Councillor Dino Lemonides
Chairman

1. TERMS OF REFERENCE AND MEMBERSHIP

The Terms of Reference of the Audit Committee are set out in the Council's Constitution (see Chapter 2.7 – paragraph 5). Our primary purpose is to ensure best practice in corporate governance and to enable the Council to discharge its fiduciary responsibilities in preventing fraud and corruption and arranging proper stewardship of public funds. The Terms of Reference have been assessed against CIPFA guidance.

We met 6 times during 2012/13, in addition to a number of briefing sessions (see paragraph 16).

During 2012/13 our membership was:

Councillor Dino Lemonides Chairman

Councillor Tahsin Ibrahim Vice Chairman

Councillors Jonas Hall, Ozzie Uzoanya, Michael Lavender, Toby Simon and Ann Zinkin

2. THE COMMITTEE'S WORK PROGRAMME

We agree a comprehensive work programme each year covering all aspects of our terms of reference. Members have a direct input into the content of this programme which is reviewed and monitored at each meeting. Items can be added if the Committee feels it appropriate.

The work undertaken during 2012/13 continued to support the following key areas:

- The Internal Audit Plan and the adequacy of the control environment of the Council – a primary role of Internal Audit.
- The relationship with the external auditors of the Council, working together to maximise the contribution to the assurance process.
- The Annual Governance Statement and working across the Council to assess overall governance arrangements.
- Risk Registers, the management of risk relating to the corporate and departmental risk registers, specific risk monitoring and promotion of risk awareness.

Specific areas that the Committee has chosen to focus on this year included – the Contract procedure rules – review and waivers, Corporate Records management, Debt Management Policy, Review of financial resilience, Public Health responsibilities, Monitoring updates on income collection/action being taken in response to the integrated Children's System (Liquid Logic), Changes to IFRS and governance arrangements, and legislative changes of Regulation of Investigatory Powers Act (RIPA) powers.

Appendix A sets out the work programme of the Committee in 2012/13.

3. THE 2012/13 INTERNAL AUDIT ANNUAL REPORT

In July 2012 we considered the 2011/12 Internal Audit Annual Report. This summarised the work of Internal Audit section for the year 2011/12 and included the Head of Internal Audit and Risk Management's annual opinion on the system of internal control.

We received a positive assurance that, in general:

- The systems of internal control continue to be adequate for preventing significant risks of a strategic and operational nature materialising.
- Risk management processes continue to be further embedded across the organisation and work has continued to strengthen the risk management arrangements in place with the Council's key partners;
- Whilst good progress had been made it was recognised that further work was required, which would be assisted by the introduction of a new follow up process being implemented in 2012/13 providing improved monitoring information and enabling faster escalation, where required.
- The work undertaken by the Internal Audit team has obtained sufficient evidence to support this opinion.

4. THE INTERNAL AUDIT PLAN 2013/14

The Internal Audit Strategy & Plan 2013/14 was considered at our meeting on 19 March 2013. It represents a key area of interest for the Committee and covers the activities around controls, assurance and governance arrangements within the Council. The plan shows how the resources of the Internal Audit team are to be applied to cover the key controls of the Council and address the risks that the Council face. Regular reports throughout the coming year will monitor the plan itself or specific aspects of activity around the Council's control environment.

5. INTERNAL AUDIT SERVICE

The committee has continued to monitor the work undertaken by the internal audit service, as part of the 2012/13 Internal Audit Plan with monitoring updates provided for each meeting of the committee. This follows the Internal Audit & Risk Management division undergoing a period of significant structural and organisational change with the introduction of a co-sourcing arrangement with PwC.

6. RELATIONSHIP WITH THE EXTERNAL AUDITORS

Representatives of our External Auditors (Grant Thornton) have continued to attend all meetings, making a welcome contribution to governance processes within the Council and the development of committee members. We have considered reports on a variety of issues

including Certification of Grants Subsidy and Return of Financial Information, Accounts Audit Approach Memo, Financial Resilience, Property Disposals, Annual Report to those charged with Governance and Public Health responsibilities.

In line with the Chartered Institute of Public Finance & Accountancy's 'A Toolkit for Local Authority Audit Committees' the committee has also held regular private discussions with the external auditors and Head of Internal Audit & Risk Management.

Grant Thornton also meet regularly with the Section 151 and Monitoring Officers to discuss and monitor matters of mutual interest.

7. THE ANNUAL GOVERNANCE STATEMENT

In July and September 2012 we considered the 2011/12 Statement of Accounts which included the Annual Governance Statement.

8. CONTRACT PROCEDURE RULES

At our meeting on 20 November 2012 we considered the 2012 annual review of the Contract Procedure Rules (CPRs) and at our meeting on the 19 March 2013 there was a further update on progress with the review currently being undertaken on the Contract Procedure Rules and use of waivers.

9. RISK MANAGEMENT

In January 2013 we considered the Council's Corporate Risk Register to enhance the Council's identification and management of its key risks. The Council's Risk Management Strategy follows best practice to help the Council achieve its aims and objectives – "to be Risk Aware not Risk Averse".

The Council are managing several significant risks which reflect increased pressures on local authorities like reductions in funding and the potential impact from increased fraud, with appropriate mitigation actions identified. The Committee will continue to monitor progress on this throughout the coming year.

Other risks that had been identified included, non-delivery of significant projects, Information Governance (including IT security) and potential impact from increased fraud. Two new risks around welfare reform and risks around the transfer of relevant public health functions to the London Borough of Enfield, were included. The risk around the potential of not maximising opportunities afforded by the Olympic Games was removed from the Corporate Risk register after the completion of the Games.

10. COUNTER FRAUD WORK

The Committee has continued to take a close interest in the work being undertaken by the Counter Fraud Team with updates provided for each meeting on the activity being undertaken, and outcomes achieved, in relation to housing and housing benefit fraud and internal fraud. The Committee was pleased to note that:

- 30 individuals, including over 10 prosecutions, had received sanctions for benefit fraud.
- Over £576K of fraudulent benefit over payments had been identified.
- 27 council houses had been recovered, with a further 28 recommended for recovery.
- Data matching exercise with the National Fraud Initiative (NFI), Audit Commission & Counter Fraud Team, to identify cases of potential fraud, had resulted in 4,300 high priority matches.
- The Housing Fraud team had identified and were reviewing 342 matches of sub letting.
- Work was ongoing as part of the National Fraud Initiative.

A number of counter fraud projects and initiatives have also been held aimed at improving fraud awareness and management including the successful launch of an e-learning fraud awareness training module aimed at raising staff awareness on fraud and corruption.

11. TREASURY MANAGEMENT STRATEGY STATEMENT & INVESTMENT STRATEGY

In line with the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management and Prudential Indicators, the Committee considered the Treasury Management Strategy Statement & Investment Strategy 2012/13 to 2015/16 at its meeting on 19 March 2013.

12. INFORMATION GOVERNANCE (JAN 2013)

The Committee received a presentation on the Council's Information Governance and Corporate Records Management Policy which linked into a review of the Council's Information Governance arrangements undertaken by the ICO at the same time. The Committee agreed that good progress had been made. The Committee are due to receive an update on the outcome of the ICO Audit this year.

