



**LONDON BOROUGH OF ENFIELD**

**AGENDA FOR THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY, 27TH  
NOVEMBER, 2013 AT 7.00 PM**

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

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**Date:** 19 November 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, 27th November, 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 - 14)**

To approve, as a correct record, the minutes of the Council meeting held on Wednesday 9 October 2013.

**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 - ENFIELD: THE ENVIRONMENT IN WHICH WE ALL LIVE** (Pages 15 - 18)

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. REFERENCE FROM OVERVIEW & SCRUTINY COMMITTEE: DEEPHAMS SEWAGE PLANT - PETITION** (Pages 19 - 28)

To receive a report from the Director of Finance, Resources & Customer Services outlining a reference made to Council by the Overview & Scrutiny Committee in relation to the receipt of a petition regarding Deephams Sewage Plant. (Report No.138)

**9. REFURBISHMENT OF PALMERS GREEN LIBRARY** (Pages 29 - 48)

To receive a report from the Director of Finance, Resources & Customer Services & Director of Regeneration, Leisure & Culture seeking approval to the inclusion of the refurbishment of Palmers Green Library within the Council's Council Programme. (Report No.96A)

Members are asked to note that:

- the recommendations in the report were approved by Cabinet on 16 October 2013.
- the Cabinet decision (16 October 13) was subject to a call-in considered by Overview & Scrutiny Committee on 5 November 2013. As a result of the call-in, an outline of the options considered and further detail on the associated financial implications have also been included as supplementary detail within this report, for Council's information.

Council is being asked to approve the addition of the scheme to the Council's Capital Programme. **(Key decision – Reference 3791)**

**10. FUTURE PROVISION OF SECONDARY TUITION SERVICES** (Pages 49 - 58)

To receive a report from the Director of Schools & Children's Services seeking approval to the addition of the scheme for the re-provision of the Secondary Tuition Services (also known as the Pupil Referral Unit) to the Capital Programme. (Report No.98A)

Please note Report No.102 on the Part 2 agenda also refers.

Members are asked to note that the recommendations in the report were approved by Cabinet on 16 October 2013. Council is only being asked to approve the addition of the scheme to the Council's Capital Programme. **(Key Decision – Reference 3799)**

**11. UPDATED PROPERTY PROCEDURE RULES (Pages 59 - 82)**

To receive a report from the Director of Finance, Resources & Customer Services seeking approval to adoption of the revised Property Procedure Rules, as detailed within the report. (Report No.114A)

Members are asked to note that the revised Property Procedure Rules were approved for recommendation on to Council by Audit Committee on 7 November 13 and Cabinet on 13 November 2013.

**12. REFERENCE FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO THE CONSTITUTION: LOCAL AUTHORITIES (FUNCTIONS & RESPONSIBILITIES) ORDER 2000 - ESTABLISHMENT OF COMPANIES (Pages 83 - 86)**

To receive a report from the Director of Finance Resources & Customer Services seeking approval to a change to the Council's Constitution relating to the way decisions regarding the establishing of companies and trusts and acquisition of share capital are agreed. (Report No.135A)

Members are asked to note that the recommended change in the report was considered and approved for reference on to Council by the Members & Democratic Services Group (12 November 2013).

**13. REFERENCE FROM COUNCILLOR CONDUCT COMMITTEE: REVIEW OF PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST COUNCILLORS & CO-OPTED MEMBERS (Pages 87 - 104)**

To receive a report from the Director of Finance, Resources & Customer Services seeking approval to amendments made to the procedure for handling complaints against Members. (Report No.139)

Members are asked to note that the revised procedure was considered and recommended on to Council for formal approval by the Councillor Conduct Committee on 22 October 2013.

**14. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES) (Pages 105 - 128)**

**14.1 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.

#### 14.2 Councillors’ Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8)

The list of forty one questions received and their written responses are attached to the agenda.

### **15. MOTIONS**

15.1 In the name of Councillor Headley:

This Council notes the recent announcements made by Public Health Minister, Jane Ellison MP of planned measures to combat the threat of Female Genital Mutilation (FGM).

In light of these announcements and comments made by the Minister in a recent London Evening Standard interview regarding her “determination to prevent child abuse that was leaving victims to face life-long physical and mental pain”

This Council instructs the Cabinet Members for Children & Young People and Community Well Being and Public Health to do the following:

1. Support the Minister’s position on FGM
2. Publicly declare that FGM will not be tolerated
3. Find out the extent of this problem in Enfield.

This council agrees to work in a non-adversarial and collaborative manner to investigate FGM in Enfield and how it is affecting our community and instructs the Cabinet Members for Community Well Being and Public Health and Children & Young People to work collectively with the Health and Wellbeing Board, the opposition lead on Health and Education and the Elders and Leaders in the affected communities, to find a mechanism to better understand the issue and how we can prevent any Enfield child enduring the procedure.

15.2 In the name of Councillor Hamilton:

We ask this Council to note that 25<sup>th</sup> November was white ribbon day and that Enfield Council was the first London Borough to be awarded white ribbon status.

There will be a range of events during the week to call for the end of violence against women and girls; and we Enfield Council call on the coalition government to introduce statutory provisions to make personal, social and health education include a zero tolerance approach to violence and abuse in relationships.

15.3 In the name of Councillor Charalambous:

This Council acknowledges with pride Chickenshed's contribution to arts, community and education in the London Borough of Enfield over the last 40 years and restates the Council's commitment to a continued partnership which has benefited so many of the borough's residents.

15.4 In the name of Councillor Hamilton:

I call on Enfield Council to urge the Government, and in particular the Ministry of Justice, to think again about their proposals for the privatisation of the probation service where they are proposing G4S and the like running the probation service.

We oppose the government's plan to privatise the probation service to make cost savings from centrally managing more offenders in the community and closing prisons. This will increase risk to Enfield residents.

**16. USE OF THE COUNCIL'S URGENCY PROCEDURES** (Pages 129 - 130)

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, notice on the Key Decision List 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.

**17. MEMBERSHIPS**

To confirm any changes notified to committee memberships.