13. INVESTIGATION OUTCOME (NOV 2012)

The Committee received a presentation providing details on a significant employee fraud and action that had been taken in response.

14. INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Committee were pleased to note that in the opinion of the External Auditors the Council continued to be further ahead than many other

councils in preparing accounts in accordance with the International Financial Reporting Standards (IFRS).

15. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Committee has also received quarterly reports on the Council's use of its powers under RIPA. RIPA aims to ensure that public bodies respect the privacy of members of the public when carrying out their investigations and that there is an interference with privacy only where the law permits it and there is a clear public interest justification. The Council's use of its powers under RIPA and the Communications Order are subject to external scrutiny in the form of annual inspections by the Office of Surveillance Commissioner's Office (OSC) and the Interception of Communications Commissioner's Office (IOCCO) respectively.

There had also been changes in legislation affecting the RIPA authorisation process that took effect on 1 November 2012 and that the requirement for the Audit Committee to receive quarterly monitoring reports on the use of RIPA within the Council be amended to require:

1. Update reports for each meeting only when contentious applications had been submitted; and
2. A formal monitoring report on a six monthly basis.

16. REMUNERATION SUB COMMITTEE

At its meeting on 7 June 2012 the Audit Committee agreed to set up a Remuneration Sub Committee to ensure that the Council had transparent and robust processes on strategic pay policy and practice across the Council.

The sub committee is made up of three members – two from the majority party and one from the opposition. The Chief Executive, as head of paid service, Cabinet Member for Finance and Property and a senior Human Resources officer also attend meetings as non voting members.

The terms of reference were amended by the Audit Committee to include coverage of all elements of the Council's senior management remuneration packages.

In 2012/13 the sub committee met four times and discussed

- Assistant Director Performance Appraisal Scores
- Comparative London Assistant Director Pay Rates
- Health Checks for Senior Officers'
- Suggestion to Negotiate a Discretion to Consider Non Consolidated pay as Non Pensionable
- Comparative Chief Officer pay Rates in London 2011/12
- Directors-PAR Objectives Achieved 2011/12
- The Council's Statutory Pay Policy

17. TRAINING AND BRIEFING SESSIONS

The following sessions were held during 2012/13:

- International Financial Reporting Standards (IFRS)

We propose to continue to hold regular update/briefing sessions on issues within our terms of reference throughout 2013/14.

18. WORK PROGRAMME 2012/13

We have agreed our work programme for the current year.

19. CONCLUSION

Overall we feel that we fulfilled our role and responsibilities successfully during 2012/13. We would like to express our appreciation to staff both within the Council and our External Auditors who have contributed to our work and supported us throughout the year.

Summary of Audit Committee Work Programme 2012/13

Date of Meeting	Reports Considered
10 July 2012	<ul style="list-style-type: none"> • 2011/12 Annual Statement of Accounts • Annual Governance Statement • Accounts Audit Approach Memorandum – Year Ended 31 March 2012 • Review of Financial Resilience – Follow up • Fraud Risk Update • Income Collection Performance Update – April 2011 to March 2012 • Scrutiny of Regulation of Investigatory Powers Act 2000 (RIPA) – update • Certification Work – Planning Memorandum 2011/12 • Review of Property Disposals • 2011/12 Internal Audit Annual Report • Audit Committee Annual Report 2011/12
27 September 2012	<ul style="list-style-type: none"> • External Auditors Annual Report to those Charged with Governance (ISA260) • LBE Audited Council Statement of Accounts 2011/12 & Annual Governance Statement • Risk Management Strategy • 2012/13 Audit & Risk Management Service Progress Report
20 November 2012	<ul style="list-style-type: none"> • London Borough of Enfield: Annual Audit Letter 2011/12 • Enfield Homes Audited Statement of Accounts 2011/12 • Review of Contract Procedure Rules • Scrutiny of Regulation of Investigatory Powers Act 2000 (RIPA) – Update • 2012/13 Audit & Risk Management Service Progress Report • External Audit Progress Report • Annual Audit Fee Letter – 2012/13 • Investigation Outcome - Presentation
15 January 2013	<ul style="list-style-type: none"> • Information Governance (Including Corporate Records Management Policy) • Corporate Risk Register • Public Health Responsibilities • Certification Report 2011/12 • External Audit Progress Report • 2012/13 Audit & Risk Management Update Report (including Annual Governance Statement Update Report)

<p>19 March 2013</p>	<ul style="list-style-type: none"> • Presentation on Financial Resilience & Questions – Grant Thornton • Treasury Management Strategy & Prudential Indicators • Management of Risk Relating to Safeguarding Vulnerable Children • Contract Procedure Rules – Waivers Update (6 Monthly) • RIPA Update • External Audit Progress Report • External Audit Plan • Draft 2013/14 Internal Audit Plan • 2012/13 Audit & Risk Management Service Progress Report
--------------------------	---

COUNCILLORS' QUESTIONS: 17 July 2013**Question 1 from Councillor Lavender to Councillor Taylor, Leader of the Council**

The waste and fuel use procurements of the North London Waste Authority (NLWA) are possibly the most important decisions affecting the Borough in a generation, particularly in terms of cost and environmental impact.

Why did the Labour Administration instruct officers to spend Council tax payers' money seeking Counsel's opinion on whether the Council could avoid this matter being discussed by the Conservative opposition at full Council? How much did this legal advice cost?

This is not the first time this has happened, Counsel's opinion having been sought previously whether it was possible to publish an OJEU notice in relation to the appointment of Cornerstone, before the ability of the Conservatives to call in the decision to appoint them. What does the Labour administration feel the need to act in such an undemocratic fashion?

Will he undertake to refer any decision made by Cabinet to full Council?

Reply from Councillor Taylor

Councillor Lavender is already aware that he is mistaken. He is aware that the Labour Administration did not instruct officers to seek Counsel opinion on the question stated. I am therefore surprised he has asked this question.

When the Opposition asked to refer the matter to Full Council, officers took legal advice as to whether this was required under the Local Government Act 2000 and the associated regulations. This is prudent, given the complex legal environment within which local government and waste disposal matters have to be addressed.

The Council has engaged external solicitors and Counsel in relation to NLWA procurement and felt it appropriate to obtain their legal advice on the governance issue.

In 2008, the Conservative Administration at Cabinet agreed the principles on which the NLWA and Constituent Boroughs would work together in order to enable the contract for waste disposal services, which is required in 2014. This matter was not referred to Full Council, as it was and still is a function of the Executive. In any event the default position, under s13 of Local Government Act 2000, is that all decisions are executive decisions, save for those for which specific statutory provision is made to the contrary.

The Labour Administration will determine this decision making process when the precise decision making timetable is finalised.

Question 2 from Councillor Simon to Councillor Taylor, Leader of the Council

The Department for Communities and Local Government ended the financial year £217m over its spending limit and was fined £20,000 by the Treasury.

Margaret Hodge, chairman of the public accounts committee, said it was "a shocking example of incompetence".

Is there any impact of this on Enfield Council?

Reply from Councillor Taylor

I am sure that Members on both sides of the Chamber will be amazed that Mr Pickles has failed to control his budget and will join me in considering his occasional lecturing to local Councils to be now wholly undermined. I'm sure the loss of this money must have an impact on Enfield and other Council's.

Question 3 from Councillor Laban to Councillor Sitkin, Chairman of the Sustainability and Living Environment Scrutiny Panel

I refer to the answer given by Councillor Taylor to Councillor Lavender's question [1].

In your capacity as Chairman of the Sustainability and Living Environment Scrutiny Panel, the remit of which is to ensure that sustainability, green energy and carbon reduction matters are properly scrutinized, and given the public concern about the NLWA procurement, in particular the concern expressed by residents of your own ward, do you agree with the approach of the Labour administration to avoid an Enfield focused public debate about this issue at full Council? If you do not agree with the approach, what do you propose to do about it? In the alternative if you do agree with the approach, how is this consistent with your role as scrutiny chair and your role as ward Councillor?

Reply from Councillor Sitkin

I do not believe there is any attempt by the Labour Administration to avoid a public debate on this issue.

Could I remind Members opposite that in 2008 when the really big decisions, committing this Council to millions of pounds of expenditure, were being made, including the purchase of Pinkham Way for waste disposal, the Tory Administration referred this neither to Scrutiny nor full Council.

Question 4 from Councillor Sitkin to Councillor Orhan, Cabinet Member for Children and Young People

Can the Cabinet Member for Children and Young People, tell the Council what her plans are for Garfield School and what this would mean for school children in the area.

Reply from Councillor Orhan

As colleagues well know, my department has through my Primary School Plans identified the need for more primary school places in Enfield and Garfield Primary is located in the heart of one of our key areas planned for regeneration 'The Ladderswood Estate'. Following my visit to the School, I was most impressed with the dedication and commitment to quality teaching by the Headteacher, her staff and Governors and especially so when I saw the enormous challenges the school site presented to them.

I am determined to build high quality schools for local children that the community will be proud of. Therefore I am proud to announce to this Council that we have now developed exciting plans to rebuild Garfield Primary School which will make the school much easier to run and provide an excellent environment for learning that our children deserve. My officers are currently drawing up the plans for the new build with the Headteacher, Governors and the local community. I know that we will all continue to work together in the interest of our children in Enfield.

Question 5 from Councillor Neville to Councillor Stafford Cabinet Member for Finance and Property

Is he aware of the most recent data published in early June by the Department for Communities and Local Government on Council tax arrears in England? This places Enfield in the 12th worst position out of 326 authorities, with arrears totalling £33,449,000 (thirty three million, four hundred and forty nine thousand pounds) as at March 2012, which is significantly worse than boroughs like Brent or Tower Hamlets and equates to an average of over £107 for every man, woman and child in the Borough and an average of £284 for each property in the Borough. Is he not ashamed to preside over such a poor collection record and what steps has he taken to improve the collection position?

Reply from Councillor Stafford

No, I am not ashamed at the Council Tax collection record in this borough.

Enfield has the 26th highest amount of Council Tax to collect in the country, which is unsurprising as we are the fourth largest London Borough. The data quoted is relatively old, and it is more useful to focus on the current position. In 2012/13, we:

- Met our target for in-year collection of Council Tax, which has remained strong despite the prolonged economic downturn the country is in.

- Met our ambitious target of reducing historic debts (over 3 years old) by 25%.
- Collected more arrears in 2012/13 than any other London Borough.

Our Collection Fund is in surplus. Collecting debt is taken very seriously and we are on course to deliver our target overall collection rate of 98% for 2012/13 charges. This is the joint 9th highest of the 32 London Boroughs. We are continuing our programme to reduce historic debts by 25% per annum and are on course to meet our current year collection target.

We do not give up early or easily on pursuing debts due to the Council, and we will continue to pursue debts that are due by any and every appropriate legal means. We have £4.7m of debts secured by Charging Orders on property and over £15m is either currently with bailiffs or has been returned uncollected by them. We offer help to those struggling to pay, including making payment arrangements when we can.

All this is being achieved at a time when the residents of this borough face the increasingly severe impact of the Government's welfare reforms. These reforms particularly affect this borough which has the highest number of Council Tax Support cases in London. We are determined to treat everyone in this borough – rich or poor, young or old – fairly, and we will do this using all appropriate and cost-effective means. This is a record to be proud of.

Question 6 from Councillor Brett to Councillor Bond, Cabinet Member for Environment

Could the Cabinet Member for Environment urge the Mayor of London to extend the low emission zone to outer London particularly in view of the North Circular Road having been declared one of the most polluted roads in London?

Reply from Councillor Bond

All of Enfield is covered by the Mayor's Low Emission Zone. However, despite this, the recent report produced by the campaign group Clean Air in London identifies the North Circular Road as the worst Road in London in terms of emission rates. It is not clear from the report precisely which sections of the North Circular are most affected and we will be raising this with TfL to get a better understanding of the problem.

Question 7 from Councillor Laban to Councillor Bond Cabinet Member for Environment

Would the Cabinet Member agree that planning magazine's article stating that Enfield's planning department will be going into special measures was an embarrassment to the authority? What steps has he taken to ensure that the planning department will not go into special measures?

Reply from Councillor Bond

The Planning Magazine article was misleading. Current performance on major applications in the last quarter exceeds 66% and performance over the period from July 2011 to June 2013 exceeds 38%. I would refer you to the scrutiny meeting you attended for details on the measures taken which are both robust and reflect value for money for applicants and residents.

Question 8 from Councillor Hasan to Councillor Orhan, Cabinet Member for Children and Young People

Can the Cabinet Member for Children and Young People, give the Council an update on her Primary Expansion Plan (PEP) Initiative.

Reply from Councillor Orhan

I am pleased to be able to report that we are entering an exciting phase of my PEP as we move into the actual building stage of the programme.

Seven of the eight schemes have been given planning permission for all the building works and preparations are being made for the contractors to start on site. The focus is on discharging the planning conditions, finalising design and beginning contract discussions which includes establishing the final cost of each scheme.

One scheme, Grange Park, has planning consent for a single reception classroom which will be delivered for September 2013 to allow an increased reception intake to help meet increased demand for school places.

Very positive discussions with Governors about traffic mitigation measures for a complete expansion are ongoing and we are now in the position of being able to submit a planning application to deliver permanent extra capacity for September 2014.

Question 9 from Councillor Vince to Councillor Orhan, Cabinet Member for Children & Young People

Early last year I raised concerns regarding school lettings. Eventually I received assurances in full Council that all schools would be paid. However, I am astounded to discover that many hirers have not been charged or issued with permits and many schools have not been paid since January this year. Can the Cabinet Member inform the Council why we are in the same position as we were a year ago, and what checks has she made over the last year and why we are in exactly the same problematic situation? Would she inform the Council how much is owed to schools since January, how many schools have decided to leave the School Lettings Service (SLS) because of poor performance from SLS and why is this problem still ongoing despite her reassurances to the contrary?

The Conservative opposition is told repeatedly by officers that it is the executive that principally runs this Council not full Council. Be that as it may would the Cabinet Member please not treat the Council with contempt.