**18. NOMINATIONS TO OUTSIDE BODIES**

To confirm any changes notified to nominations on outside bodies.

**19. CALLED IN DECISIONS**

None received.

**20. DATE OF NEXT MEETING**

To note that the next meeting of the Council will be held on Wednesday 29 January 2014 at 7.00 p.m. at the Civic Centre.

**21. EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in those paragraph(s) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006), as listed.

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COUNCIL - 9.10.2013

**MINUTES OF THE MEETING OF THE COUNCIL  
HELD ON WEDNESDAY, 9 OCTOBER 2013**

**COUNCILLORS**

**PRESENT** Chaudhury Anwar MBE (Mayor), Ingrid Cranfield (Deputy Mayor), Kate Anolue, Alan Barker, Caitriona Bearryman, Chris Bond, Yasemin Brett, Jayne Buckland, Alev Cazimoglu, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Christopher Deacon, Christiana During, Marcus East, Patricia Ekechi, Achilleas Georgiou, Del Goddard, Christine Hamilton, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ertan Hurer, Chris Joannides, Eric Jukes, Jon Kaye, Nneka Keazor, Joanne Laban, Henry Lamprecht, Michael Lavender, Dino Lemonides, Derek Levy, Donald McGowan, Chris Murphy, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, 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, Tom Waterhouse and Ann Zinkin

**ABSENT** Ali Bakir, Dogan Delman, Jonas Hall, Tahsin Ibrahim, Simon Maynard, Paul McCannah, Ozzie Uzoanya and Lionel Zetter

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

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

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

Mohammad Tariq Sediq, from the Palmers Green Mosque and Muslim Community and Education Centre, gave the blessing.

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

The Mayor thanked Mohammad Tariq Sediq for offering the blessing and presented the following awards:

**a. National Stop Loan Shark Award**

The Mayor was delighted to be able to congratulate the Trading Standards Team, Community Safety and Environment Division, for winning both the regional and national Stop Loan Shark Awards.

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The awards had been granted in recognition of the team's work in raising awareness of money laundering and helping and supporting the people affected. Trading Standards had worked with key partners including the Police, Citizens Advice Bureau, housing providers and the Department for Work and Pensions, providing over 30 advocate training sessions, to ensure that residents can seek help from a wide range of local organisations.

Sue McDaid, Head of Regulatory Services, and representatives from her team were presented with the award and congratulated by all members of the Council.

**b. Pan London POP (Problem Orientated Policing) Award**

The Mayor congratulated the Community Safety and Environment Division, working jointly with the Police and other partners, for winning the London Problem Orientated Policing Award, for their innovative work which had seen youth robbery in Enfield falling to a record low – dropping by 59.2% between 2009 and 2013.

The initiative involved: teaching children moving to secondary school, crime awareness, an anonymous on line reporting scheme, mobile CCTV cameras, providing diversionary activities for young people, truancy patrols and substance misuse programmes to rehabilitate offenders. Anti-Social Behaviour Orders were also issued to known offenders.

The Mayor presented the award to Iain Agar, Community Safety Analyst, Superintendent Louis Smith and representatives from the division and they were congratulated by the whole Council.

**c. Institute of Rating, Revenues and Valuations Performance Awards 2013, Excellence in Innovation Gold and Bronze Awards**

The Mayor was also pleased to announce that the Excellence in Innovation Gold Award had been awarded to the Council's CAP Team for the multi-agency work carried out in implementing the recent welfare reform changes, with particular focus on the welfare cap and social housing under-accommodation restrictions.

Three Job Centre Plus officers were now based in the cap Team. Officers across the Council who provide welfare/benefit advice were identified and they were able to proactively target those most likely to be affected by the Benefit Cap by more than £100 per week, so that they could offer help and support and help mitigate the impact of the reforms on this group of people.

In addition, the Excellence in Innovation Bronze Award had been won by the Council Tax Team working in partnership with Experian to pilot Experian's New Debt Prioritisation Service, targeting high value council tax arrears cases.

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The pilot focussed on 2,500 cases. A small taskforce worked through each case and selected the most appropriate enforcement action. Overall this resulted in a reduction in Council Tax arrears of over £1.5million. As well as an increase in charging orders of over £1.1million, resulting in savings of £450,000 in bad debt provision. The Government Annual Return of Council Taxes for 2012/13 placed Enfield as fourth highest in England and top in London for arrears collection.

Sally Saunders, Debbie Jennings, Georgina Andreou and Geoff Waterton from the Revenues and Benefits Division were presented with the awards and congratulated by the whole Council.

**56  
MINUTES**

**AGREED** that the minutes of the Council meeting held on Wednesday 17 July 2013 be confirmed and signed as a correct record.

**57  
APOLOGIES**

Apologies for absence were received from Councillors Ali Bakir, Dogan Delman, Jonas Hall, Tahsin Ibrahim, Simon Maynard, Paul McCannah, Ozzie Uzoanya and Lionel Zetter.

Apologies for lateness were received from Councillors Henry Lamprecht, Martin Prescott and Rohini Simbodyal.

**58  
DECLARATION OF INTERESTS**

John Austin, Assistant Director Corporate Governance, advised that any councillors who lived within a Controlled Parking Zone (CPZ) would need to consider whether they had an interest in relation to Motion 11.1 on the agenda (Resident Permit Parking Charges). It was felt any interest would only qualify as an "other pecuniary interest" and members would therefore be able to remain in the meeting and participate in the debate and any vote on the item.

As a result of the advice received Councillors Toby Simon and Bambos Charalambous declared an "other pecuniary" interest in Motion 11.1, as residents living within a Controlled Parking Zone.

No other declarations of interest were made by members in relation to other items on the agenda.

**59  
CHANGE IN ORDER OF BUSINESS**

Councillor Yasemin Brett moved and Councillor Ann Marie Pearce seconded a proposal to change the order of business on the agenda under paragraph

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2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following as the next items of business:

- Item 11.2: Motion in the name of Councillor Taylor on the opposition of the Council to the consequences of the Barnet, Enfield and Haringey Clinical Strategy and its impact upon Chase Farm Hospital and the residents of Enfield.