Reply from Councillor Orhan

I am happy to update Councillors regarding the lettings service and make sure that they have access to the correct current information. I am confident that we are not in the same position as we were last year and can confirm that payments of £198,705 have been made to Schools and £45,201 to Academies for the period January to June 2013. The most recent payments were made to schools & academies in mid June representing all payments received up to and including May 2013.

There are still a number outstanding payments to us (this amounts to £131,000), but as I informed you previously there will never be a situation where the figure is zero as the balance is set on the date the invoice is issued and there is always then a time lag for the receipt and processing of the income and its distribution to schools and academies. The outstanding balance has improved considerably from October 2012. The service has also reduced the number of outstanding invoices issued.

There has been a slight drop in the number of schools that have bought in to the service this year 53 Schools bought in last year and 47 so far this year.

The reasons given to us for opting out have been varied including, in one case, building work in the school and in 2 cases, part of new school bursar's role. In addition at least 3 new schools have decided to buy in.

However I can assure you that my officers are monitoring the situation to ensure that it does continue to improve. At the same time we are about to consult with schools regarding the future of the service so that any changes are in place for the next financial year. I will of course keep Councillors informed of any proposals.

Question 10 from Councillor Robinson to Councillor Taylor, Leader of the Council

Would the Leader of the Council comment on the success of the signing of the Armed Forces Community Covenant.

Reply from Councillor Taylor

Thank you Councillor Robinson for the opportunity to inform Council of the Enfield Armed Forces Community Covenant, which as you know, is a voluntary statement of mutual support between the local Armed Forces community and the local civilian population.

The Council, as community leader, has always been fully committed to supporting the local Armed Forces community.

In partnership with other local service providers, we possess the knowledge, skills and experience to help our servicemen and women and their families.

Through our collective provision of care and support services we are helping those who have and are continuing to do, their duty on behalf of the government and nation. In this way, we are also assisting Armed Forces personnel with their transition back into civilian life.

It was therefore a great honour and pleasure for me to be able to commit to signing the Enfield Armed Forces Community Covenant on Wednesday 26 June 2013, in this Council Chamber.

The signing ceremony was attended by numerous VIPs including:

- Brigadier Richard Smith CBE – as the senior military representative
- Commander Graham Turnbull – representing the Royal Navy
- Wing Commander Chris Owen representing the Royal Air force
- Colonel Hugh Purcell OBE – Reserve Forces and Cadets Association for Greater London
- Mr Brian Hargrave – Chairman of the Greater London Royal British Legion
- Superintendent Jonathan Speed - Enfield Metropolitan Police
- Ms Litsa Worrall - Chair of Enfield Voluntary Action
- Mr George Georgiou – Chair of Enfield Homes
- Dr Alpesh Patel - Chair of the Enfield Clinical Commissioning Group
- Huw Jones Chief Executive Officer, North London Chamber of Commerce
- Mr Nigel Court Divisional Manager of Fusion Lifestyle Ltd
- Major John Rodwell DL,
- Member for Parliament Mr Andy Love and
- Ms Joanne McCartney Member of the Greater London Assembly

Along with the Mayor, Councillor Anwar and Leaders of the Conservative Group, Councillors Lavender and Laban.

I am pleased to say that the signing ceremony went well, with almost military precision.

The whole event, along with the Armed Forces Day Parade on Sunday 29 June, has helped demonstrate the fact that the people of Enfield are proud of their national Armed Forces and their local servicemen and servicewomen.

Everyone I spoke to on the night was very appreciative of our efforts to explicitly demonstrate our respect for the Armed Forces.

The Enfield Armed Forces Community Covenant clearly demonstrates our shared and renewed sense of commitment to supporting those that have sacrificed and given so much to preserve the freedoms we enjoy.

I have written to the Member of Parliament for Enfield North, Mr de Bois, who mistakenly criticised the Council for not agreeing to sign the Covenant, when plans were in place to do so. I have asked him to publicly acknowledge his error but at the time of this reply to your question I am not aware of this happening.

Question 11 from Councillor Neville to Councillor Stafford Cabinet Member for Finance and Property

On 7th June you signed off a delegated action report for the sale of Southgate Town Hall. The financial implications of the report were incorrect by £1.14 million and this was evident on the face of the document as you subsequently agreed at the Overview and Scrutiny call-in on 24th June.

Can he confirm to the Council that:

- (a) he reads these reports before signing them and
- (b) that he understands financial implications sufficiently to be able to recognise obvious mistakes and challenge the officers accordingly

Does he not consider that to approve an important decision with such a glaring error in the financial implications, requires him to consider his position as Cabinet Member for Finance and accordingly will he resign?

Reply from Councillor Stafford

As I explained at the Call In meeting, this was an unfortunate error in one part of the report. The deal, as Councillor Neville knows from the Call-in, is completely sound, represents good value for money and is the first step in developing and improving the area around the Southgate Town Hall and Palmers Green Library site for the benefit of local people. I therefore understand fully both the cost of the deal, and its value. Given that the Labour Administration is both financially savvy and community minded, why would I resign?

Question 12 from Councillor Sitkin to Councillor Orhan, Cabinet Member for Children and Young People

Would the Cabinet Member for Children and Young People confirm that a future Labour Government would discontinue the practice of having non qualified teachers in the classroom of Free Schools?

Reply from Councillor Orhan

Labour colleagues rejoiced at the recent announcement by Mr Stephen Twigg MP that a future Labour Government will support local government to setting up new schools where they are needed most and particularly in areas with a shortage of places. His statement that a Labour Government will insist on high standards for all our children, with qualified teachers in every classroom and that the Labour vision will bind communities together and not divide them was a very welcomed statement.

Enfield Labour are committed to ensuring that all our Children & Young People are given access to high quality teaching and learning and I know my officers work closely with all maintained schools and a high proportion of academies to ensure that teachers are skilled and qualified to deliver on our commitment.

Question 13 from Councillor Neville to Councillor McGowan Cabinet Member for Adult Services, Care & Health

The report to the Cabinet for 19th June on the future of Honeysuckle House, indicates that out of 56 expressions of interest in the tender for future care provision at Honeysuckle House, only four were shortlisted and all four withdrew their interest and did not therefore make a bid before the tender return date. Can he explain to the Council:

- (a) why it took six months to report that fact to the Cabinet which meant that the original contract had expired and could not therefore be further extended without legal difficulty?
- (b) does he accept that the Council is now placed in a difficult position in terms of negotiating an interim contract with the present provider?
- (c) what are his views on the way in which this transaction has been handled?
- (d) is he satisfied that the actions are likely to represent best value for the Council in their outcome?
- (e) is anybody to be held to account for these failings?

Reply from Councillor McGowan

I thank Councillor Neville for his question

It is not unusual for a provider to express an interest in a tender process in order to obtain information, but then not submit either a pre-qualification questionnaire or subsequently a formal tender.

I would refer Councillor Neville to two Cabinet Reports on 24th April and

19th June 2013 which contained both Part 1 and Part 2 sections for reasons of commercial sensitivity, which detail the number of providers who submitted per-qualification questionnaires and where subsequent shortlisted.

The report on the 24th April identified an urgent need to secure an immediate provider to continue to manage the service at Parkview Home which was tendered at the same time as Honeysuckle. The need for interim contract arrangements for the management of Parkview House where essential to safeguard the vulnerable resident group and this was a priority over the arrangements at Honeysuckle House which remained stable.

The Council where placed in a difficult position with an unexpected failure of the market to respond to a normal tender process. The interrelationship between concerns suggested by providers as detailed in a part 2 report and broader issues of risk appetite and affordability in the care homes provider market were apparent. The emerging impact of judicial reviews on the cost of social care for the elderly, as well as regulatory developments on the sustainability of care organisations' financial models became more apparent during the tender. This almost certainly included concerns by care homes about the collapse of Southern Cross for example, the continuing difficult economic climate and the local market context in Enfield where we have a much larger number of care homes supported by a mixture of Self funders and purchasing by Inner London Authorities.

Prior to any Cabinet Report being submitted it was necessary to consider options and to have early dialogue with providers to establish if there was in fact a viable option for the continuing management of Honeysuckle by a viable care provider. To do anything less would have placed the Council and residents care at significant additional risk.

Councillor Neville will be aware that this report has been called in and is therefore going to be reviewed by Overview and Scrutiny. During this time the decision of Cabinet remains on hold and the forthcoming Overview & Scrutiny Committee meeting will provide an opportunity for Councillor Neville to debate all of the relevant issues, including those of a commercially sensitive nature

Question 14 from Councillor Oykenor to Councillor Taylor, Leader of the Council

Would the Leader of the Council confirm the intention to name the new street in Ponders End, created as part of the major regeneration initiative on Dujardin Mews?

Reply from Councillor Taylor

Charlotte Dujardin won individual and team dressage gold medals at the London 2012 Olympic Games with her horse, Valegro. She was born in Enfield and was part of the triumphant "Greatest Ever" Team GB which lifted the entire

nation in winning 185 medals in the Olympic and Paralympic Games hosted in London last year.

Following planning permission being granted for a new 38 property street in Ponders End on 18 June, the Council has confirmed this street will be named Dujardin Mews.

The developer carried out early consultation on this proposal, with local residents, to ensure there were no objections and further consultation will follow as part of the Council's normal Street Naming and Numbering process.

Question 15 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration

Would the Cabinet Member for Business & Regeneration join with me in thanking the Mayor of London and the Conservative led government for the recent announcement that the London Enterprise Partnership will give the necessary funds to deliver the third track which is crucial to the success of the Meridian Water Regeneration Scheme and the regeneration of the eastern side of the Borough.

Reply from Councillor Goddard

Indeed the provision of the resource for the third track is a joint effort of all parties including the Council, the GLA, our Local MPs, the Local Enterprise Partnership (LEP) and the Government. Given that it is the LEP that makes the allocation, my first thanks go to them and to officers for doing all the work to make the case.

The £27.5 million investment was announced recently and will fund a four train per hour service between Angel Road and Stratford. Enfield Council is now in advanced negotiations with the Mayor of London, the Treasury and Transport for London (TfL) to develop the plans to drive the regeneration of the massive £1.3 billion green eco-development Meridian Water.

It is pleasing to note that the GLA is at last spending the London allocation and spending it in North London. Perhaps in future there will be more joint working on devolution of resources, criticism of the work programme and devolution of the schemes and economic growth to cite but a few areas.

Question 16 from Councillor Simon to Councillor Orhan, Cabinet Member for Children and Young People

Can the Cabinet Member for Children and Young People tell the Council how many additional school places she has created through her Primary Expansion Plan (PEP) initiative and what it will mean to children in Enfield?

Reply from Councillor Orhan

I am proud of the hard work of my Director Mr Andrew Fraser and of all staff in my department on my Primary Expansion Programme (PEP) and happy to report that phase one aims to provide an additional 1,890 permanent school places, and increased capacity to support previous school expansions, across all year groups beginning in 2013/14 across eight schools.

We are also about to start phase 2 which will look at a further increase for primary and the provision of secondary places.

This will mean that there will be sufficient high quality school places in the right location for all our young people.

Question 17 from Councillor Neville to Councillor Stafford Cabinet Member for Finance and Property

On 26th June George Osborne announced that the Council tax freeze, due to come to an end next April, would be extended for the next two years. He said that would mean nearly £100 off the average Council tax bill for families.

The announcement means that Council tax bills will have been frozen for the five years and in Enfield, six years given the self-funded freeze under the last Conservative administration.

Conservative Councillors welcome this. Does Councillor Stafford welcome this announcement and what steps is he putting in place to ensure that the budget remains balanced given the government's strategic aim is to induce town halls to cut their expenditure by offering a grant to the Councils to pay for the freeze that is unlikely to cover the full cost?

Reply from Councillor Stafford

Public Services have already experienced 33% cuts in real terms, with a further 10% announced for 2015/16 in the recent Spending Review. The Council Tax Freeze Grant, whilst welcome, is one-off funding and therefore builds up pressures and problems for future years. Because of this reason, 35% of local authorities chose not to accept the Freeze Grant offer in 2013/14.

The Council has set a balanced budget and frozen Council Tax throughout the lifetime of this Administration and is well on course to deliver the same again in February 2014.

I have made no secret of the fact that difficult decisions will have to be made during the life of the next Administration – indeed the Council Tax Freeze Grant tends to mask this. We are working, as any responsible political party would, to identify how this can be achieved whilst preserving the quality of services, representing local people and supporting staff to do the best possible job they can.

Question 18 from Councillor Buckland to Councillor Taylor, Leader of the Council

Would the Leader of the Council comment on the current situation with regard to the reduction in services at Chase Farm hospital?

Reply from Councillor Taylor

I thank Councillor Buckland for raising this matter. As you will now have seen, a report was received at Cabinet on the 10th July on this issue which set out the context of changes and details of work undertaken by the Executive and Health and Wellbeing Scrutiny Panel. I would refer the Councillor to the detail in this report.

I can briefly summarise that the Council commissioned an independent report on the changes which was reviewed by the Health and Wellbeing Scrutiny Panel recently. The Council has also written to the Secretary of State for Health.

The NHS have to make a decision in September on whether to implement the proposed changes at Chase Farm and the Cabinet have endorsed the taking of all reasonable steps by the Council in that regard to safeguard health care services for Enfield residents, include taking legal action if required.

We will continue to keep this matter under close review in the meantime.

Question 19 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property

Would he tell the Council:

- (a) Since May 2010 how many officers have left the Council's service as a result of disciplinary proceedings; how many officers, if any, challenged dismissal at an employment tribunal; what if any was the total compensation awarded
- (b) How many officers have left the Council's service on the basis of a compromise agreement. What were the grades of the officers concerned
- (c) How much was paid in total on any compromise agreements:
 - (i) excluding pension payments; and
 - (ii) including pension payments

Reply from Councillor Stafford

- (a) 48 officers have left the Council service as a result of disciplinary proceedings since May 2010. 5 officers challenged the dismissal and the tribunals made no compensation awards.
- (b) Of the above 48 officers, 1 officer graded scale 6 left the Council on a compromise agreement.
- (c) No monies were paid via the compromise agreement detailed in (b) above.