The change in order of the agenda was agreed without a vote.

Please note the minutes reflect the order in which the item was dealt with at the meeting.

**60  
MOTIONS**

1.1 Councillor Taylor moved and Councillor Ann Marie Pearce seconded the following motion:

"The Council reaffirms its general opposition to the consequences of the Barnet Enfield and Haringey (BEH) Clinical Strategy and its impact upon Chase Farm Hospital and the residents of Enfield.

The Council also reaffirms its opposition to the decision of the Secretary of State for Health to ignore the views of the residents of Enfield and to continue to support the decision to remove Accident and Emergency and Maternity services at Chase Farm Hospital, and particularly without the planned and necessary primary care improvements being made, which were a precondition agreed by his predecessor.

The Council supports the commencement of legal proceedings to challenge this decision as advised by leading Counsel and agrees that action should be pursued expeditiously in light of criticism during previous proceedings in 2008."

Having been moved and seconded, the motion was then put to the vote and unanimously agreed, with no abstentions.

**61  
SCRUTINY ANNUAL WORK PROGRAMME 2013/14**

Councillor Toby Simon moved and Councillor Michael Rye seconded the report from the Overview and Scrutiny Committee (No: 58) setting out the annual programme for the Council's Scrutiny Panels and Overview and Scrutiny Committee.

**NOTED**

1. The report had been considered and approved for recommendation on to Council by Cabinet on 18 September 2013.

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2. The thanks expressed by Councillor Simon, as Chair of Overview and Scrutiny Committee, for the work undertaken by all scrutiny members in support of the scrutiny function and for the bipartisan approach towards scrutiny, which it was felt represented a good example of members working effectively together.
3. The work programme would be kept under review and changes made as required throughout the year.
4. The opportunities provided through the scrutiny system for members to examine areas of interest and make a difference through a wide range of detailed and overarching reviews.
5. The thanks expressed on behalf of the other Scrutiny Chairs to members on their respective Panels as well as officers for their support and efforts in delivering the work programme and in terms of providing good opportunities for public engagement.

**AGREED** that Council formally adopt the annual Scrutiny Work Programme 2013/14, as detailed in Appendix 1 to the report.

**62**

**REFERENCES FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO CONSTITUTION: EXECUTIVE MEETING REGULATIONS & LOCAL AUTHORITIES (FUNCTIONS & RESPONSIBILITIES) ORDER 2000**

Councillor Simon moved and Councillor Georgiou seconded a report from the Director of Finance, Resources & Customer Services (No.106) seeking approval of amendments to the Constitution relating to changes introduced as a result of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 in the following areas.

- Executive meetings, publication of documents and access to them by the public, councillors and scrutiny members; and
- The introduction of a policy relating to the filming and recording of public Council, Cabinet, Scrutiny, other Committee & Forum meetings

In addition Council was also asked to consider an additional amendment to the Constitution relating to the way in which future decisions on the establishment of companies, trusts and acquisition of share capital by the Council were taken, under the Local Authorities (Functions & responsibilities) Order 2000.

**NOTED**

1. The changes arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as detailed in sections 3.1 and 3.2 of the report, had been considered and approved for recommendation on to Council by the Members & Democratic Services Group (3 September 2013).
2. The recommended changes had been designed not only to comply with the requirements of the Executive Meeting Regulations but also to reflect

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- good practice in operation of the procedures and assist the Council in managing its business in as efficient and effective a way as possible.
3. The Policy in relation to filming of meetings had been designed to take account of guidance issued by the Department of Communities & Local Government, and whilst allowing filming to be undertaken would require this to be subject to advance notice and to be undertaken in a way that would not disrupt the conduct of any meeting.
  4. The recommendation in relation to the decision making process for the establishment of companies (as detailed within section 3.3 of the report) had not been subject to formal consideration by the Members & Democratic Services Group. John Austin (Assistant Director Corporate Governance) advised members that this had arisen as a result of external legal advice, originally provided in relation to an unrelated matter. The legal opinion provided was that under the terms of the Local Authorities (Functions & Responsibilities) Order 2000 this was a matter that should be treated as a power of the Executive rather than full Council.
  5. The concern expressed by the Opposition Group, in relation to 4. above, at the limited consultation with members on the proposal in advance of the meeting, with further detail requested on the legal advice and any potential decisions planned that the recommended change would impact upon. As a result, it was agreed that the recommended change should be withdrawn from consideration at the meeting and referred for more detailed consideration by the Members & Democratic Services Group in advance of any final decision being made.

**AGREED**

- (1) To approve the amended Access to Information Rules (Chapter 4.6 in the Constitution) and the Citizens Rights section (Chapter 2.3 in the Constitution) attached as Appendix 1 and Appendix 2 of the report, as detailed in section 3.1 of the report.
- (2) To approve the adoption of the policy in relation to the filming of any Council, Cabinet, Scrutiny, Area Forum or other Committee meetings as detailed in section 3.2.4 of the report.
- (3) To refer the recommended change in relation to the decision making process on the establishment of companies or trusts to the Members & Democratic Services Group for more detailed consideration, in advance of any final decision being made by Council.

**63**

**REFERENCE FROM MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENT TO CONSTITUTION: REVIEW OF SCRUTINY TERMS OF REFERENCE**

Councillor Simon moved and Councillor Cazimoglu seconded the report (Report No: 69A) from the Director of Finance, Resources and Customer

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Services seeking approval of amendments to the Scrutiny Section within the Constitution resulting from:

- Changes introduced under the Health & Social Care Act 2012 & Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.
- A general review of the Scrutiny Terms of Reference.

**NOTED**

1. The revised copy of Appendix B to the report tabled at the meeting, which incorporated a number of additional drafting changes. The recommended changes included alterations to the terms of reference of the Health and Wellbeing Scrutiny Panel to reflect the changes in the National Health Service, alterations to the list of organisations that would be subject to scrutiny and the inclusion of greater flexibility in terms of the process for referring matters related to any “substantial service change” to the Secretary of State for Health.
2. That the recommended changes had been considered and approved for reference on to Council by the Members & Democratic Services Group (3 September 2013).