Question 20 from Councillor Neville to Councillor Stafford Cabinet Member for Finance & Property

Is he aware that on the afternoon of Tuesday 18th June there were two false fire alarms in the Civic Centre within the space of 90 minutes? Is he also aware that on that afternoon the trade unions had organised a demonstration outside the Civic Centre in their campaign against “blacklisting”? Does he agree that it was too much of a coincidence that these elderly fire alarms which are long overdue for replacement – should have been activated twice in the same afternoon helping to swell the numbers outside the Civic Centre and around the trade union banners?

Reply from Councillor Stafford

The two evacuations were due to faults with the fire alarm system. Both faults originated within a secure staff area of the Civic Centre, where Union protestors did not have access. The smoke detectors concerned have since been replaced, and all other parts of the fire alarm have been checked. Where further maintenance and/or replacement is needed, we will do that, as part of our ongoing maintenance programme for the Civic Centre.

Question 21 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property

In the light of the recent disclosures by the National Audit Office about the use of credit cards issued in the civil service and elsewhere in the public service, could he tell the Council the following.

- (a) How many Councillors are issued with Council credit cards?
- (b) How many officers by grade hold Council credit cards or P cards for procurement or other purposes?
- (c) How much was spent respectively on those credit cards or P cards?

Reply from Councillor Stafford

- (a) None

(b) 448 purchase cards are held across the Council.

(c) Last year (2012/13), we spent as a Council £1,285,561.03 on P cards.

It may be helpful to explain the purpose and background to this issue.

P cards were introduced at Enfield Council in 2008 and have a number of advantages. They:

- Enable payments to be made quickly and easily, avoiding a lot of the paperwork associated with low value purchases (e.g. purchasing emergency clothing for looked after children etc) whilst still maintaining appropriate controls.
- Improve the quality of management information available to managers and the procurement team.
- Increase the resilience on controls of that expenditure by ensuring card holders and their managers review purchases on a monthly basis.
- Use systems and processes that represent best practice in the financial services industry.

The Council does not have any corporate credit cards.

All requests for cards have to be justified by a business case and approved by the proposed card holder's manager, Assistant Director for that area and the Head of Procurement Systems and Information, before going to the Director of Finance for final approval and signature for the bank.

There are limits on what the cards can be used to buy, in order to prevent inappropriate use. There is also an individual transaction limit (normally £250) and a monthly limit (normally £1000). There is no credit available on these cards.

Every month, expenditure on the cards is reviewed by the Corporate Procurement Team. Any anomalies are identified and addressed with staff and their line manager. Staff who do not comply with the financial regulations for the cards have their card suspended. The Council's Strategic Procurement Board reviews compliance at every meeting.

Question 22 from Councillor Jukes to Councillor Bond Cabinet Member for Environment

In view of the growing number of complaints from residents, can he advise the Council of action taken during 2012/2013 under the specific enforcement project "Beds in Sheds" and state what action is to be taken in 2013/2014 to eradicate this serious problem?

Reply from Councillor Bond

A breakdown of action taken by the Enforcement Team in 12/13 is as follows;

Investigations carried out	—	139
No breach found	-	35%
No action can be taken	-	20%
Breach rectified after warning letter	-	15%
Formal Notice served	-	15%
Formal action authorised	-	05%
Properties still under investigation	-	10%
Prosecution files underway	-	14
Works in default action authorised	-	5

Proposed action working year 2013/14

Information the Council holds from the past year through up to date aerial photography, data correlation on fly tipping/rubbish and anti social behaviour in or near alleyways will allow us to maximise the use of recourses in areas identified as hotspots and reoccurring problem locations.

Planning Enforcement will

- Review all data collected to identify problem areas/hotspots
- Continue to investigate and take action on all complaints received from residents and partners
- Carry out high profile operations (more visual approach)
- Increase Notices Served
- Increase prosecutions/Use of proceeds of crime
- Increase works in default action
- Increase awareness (Press releases)
- Lead and encourage on partnership meetings and cross working
- Continue to provide feedback to partners to ensure compliance under regulations
- Continue to look for further ways to identify possible problem areas

Question 23 from Councillor East to Councillor Goddard, Cabinet Member for Business & Regeneration

What steps is the Council taking to ensure the biodiversity is being incorporated into planning and regeneration policy? What examples can he share?

Councillor Goddard

There is a very simple answer and that is the information you require is contained within our Local Plan – Enfield Core Strategy, our newly produced

Development Management Document (DMD) (March 2013) and all the planning policy documents on our website. These reports have explicit sections on sustainability and biodiversity as a requirement of the policy process. For example, Enfield's Core Strategy adopted in 2010 (particularly Core Policy 36 which sets out the Council's approach to protecting, enhancing, restoring or adding to biodiversity diversity interests in the borough. The (DMD) was approved by full Council in March this year for submission to the Secretary of State for independent examination. The DMD contains detailed policies by which all planning applications will be determined and will be a key vehicle in delivering the vision and objectives for Enfield set out in the Core Strategy. Once the DMD is finally adopted it will be used alongside the Core Strategy, area based action plans for the regeneration priority areas and the London Plan to determine planning applications. Chapter 10 of the document concentrates on policies to protect a wide range of open spaces, playing pitches, waterways, wildlife corridors, green chains, biodiversity and ecological enhancements, trees and landscaping collectively referred to as "green infrastructure".

Specific examples of how biodiversity has been incorporated into planning policy include DMD policies 78 (Nature conservation) and 79 which seek to protect ecological assets from inappropriate development. Policy 79 requires developments resulting in the creation of 100sqm of floorspace or one net dwelling or more to provide onsite ecological enhancements.

In addition to these general policies, over 40 individual sites which have London wide, borough or local significance for nature conservation are identified on the Proposals Map accompanying the DMD and are subject to policies which guide any development which may affect them. As part of the preparation of the DMD all of these sites, which collectively cover 1,554 hectares, were reviewed and boundaries confirmed by the London Wildlife Sites Board. In addition to these borough wide plans, further planning guidance on biodiversity is included in more local area based plans such as the Meridian Water Masterplan.

Our approach to biodiversity through the planning system contributes to meeting the objectives and priorities of Enfield's Biodiversity Action Plan adopted in September 2011. Finally, let me assure you that it is our full intention to meet our obligations and that officers will brief you on the detail should you so wish.

Question 24 from Councillor Laban to Councillor Bond Cabinet Member for Environment

Please could the Cabinet member make sure that his department will be sensitive in dealing with vulnerable residents in relation to his latest decision where the threat of wheeled bin removal is used to deal with households that cause the cross contamination of waste for example putting the wrong thing in the wrong wheeled bins?

Reply from Councillor Bond

Yes.

Question 25 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration

The number of vacant shop units in Enfield Town is increasing. Please could he explain what his department doing to reduce this and to attract visitors to Enfield Town.

Reply from Councillor Goddard

The administration is very concerned about the state of Enfield Town and other areas with a weak retail situation. We are in the process of completing a strategy that will come before Council in the Autumn that addresses the issues as far as we can. The limitations are obvious to all.

The Council is not the owner of Enfield Town. The private sector has not invested in creating the size of units nor in schemes to lift the Town but relies on the public sector to intervene at a time when Local Government is being squeezed. The shops run by the Council in the east are over 95% occupied. You might ask what the landlords in the Town are asking for in rent and premiums. In Enfield Town our occupation figures are around the 85.3% against a national rate of just under 86%. You might agree that this is one of the consequences of 5 years of no growth. The issues are very complex and for that reason we are putting together a comprehensive approach.

In the interim we were using the High Street Innovation Fund, via Enfield Business & Retailers Association (EBRA), to make 'pop up' use of some empty premises in the Town. However, fortunately, the empty premises have been let. Several new businesses are moving in (Morrisons to HMV - Foxton are now open following empty period after Noodle Bar, another Estate Agent has opened up at the library end of the Town.

Officers from Regeneration, Leisure & Culture are meeting Enfield Town Business Association (EBTA) regularly. EBTA have recently expanded and other partners such as the police and third sector also attend and so it has become a "Town Team". EBRA are commissioned by Regeneration's Business Team to assist EBTA develop increase footfall and vibrancy events in 2013/14. A series of events have been planned, with the local community, through to December 2013 in order to increase visitors and shoppers.

EBTA, with support from EBRA and the Council, are developing an intergenerational scheme to employ the over 50s as Enfield Town ambassadors to help shoppers, explain offers and reduce the fear of crime and they will mentor NEETs (Not in Education, Employment and Training) who will be given on the job soft and specific skills through work experience placements

with ET businesses.

Through the High Street fund we have funded an extension to the social media campaign – ‘We Love Enfield’ to build interest and advise people of offers to increase footfall.

I think this demonstrates that we are working hard to secure improvements in our Town centre and will continue to see this as a priority.

Question 26 from Councillor Laban to Councillor Bond Cabinet Member for Environment

The tennis courts on the A10 are well used by the community especially in the summer months. These tennis courts currently have weeds growing through the concrete some at least a metre high. Will he get his department to undertake a deforestation/clean up programme of the tennis courts?

Reply from Councillor Bond

The courts will be maintained as a part of the regular and routine maintenance programme for the summer season.

Question 27 from Councillor Neville, to Councillor Bond Cabinet Member for Environment

You are currently consulting on a much smaller scheme for the installation of road humps near St Paul’s School Ringwood Way which proposes two sets of humps before and after the bend in Ringwood Way:

- (a) Have you personally visited the site and when?
- (b) Are you aware that the accident data for Ringwood Way shows unsurprisingly that there have been no accidents in Ringwood Way over the past five years
- (c) Are you aware that the only accidents that have occurred in the vicinity are some distance from the school at the far end of Green Moor Link
- (d) Do you not consider it a waste of public money to install humps in such positions on a road which because of its topography and the extent of residents parking is almost impossible to negotiate at any more than ten miles an hour during school access and egress periods

Reply from Councillor Bond

- (a) Yes, last month
- (b) Yes

(c) Yes

(d) 20 mph zones are effective in reducing the speed of vehicles in roads surrounding schools. We will install them where they are necessary to keep children safe. History tells us that a lack of previous incidents is not a totally effective indicator of future accidents.

Question 28 from Councillor East to Councillor Bond, Cabinet Member for the Environment

What are Councillor Bond's thoughts on the regular cancellation of the meeting of the Green Belt Forum by Councillor Sitkin, and the fact that some residents in Chase Ward consider it to be a reflection of this Administration's lack of focus on Greenbelt issues and protection of the environment in Enfield.

What message would he like to give to residents who are concerned about this?

Could he also please confirm his commitment to engaging with our residents on matters that concern them.

Reply from Councillor Bond

Unlike the current coalition government, the Council is committed to preserving the Green Belt, which has been demonstrated through robust application of planning policy and targeted enforcement to protect this area. However, this administration is keen to ensure that we only hold meetings when there are items for discussion and warrant the incurred public expenditure.

Question 29 from Councillor Laban to Councillor Taylor, Leader of the Council

In his foreword to his bid submission for a cycle network for Enfield, a document amusingly entitled 'Mini-Holland – Enfield' Councillor Taylor sells Enfield as a place having 'few hills'.

The entirety of the London Borough of Enfield lies on the western side of the River Lea Valley, at its lowest point in the east the borough follows the River Lea and rises in the west to its highest point at Ferney Hill being 102 metres above sea level. In fact the Enfield Characterisation Study, published in 2011 describes parts of the Borough as having a landscape comprising gently rolling hills and the key topological feature of the borough being hills and valleys.

A perusal of the map of Enfield reveals the following road names and places (this list is probably not exhaustive): Stag Hill, Beech Hill, Ferney Hill, Vault Hill, Roundhedge Hill, Cuckolds Hill, Camlet Hill, Crews Hill, Hornbeam Hills, Plumridge Hill, Oak Hill, Clay Hill, Morley Hill, Forty Hill, Lavender Hill, Gordon

Hill, Four Hills, Holtwhites Hill, Windmill Hill, Slades Hill, Cat Hill, Merryhills, Hillyfields, Bourne Hill, Aldermans Hill, Bush Hill, Church Hill and Winchmore Hill.

Did Councillor Taylor draft this foreword himself, or was it prepared by the Council's press department?

Would it not be better for this bid submission to concentrate on cycle lane provision where it would be most economically useful and where it would most likely be used?

Reply from Councillor Taylor

Foreword

"Enfield Council believes that cycling delivers great benefit to the individual cyclist and to the wider community. Enfield is a great place to cycle with open countryside, decent terrain and interesting places to visit. There are currently only a small minority of trips which are cycled. Travel to work and school by cycle is not the norm.

In recent years, the Council has invested significantly in cycling and is working hard to improve conditions for cyclists including delivering one of the most ambitious and dense Greenway cycle networks in Outer London. However, to realise our vision for cycling and our potential for a ten-fold increase in the number of trips cycled, significant investment is needed and we welcome this opportunity to apply for mini-Holland funding.

This investment will not only benefit residents who cycle, but everyone who lives, works or studies in Enfield, as we will create a healthier, more economically vibrant and attractive environment for all. More people cycling, and cycling as part of their normal, everyday life, will not only improve health and air quality but will increase surveillance, reduce crime, improve access to employment and services, and reduce those killed and seriously injured on our roads.

Our plans to radically transform the town centres of Enfield Town and Edmonton Green, and to create a Cycle Superhighway along the A1010, will make these places better for everyone, with less noise and pollution from traffic and more trees and places to enjoy. Revitalising Edmonton Green will also enable us to address inequalities in an area that has some of the worst child poverty and life expectancy rates in England.

Our vision is to make the borough a better place to live and work, delivering fairness for all, growth and sustainability and strong communities, and mini-Holland funding will enable us to achieve this. We want to see a better balance of travel; one less wholly dominated by cars making short journeys and more populated by people on cycles. We particularly want to see groups of people

who are less likely to cycle - women, the young, and black and minority ethnic groups - taking to their pedals and we will work with these communities and involve them at every stage of the planning and design process. Only when visitors to the borough comment on how prevalent and inclusive cycling is in Enfield, will we be able to claim success - we can achieve that."

Doug Taylor
Leader of the Council

Michael Lavender
Leader of the Opposition"

The text of the Foreword, which was submitted last week, is printed above. This does not accord with your observations in your question. The Conservative side received the submission on July 5th.