**AGREED**

- (1) Council continues to discharge its powers of scrutiny on such matters designated within the Health and Social Care Act 2012 through the Health and Wellbeing Scrutiny Panel (as set out in section 4 to the report).
- (2) The revised terms of reference for the Health and Wellbeing Scrutiny Panel and other constitutional changes within the Scrutiny Procedure Rules as set out in Appendix B (as amended) of the report.

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**COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)**

1.1 Urgent Questions

None received.

1.2 Questions by Councillors

**NOTED**

1. The thirty nine questions on the Council's agenda which had received a written reply from the relevant Cabinet Member.
2. The following supplementary questions and responses received for the questions indicated below:

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**Question 1 (UK Commissioners Office Code of Practice) from Councillor Lavender to Councillor Stafford, Cabinet Member for Finance and Property**

What were the reasons for the delay in supplying a full unredacted copy of the Information Commissioner's Office (ICO) Report (dated 25 July 2013) to the Opposition Group in relation to the investigation into the discovery of sensitive personal data at Southgate Town Hall?

**Reply from Councillor Stafford**

"The conclusions from the ICO investigation have been detailed within the written response provided on the agenda. This included the fact that it was not possible for the Council, Independent Auditors or ICO to conclude exactly what happened and that the ICO had not felt it appropriate to take any formal regulatory action."

Councillor Stafford advised that a supplementary written response would need to be provided in relation to the timing of the release of the full report to the Leader of the Opposition, which would be provided after the meeting.

**Question 2 (Problems at Brimsdown Sports Ground) from Councillor Simon to Councillor Bond, Cabinet Member for Environment**

Does Councillor Bond agree that (a) it is unacceptable for the Council to be left with the problem of addressing the mess resulting from the works affecting the sports field undertaken by the tenant without prior consent of the Council or Planning permission having been obtained; and (b) the work undertaken by officers to resolve the problems and address the significant impact on local residents so quickly should be commended.

**Response from Councillor Bond**

"Yes. I would agree with all these statements."

**Question 3 (Staff absence due to sickness) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property**

Does the Cabinet Member agree that the written response he has provided reveals a shocking state of affairs and can he provide me with details, in financial terms, about how much sickness absence has cost the Council in the years 2010/11, 2011/12, 2012/13?

**Response from Councillor Stafford**

"There is a need to recognise that the level of sickness absence across the Council has reduced over the last 3 years and the Council continues to work closely with the Trade Unions in managing sickness absence."



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Councillor Stafford advised that a supplementary written response would need to be provided after the meeting in relation to the additional information requested on costs.

**Question 4 (Mini Holland Cycling Project) from Councillor Sitkin to Councillor Taylor, Leader of the Council**

Can the Leader update Council on the outcome of the recent meeting with Andrew Gilligan, Cycling Commissioner at the Greater London Assembly?

**Response from Councillor Taylor**

“The deadline for submission of bids has now been extended by an additional 2 week period. I would like to thank Councillor Lavender for co-signing the bid and Councillors Laban and Bond for serving as part of the bid delegation when meeting Andrew Gilligan.

This bid represents a significant opportunity for the borough to attract additional funding worth between £25 – 30m with the potential to provide a wide range of benefits in terms of cycling facilities across the borough. Whilst the bid has involved a technical process, the Council is also keen to use the opportunity to encourage more people to take up cycling by making it safer and easier in terms of the facilities available.

Andrew Gilligan was impressed with the cross party approach of Enfield’s bid, and I hope this support can be continued as it will to assist our chance of success.”

**Question 5 (Agency Staff Employed by the Council) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.**

How much has the Council spent on the employment of agency staff (in terms of agency costs) from 2010/11 to date when compared to the costs incurred if they had been employed direct?

**Response from Councillor Stafford**

“The Council is committed to employing full time staff where possible. The costs of agency staff have gone down year on year, with the increase identified in 2012/13 due to a cost coding re-designation in Environment. This reduction had been achieved against significant progress having been made on the delivery of a number of key projects such as the Ladderswood, Meridian Water and Alma Estate developments.”

Councillor Stafford advised that a supplementary written response would need to be provided after the meeting in relation to the additional comparator information requested on the employment of agency staff.

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**Question 7 (Employment of Agency Staff) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.**

In the light of changes to the law on the employment rights and benefits of agency workers, what are the policy reasons for continuing to employ agency staff?

**Response from Councillor Stafford**

“Agency workers are used when flexibility is required. However, the Council is committed to working with the trade unions to preserve full time jobs and create as few redundancies as possible. With this in mind we will only engage agency workers where there is a short term or time limited need or there is no internal capacity within the Council.”

**Question 8 (Council Tax Collection) from Councillor Lemonides to Councillor Stafford, Cabinet Member for Finance and Property**

Can Councillor Stafford remind Council about the outcome of the prestigious Institute of Revenues, Rating and Valuation Award for which Enfield had been shortlisted.?

**Response from Councillor Stafford**

“I am happy to confirm that Enfield won the award with one of the best arrears collection rates in the country.”

**Question 11 (London Borough of Barnet, High Court Judgement – Resident Parking Permit Charges) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.**

Whilst the subject of this question is also subject to a motion, my original question asked if the Cabinet Member was aware of the High Court judgement relating to parking charges in Barnet. The written response provided makes reference to the permitted use of any surplus. What is clear from the judgement is that it is unlawful to increase parking charges in order to produce a higher surplus for use on other purposes including concessionary fares e.g. Freedom Pass. Can Councillor Stafford confirm for what purpose the surplus generated as a result of the increase in parking charges in Enfield during 2009/10 and 2010/11 were intended?

**Response from Councillor Stafford:**

“The Council has not acted and will not do anything to act illegally and I will consider taking action if it is claimed that I have acted in any such a way. This compares, however, to the previous publication of a Conservative local ward newsletter in Bush Hill Park stating that the Administration was planning to close libraries, which was also a lie as the Administration has actually opened and not closed libraries.”