Question 30 from Councillor Headley to Councillor Charalambous, Cabinet Member for Culture, Leisure Youth & Localism

Edmonton Leisure Centre is dilapidated and the facilities and equipment are worn, not updated and expensive annual membership is £450. Can the Cabinet Member explain why Edmonton residents are being so poorly served and what he is doing about it?

Reply from Councillor Charalambous

Edmonton Leisure Centre is a little over 5 years old and is the Council's newest Leisure Facilities. I think it is stretching a point to suggest that it is dilapidated.

It is well used and has a thriving membership, 50 plus user group and swim school membership. When Fusion took over as the operators of the Leisure Centres in Enfield they agreed an approach jointly with the Council to redevelop a number of the facilities. Whilst it was recognised that Edmonton Leisure Centre was relatively new, some work was planned as part of the Capital Development Project. This work will be starting in the autumn of this year.

The Council and Fusion work hard to monitor the equipment and Fusion have introduced a rolling replacement programme across Enfield's Leisure Centres. Fusion has also introduced a new maintenance regime for the equipment with improved call out times when equipment is broken.

With regard to Membership prices, the Council has introduced affordable Leisure initiatives such as free swimming for young people during the holidays, free gym use before 4pm for young people during the holidays and an extra free swimming session for older people. As well as this initiative the Council recognised that the full membership prices might be beyond some residents, so working with Fusion new off peak cheaper memberships have been introduced. The Council with Fusion continue to run the discount scheme (Energy Card) for those meeting the criteria and link closely with the 50 plus group in Enfield who continue to attract a discount.

I'm proud to say that Edmonton Residents will benefit from these developments.

Question 31 from Councillor Headley to Councillor Charalambous, Cabinet Member for Culture, Leisure Youth & Localism

Can the Cabinet member for youth provision clarify if the Youth Parliament was consulted about the closure of the skate park and Croyland Road ? Can he tell us what their views were?

Reply from Councillor Charalambous

Councillor Headley is mistaken in believing that there is a skate park in Croyland Road but if she is referring to the skate park at the junction of the A10 and Church Street next to Edmonton Cemetery she should know that the viability of any cemetery extension will be considered in the Autumn/Winter and if there is any displacement of the current skate park the re-provision of a skate park in nearby suitable location will be done with full consultation of the youth Parliament and users of the current facility.

Question 32 from Councillor Headley to Councillor Bond Cabinet Member for Environment

Pymmes Park has become a untidy public space with new Romany gypsies using the park making a mess littering and spitting seeds and breaking the public furniture. When was the last time the Cabinet Member crossed the A10 and visited the park without an officer and saw first hand why so many long standing residents feel so disgusted with the ill treatment of our public space which is an historic gift to the borough?

Reply Councillor Bond

I am sure I have visited Pymmes Park more often than she has visited Bush Hill Park ward. I was in the park at the beginning of July.

Question 33 from Councillor Headley to Councillor McGowan, Cabinet Member for Adult Services, Care & Health

Can the Cabinet Member agree that care packages need to be reformed so that the Council gets value for money ?

Reply from Councillor McGowan

I would like to thank Councillor Headley for raising this important issue with me. The need to deliver good value for money whilst at the same time ensuring we meet the Council's statutory responsible for securing good quality care and safeguarding vulnerable adults continues to be a significant challenge.

The Councillor will be aware from Cabinet reports and her work on the Vulnerable Adults and Older People Scrutiny Panel that Adult Social Care during 13/14 has planned savings of £7,587 million being delivered and a programme of £6 million for 14/15 already agreed.

These savings are being delivered through a combination of better procurement, changing the customer pathway through personalisation. Delivering improved choice and control, enablement services and delivering efficiencies in back office services. However we cannot be complacent, given recent government budget announcements, about the need to continue to provide good value for money whilst at the same time ensuring we do all we can to safeguard and provide care to vulnerable adults in Enfield.

Question 34 from Councillor Neville to Councillor Stafford Cabinet Member for Finance & Property

Can he tell the Council for each of the last three years since May 2010 how many temporary/ interim posts on "M" grades and above have been engaged and at what cost expressed as a total for each year and an average daily cost and showing how much of these totals is paid to agencies. and show the same information for the current year.

Reply from Councillor Stafford

Please can Councillor Neville clarify which posts he is referring to as the Council does not have a descriptor titled 'M' grade?

Question 35 from from Councillor Neville to Councillor Stafford Cabinet Member for Finance & Property

What is the total cost this year for incremental pay increases within grades across all staff?

Reply from Councillor Stafford

The estimated total cost for automatic incremental pay increases for Council staff in the financial year 2013/14 is £519,840.51. This cost is estimated due to the fact that staff movement and the cost of pension contributions could vary across the financial year. It should be noted that Council staff, whose salaries are determined by the National Joint Council, have received no national pay award for the last 3 years. This has not been the case for other sectors eg: teachers.

Use of the Council's urgency processes involving a waiver of the call in process which have been agreed following the last update presented to Council on 27 March 2013.

Council is asked to note the decisions taken and the reasons for urgency.

1. Decision (Rule 16): Purchase of Orchardside Nursery, Bullsmoor Lane, Enfield, EN1 4RL

1.1 Reason for Urgency:

The Cabinet member for Finance & Property approved a Portfolio decision (19 March 2013) to authorise the acquisition (via auction) of the freehold interest in the above property by the Council, up to a specified ceiling price.

Approval of the decision, under the Rule 16 urgency procedure (involving the waiving of advance notice of a key decision and call-in) was sought in order to avoid the Council losing the opportunity to bid for and purchase the property at auction. It had not been possible to provide advance notice as the Council had only been made aware of the auction (which took place on 20th March 13) on 13th March.

The site had been identified as a valuable asset in terms of meeting educational needs with the acquisition enabling the Council to consider rationalisation of sites delivering value for money.

The use of the Rule 16 urgency procedure was approved by the Chair of the Overview & Scrutiny Committee on 19 March 2013.

2. Decision (Rule 16): Purchase of Orchardside Nursery, Bullsmoor Lane, Enfield, EN1 4RL

1.1 Reason for Urgency:

Following on from the above decision, the Cabinet members for Finance & Property and Children & Young People approved a further Portfolio decision (2 July 2013) to authorise the acquisition of the freehold interest in the above property by the Council, on the terms outlined within the report, and to the release of General Fund capital resources earmarked in the Schools and Children's Services element of the capital programme to enable the acquisition.

This decision followed on from an approach by the site owner, following the Council's failed attempt to purchase the property at auction on 20 March 13. Approval of the decision, under the Rule 16 urgency procedure (involving the waiving of advance notice of a key decision and call-in) was sought in order to conclude the acquisition and avoid the owner withdrawing or remarketing the property, with a provisional date for the Council to enter into the Heads of Term agreement set for 1 July 2013.

The proposal made by the owner was felt to have reflected the market value placed on the site by external consultants with the site identified as a valuable asset in terms of meeting educational needs. It had not been possible to provide the usual period of advance notice given the timing of the offer from the vendor.

The use of the Rule 16 urgency procedure was approved by the Chair of the Overview & Scrutiny Committee on 30 June 2013.