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Following this response, Councillor Hurer asked the Mayor to request that Councillor Stafford withdraw his remark about lying, on the basis that it contravened procedural rule 19.1 “no member shall impute unworthy motive to, or use offensive or unbecoming words about another Member”. The Mayor asked Councillor Stafford if he would consider withdrawing this remark, which he refused to do. As a result, the Mayor ruled that the meeting should proceed to the next question.

**Question 13 (London Borough of Barnet, High Court Judgement – Resident Parking Permit Charges) Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property**

Given that Councillor Stafford acknowledges the High Court judgement in relation to parking charges, can he explain why he made the statement to the Winchmore Hill Area Forum in December 2010 as detailed within the minute of that meeting and why section 7 of the report to Cabinet on 14 July 2010 approving the increase in parking charges within Enfield includes as one of the reasons for the recommendation the need to make a contribution to the increased costs of the Freedom Pass.

**Response from Councillor Stafford**

“I recall that the context in which I was speaking at the Area Forum related to the impact of increased parking charges in terms of demand on the High Street. I do not recall saying anything at the Area Forum in relation to the raising of revenue and if that is how it was recorded I feel I was misquoted. Section 7 of the report to Cabinet in July 2010 confirmed the legal position regarding the permitted use of surpluses generated on the Parking Places Reserve Account and it was on this basis that the Cabinet decision was made.”

**Question 14 (Failure of Barnet’s Residential Parking Permit Scheme to Legal Challenge) Councillor Sitkin to Councillor Bond, Cabinet Member for Environment**

Can you explain why the reasons for Barnet’s failure to defend the legal challenge on residential parking charges will not apply in Enfield?

**Response from Councillor Bond**

“As stated in my written response the failure in relation to the Barnet decision related to the basis of the charge rather than the permit system itself. I can also confirm that a number of the decisions delegated to me by Cabinet in July 2010 were not progressed.”

At this stage the 30 minute time period permitted for supplementary questions ended.

**65**

**MOTIONS**

1. Councillor Neville moved and Councillor Laban seconded the following motion:

"This Council notes the recent decision of the High Court in the case of Attfield v L B of Barnet, which ruled that increases in charges for residents permits by Barnet Council in 2011 were unlawful because Barnet's primary reason for imposing the increase was to raise additional income for highway maintenance and to contribute to the cost of concessionary fares.

This Council further notes that the report of the Director of Environment to Cabinet on 14 June 2010 proposed increases to residents parking permit charges and on-street parking charges which the Cabinet approved. The June 2010 report, which the Cabinet accepted, made plain the reason(s) for the proposed increases which were identical to those in the Barnet case, and must therefore be regarded as unlawful, which were repeated by Cllr Stafford, Cabinet Member for Finance, at a public meeting which was properly minuted by Democratic Services.

The Council notes that Barnet have as a result of the High Court ruling, decided to refund not just the claimant, Mr Attfield as they were ordered, but also to refund all residents who had paid the increased charges since their introduction. In the light of this the Council instructs the Director - Environment to make immediate arrangements for similar refunds to all affected Enfield residents."

As a result of comments relating to the potential for legal action against the Council made during the motion being moved by Councillor Neville, Councillors Bond and Taylor reported that they had been advised it would be inappropriate (in terms of defending the interests of the Council) to engage in any further debate on the motion unless an assurance was provided that no legal action was planned against the Council on this issue.

As no assurance was provided, the motion was put to the vote without any further debate and not approved, with the following result:

For: 19  
Against: 29  
Abstentions: 0

2. Councillor Charalambous moved and Councillor Sitkin seconded the following motion:

"This Council notes that Enfield residents will be better off under a One Nation Labour Government rather than with the divisive policies being put forward by the other parties."

**COUNCIL - 9.10.2013**

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

For: 30  
Against: 20  
Abstentions: 0

3. Councillor Sitkin moved and Councillor R. Hayward seconded the following motion:

“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.”

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

For: 32  
Against: 0  
Abstentions: 19

**66**

**MEMBERSHIPS**

**AGREED** to confirm the following changes to committee memberships:

**(1) Older People and Vulnerable Adults Scrutiny Panel**

Councillor R. Hayward to fill the current vacancy.

**(2) Green Belt Forum**

Councillor Brett to replace Councillor During.

**(3) Housing Growth and Regeneration Scrutiny Panel**

Councillor Bearryman to replace Councillor Lemonides.

**(4) Licensing Committee**

**COUNCIL - 9.10.2013**

Councillor Lamprecht to be replaced by a vacancy.

**67**

**NOMINATIONS TO OUTSIDE BODIES**

**AGREED** to confirm the following changes to outside bodies:

**Newlon Housing Association** - Councillor McGowan to replace Councillor Bearryman.

**68**

**CALLED IN DECISIONS**

None received.

**69**

**DATE OF NEXT MEETING**

NOTED that the next meeting of the Council would be held at 7.00pm on Wednesday 27 November 2013 at the Civic Centre.

## Opposition Priority Business: Enfield – The environment in which we all live

In parallel with continued population growth and its associated infrastructural needs, particularly in the areas of transport, education and housing we are seeing an increase of the transient proportion of the population which is destroying communities and eroding the fabric of local society.

We are increasingly concerned that the current administration is failing to preserve those aspects of our Borough which our residents value and make this a place that they wish to stay in and put down roots.

In **planning** we continue to witness the supine way in which the majority side councillors fail to challenge the erosion of conservation areas, and the quality of developments generally.

In matters of protecting the **green belt** we remain concerned over the salami slice tactics which are being allowed to continually erode its value.

In the **street scene** we are seeing a failure of ingenuity and understanding of the local environment that sees layers of traffic schemes each attempting to correct the faults of the previous scheme.

On **our roads** we are seeing increasing congestion, met only by hostile anti-car measures from this administration, who seem to fail to recognise that it is our residents who are the ones stuck in the traffic.

And in our **shopping areas**, we are seeing the failure to support local businesses through the levers this Council has already at hand.

During the debate we will be setting out and offering comments and some immediate actions, in addition we would be happy to discuss and flesh out the following actions in the appropriate constitutional bodies:

- Planning - improved training for councillors, with minimum training requirements before councillors are allowed to participate.
- Increased resources into conservation area and green belt protection and enforcement.
- An end to piecemeal traffic changes, and instead a comprehensive review of traffic flows with a view to removing complexity and clearing ways through the borough for traffic to flow.
- Reduction in business rates, which are crippling our local high street and the introduction of 20 minutes free parking.

Despite noting the administration's previous almost perverse unwillingness to take on board any positive measures that we set out, we continue to offer to work with them on these matters.

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## Council Constitution: Part 4 Chapter 4.1 – Council Procedure Rules

### **13. OPPOSITION BUSINESS**

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

13.1 The Council will, at four meetings a year, give time on its agenda to issues raised by the Official Opposition Party (second largest party). This will be at the 1<sup>st</sup> 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.****138**

**MEETING TITLE AND DATE:**  
Council- 27<sup>th</sup> November  
2013

**REPORT OF:**  
Director of Finance,  
Resources & Customer  
Services

**Agenda – Part: 1****Item: 8**

**Subject: Reference from Overview and  
Scrutiny Committee: Petition on  
Deephams Sewage Plant**

**Wards: Upper Edmonton, Lower  
Edmonton, Edmonton Green, Haselbury,  
Jubilee, Ponders End**

**Members consulted: Cllr Bond, Cllr  
Georgiou, Cllr Stafford, Cllr Simon**

Contact officer and telephone number: Mike Ahuja Head of Corporate  
Scrutiny 0208 379 5044 E mail: [mike.ahuja@enfield.gov.uk](mailto:mike.ahuja@enfield.gov.uk)

**1. EXECUTIVE SUMMARY**

- 1.1 This report details the petition received by the Overview & Scrutiny Committee (OSC) on the 17<sup>th</sup> October 2013 requesting that the Council use all its powers to urge Thames Water to work with Ofwat to take whatever action is necessary to stop the smell from Deephams entering the atmosphere and environment.
- 1.2 Under the Council's Petition scheme if more than 1,562 signatures are received this instigates an automatic referral to the Overview & Scrutiny Committee.
- 1.3 As a result of considering the petition OSC agreed to refer the issues raised and action identified by the petition to full Council as an outcome of their scrutiny process.

**2 RECOMMENDATIONS – Council is asked to:**

- 2.1 Receive the petition
- 2.2 Endorse the conclusions of the OSC set out at para 4.1.
- 2.3 Note the letter from the chair of OSC to Ofwat at Appendix 1.
- 2.4 Agree that it fully shares residents' concerns about the issue and instructs officers to continue to work with Thames Water, Ofwat and LB Waltham Forest to ensure that as far as practicable all odour is contained with the site as soon as possible.

### **3. BACKGROUND**

- 3.1 A petition was received by the Overview & Scrutiny Committee on 17<sup>th</sup> October 2013 requesting that the Council use all its powers to urge Thames Water to work with Ofwat to take whatever action is necessary to stop the smell from Deephams entering the atmosphere and environment.
- 3.2 Under the Council's Petition Scheme, Petitions with 1,562 signatures (0.5% of the estimated local population for 2011 as published by the Office of National Statistics) must trigger a debate at Overview & Scrutiny Committee.
- 3.3 The petition is compliant in paper form and is also an E- Petition. Currently there are 2,480 verified signatures. 22 letters in support of the petition, which are addressed to the local MP, have also been received. Officers have also received details of a previous E-petition (68 signatures) and a paper petition (222 signatures) which were created directly petitioning Thames Water but we are advised were never submitted.
- 3.4 The petitioners' concerns received unanimous support from OSC and those members of the community who attended the meeting on 17 October 2013.

### **4. OVERVIEW & SCRUTINY COMMITTEE CONCLUSIONS**

- 4.1 As a result of considering the Petition, OSC:
  - a. requested that Council Officers undertake or commission a detailed technical review of the overall cost- benefit analysis that Thames Water submit to Ofwat as part of the Deephams Sewage Works Upgrade.
  - b. suggested Council Officers work with LB Waltham Forest as, with the prevailing winds, their residents were also affected by the odour from Deephams.
  - c. asked Thames Water to share their cost benefit analysis with the Local Authorities affected, so that they could review the metrics used and values ascribed to them.
  - d. agreed that the Chair would write to Ofwat, outlining the Committees views, concerns and conclusions. In view of the timeline for the Ofwat determination of Thames Water's plans for the plant this letter has already been sent and acknowledged (attached as Appendix 1).

- e. agreed to refer the petition and above action to full Council for endorsement and support.

## **5. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **5.1 Financial Implications**

Any costs arising from the implementation of the recommendations of this report, will be met within existing resources.

### **5.2 Legal Implications**

5.2.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') introduced a mandatory duty upon the Council to implement and to publish a Petitions Scheme. The scheme obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns. Chapter 2 of Part 1 of the Local Democracy Economic Development and Construction Act 2009 (petitions to local authorities) is repealed by s.46 of the Localism Act 2011. The Council's petition scheme is however still valid.

5.2.2 Pursuant to the Council's petition scheme, a matter must be referred to the Overview and Scrutiny Committee if 1375 signatures are achieved. A Petition can also be referred direct to full Council for debate with 3,125 signatures. Whilst the number of signatures required for a direct referral has not been achieved OSC has agreed, as an outcome of their scrutiny review, to refer the petition and actions taken as a result to Council under their performance review function.

5.2.3 S21 Local Government Act 2000 defines the functions of the Overview and Scrutiny committees. The Council's constitution at Chapter 2.5, Section 5.3 refers to Petitions, with the power to make recommendations to Council set out in section 5.8 (b).

### **5.3 Property Implications**

5.3.1 The area to the south of the Treatment Works has been redeveloped as part of the Ardra Road Industrial Estate. Premises include large storage and distribution facilities for Lidl and Heals. This 15 hectares (37 acre) site was previously part of the Treatment Works, but was redeveloped for employment purposes following remediation and lengthy negotiations with Thames Water.

5.3.2 All the land is in private ownership, apart from an undeveloped area of 0.9hectare (2.4acres) which is Council owned. This parcel of land lies mainly within Flood Zone 3 and is retained in open use, as a condition of the original planning permission, to provide storage for run off and sustainable drainage, and to reduce flood risk. The Salmons Brook

flood defence scheme may reduce the likelihood or frequency of flooding, but this Council land has limited development potential.

- 5.3.3 Thames Water proposes a major upgrade to the Works, with measures to reduce odour from the smelliest parts of the site, and a planning application is scheduled for 2014. There has been a Sewage Treatment Works in this area since at least 1914 and these have been enlarged considerably post this date to no doubt accommodate the increase in residential and other properties in the surrounding areas. .
- 5.3.4 Whilst the major upgrade is welcome to this important and vital infrastructure to the Borough and beyond it should not be to the detriment of the local community and all matters should be considered in an effort to reduce the current levels of unpleasant odours currently emitted. The improvements should enhance not only the lifestyle of the local community but also the current housing and commercial property market.
- 5.3.5 It is expected that a planning application will be submitted to authorise the upgrade within the coming year.

## **6 KEY RISKS**

Referral to Council by the Overview and Scrutiny Committee addresses risk of non-compliance with the Council's own Constitution.

## **7. IMPACT ON COUNCIL PRIORITIES**

### **7.1 Fairness for All**

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims. The odour issue constitutes a major burden on the quality of life of residents in the eastern part of the borough.

### **7.2 Growth and Sustainability**

The Deephams upgrade will enhance the capacity of the sewage infrastructure, which is a key driver for local development, but it must also ensure full mitigation of the odour problem.

### **7.3 Strong Communities**

The Council's Petitions Scheme ensures that the public are able to register their opinions on issues of importance to them, enabling them to influence the way that the Council works towards achieving the key strategic aims. The odour burden on the eastern part of the borough weakens the sense of it being a suitable place to live which weakens the community spirit.

## **8. EQUALITIES IMPACT IMPLICATIONS**

It is not relevant or proportionate for LBE to carry out an equality impact assessment at this stage but we will expect these issues to be addressed by Thames Water as part of their programme.

**9. PERFORMANCE MANAGEMENT IMPLICATIONS**

None

**10. PUBLIC HEALTH IMPLICATIONS**

Odour is impacting upon the quality of life of residents and should therefore be eradicated as far as practicable.

**Background Papers**

None

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Ms Sonia Brown  
Chief Regulation Officer  
Ofwat  
Centre City Tower  
7 Hill Street  
Birmingham B5 4UA

Please reply to : Mike Ahuja  
Corporate Scrutiny &  
Outreach  
1st Floor, Civic Centre  
E-mail : Mike.Ahuja@enfield.gov.uk  
Phone : 0208 379 5044  
My Ref :  
Your Ref :  
Date : 21 October 2013

*Dear Ms Brown*

### **DEEPHAMS SEWAGE WORKS**

At its meeting on 17 October, the Council's Overview and Scrutiny Committee received a petition from Enfield's community with 2,239 signatures raising concern regarding the odour nuisance over much of Eastern Enfield caused by the sewage works. We were sorry that Ofwat declined our invitation to be represented.

We have referred the matter to the full Council for debate but in view of the timetable for Thames Waters' application to you. I am writing to set out the concerns expressed at the meeting, as Chair of the Committee.

We heard very clear testimony from residents about the level of odour nuisance. They spoke of their disgust at the smell, from the time they get up to the time they go to bed; the embarrassment they feel when visitors notice the smell; and the impact on the economic well-being of the community in terms of property values and the disincentive to invest in the area (e.g. the cancellation of the World Athletics Championship at Pickett's Lock in 2002, partly due to the stink). A number of young people were particularly eloquent about having to grow up in such an environment.

Thames Water said that recent works had led to a 15% reduction in odour levels, though it was clear from the audience reaction this had not affected public perceptions. Thames Water explained that following the previous consultation they were progressing an application to rebuild Deephams, which would lead to significant odour reduction. However there will still be a significant odour nuisance that will affect a large number of Edmonton

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Director of Finance, Resources and Customer Services  
Enfield Council  
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residents. They said the cost of fully enclosing the plant so that odour could be contained within the site boundary would be beyond the cost levels that Ofwat would approve.

The Committee did not feel that an adequate cost-benefit analysis had been undertaken of the odour-reductions achievable with modern technology. The drivers for the rebuild seemed to be much more about water quality, than about the much more direct human impact of the Deephams stink, not only in LB Enfield but also in LB Waltham Forest.

We asked that Thames Water should share their economic analyses with the LAs affected, so that we can review the metrics used and the values ascribed to them.

As a Committee we felt that the starting point should be that odour should be confined within the plant boundaries. The prioritisation of funding for odour reduction should depend on objective factors rather than on who shouts loudest.

We hope that this will assist you in evaluating the Thames Water submission. I expect that the LA will write further, after we have seen the figures and held a debate in full Council.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Toby Simon', written over a horizontal line.

Councillor Toby Simon  
Chair, Overview and Scrutiny Committee

Cc: Stephen St Pier, Ofwat  
Cc: Mark Worsfold, Ofwat  
Cc: Rob Leak, Chief Executive  
Cc: Andy Love, MP  
Cc: Nick Butler, Thames Water

Appendix 2

Hi Susan,

Many thanks for sending this through within the tight timetable. We will reflect upon your views as we make our final decision.

Kind regards  
Steve St Pier  
Ofwat

Susan,

If you could copy to [Stephen.stpier@ofwat.gsi.gov.uk](mailto:Stephen.stpier@ofwat.gsi.gov.uk) and to myself we will take these views into account in the interim determination we are undertaking with Thames Water.

Regards

**Mark Worsfold**  
Chief Engineer  
Ofwat

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## MUNICIPAL YEAR 2013/2014 REPORT NO. **96A**

**MEETING TITLE AND DATE:**

Cabinet 16<sup>th</sup> October 2013  
Council 27<sup>th</sup> November  
2013

**REPORT OF:**

Director of Finance, Resources and  
Customer Services & Director of  
Regeneration, Leisure & Culture

Contact officers and telephone numbers:

Anne Crowne 020 8379 3019

Email: [anne.crowne@enfield.gov.uk](mailto:anne.crowne@enfield.gov.uk)

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|   |                |
|---|----------------|
| <b>Agenda – Part: 1</b>   | <b>Item: 9</b> |
| <b>Subject: Refurbishment of Palmers Green Library</b>  |                |
| <b>Ward: Palmers Green</b>  |                |
| <b>Key Decision No: 3791</b>  |                |
| <b>Cabinet Members consulted:<br/>Cllr. Taylor, Cllr. Stafford,<br/>Cllr. Charalambous, and<br/>Cllr. Goddard</b> |                |

### 1. EXECUTIVE SUMMARY

**1.1** Following the decision to dispose of the Southgate Town Hall site, this report seeks approval to refurbish the adjacent Palmers Green Library.

**1.2** The purpose of the report is to inform Members and obtain approval of the Capital investment within the Capital Programme required to the refurbishment of the existing Palmers Green Library.

**1.3** Members are asked to note that the Cabinet decision (16 October 13) was subject to a call-in considered by Overview & Scrutiny Committee on 5 November 2013. As a result of the call-in, an outline of the options considered and further detail on the associated financial implications have also been included as supplementary detail within this report, for Council's information.

### 2. RECOMMENDATIONS

**2.1.** Council is asked to approve the addition of this scheme to the Capital Programme 2014 – 2015 budget.

**2.2.** Council is asked to note that Cabinet, in referring the item to Council:

**(a)** Approved the overall financial proposals for expenditure and funding as set out in this report, including all Professional, Technical, and associated costs. (Paragraph 6)

**(b)** Delegated authority to the Cabinet Member for Finance and Property Services, and the Director of Finance, Resources and Customer Services to accept a subsequent tender for construction works.

### **3. BACKGROUND**

- 3.1 Palmers Green Library is a significant civic building attached to the redundant Southgate Town Hall site.
- 3.2 On the 12<sup>th</sup> October 2011 Cabinet formally adopted a Planning Brief as a supplementary planning document within the Local Development Framework which set out the context for redevelopment of the Southgate Town Hall and Palmers Green Library site. At the same meeting Cabinet also authorised the disposal of Southgate Town Hall for conversion by others to residential use with new residential development to the rear, subject to planning consent.
- 3.3 Following marketing and tenders, on 6<sup>th</sup> June 2013 the Cabinet Member for Finance and Property and the Director for Finance, Resources and Customer Services approved the terms for the disposal of Southgate Town Hall and also authorised segregation works to facilitate the sale, including the demolition of the annexe building of the Palmers Green Library. Planning Approval for the demolition of the annexe was obtained on 20<sup>th</sup> August 2013 and works are due to commence November 2013.
- 3.4 Options for the extent of refurbishment works to Palmers Green Library were considered and these are recorded in an Options Report produced by Property Services and Architectural Services on 25<sup>th</sup> June 2013 (Appendix 1 provides a summary of scope of works).
- 3.5 Authority is being sought for 'Option 4' as the recommended scope for the works, being a complete refurbishment comprising remodelling, improvements, replacing existing mechanical and electrical services, and the creation of a new public space/entrance from Green Lanes, N13, that shall provide an attractive setting for the building from the Green Lanes entrance.
- 3.6 In deriving this preferred option, Portfolio Cabinets Members and Ward Councillors were consulted on several occasions, 25<sup>th</sup> June and 5<sup>th</sup> August 2013 providing Member's Briefings. Member's agreed to recommend to officers to progress with Option 4.
- 3.7 In support of the proposals for Palmers Green Library, and for the efficiency of the service, secondary 'back office' functions previously located on the lower floor and in the basement have been successfully relocated to other Council sites. This has now created space for the possibility of a tenant taking a lease at a later date, for which 'Shell & Core' provision of the areas only shall be provided within the refurbishment works project.
- 3.7 On-going negotiations are being conducted with a primary care provider.

#### 4. CAPITAL PROGRAMME

- 4.1 This scheme is not currently included in the Council's planned capital expenditure programme for 2013/14. This report recommends that the scheme is included in the 2014/2015 Capital Programme.

#### 5. PROJECT APPROACH

- 5.1 The Council's Architectural Services Team has been formally commissioned to provide the multi-disciplinary professional services for the construction project.
- 5.2 Architectural Services has also been commissioned to manage separation works of the Palmers Green Library from the adjacent Southgate Town Hall.
- 5.3 The procurement of the works and purchase of any goods required at the library shall be in accordance with the Councils Contract Procedure Rules (CPR's).

#### 6. ESTIMATED PROJECT COSTS

The table below sets out the estimated project costs:

|  | <b>£</b>          |
|--|-------------------|
| Estimated Works Contract Value – Option 4  | 3,485,000         |
| Professional & Technical Costs – Architectural Services In house Team  | 408,000           |
| Furniture & Equipment/CORP IT  | 350,000           |
| Project Contingency (@ 5% of sum of above) to be held outside of all contracts for other associated works i.e decanting and library storage, publication and consultation, surveys, feasibilities studies, asbestos etc. | 212,150           |
| <b>TOTAL</b>   | <b>£4,455,150</b> |

Appendix 1 provides details of the scope of works.

#### 7. FUTURE SAVINGS

- 7.1 The refurbishment of the existing library building with new services and building elements (windows, new roof covering, mechanical and electrical, heating system etc.) will improve the building's energy efficiency, which will realise significant long-term savings in maintenance and energy costs. This can only be quantified once the Detailed Design has been agreed.

- 7.2 This will also contribute to the Council's targets for carbon reduction.
- 7.3 If the part of the building which is not needed for the library is leased to others this will create an on-going revenue stream to the Council. Alternatively, should the Council decide to locate an appropriate function of its own in that part of the building, this will potentially save the costs associated with wherever that function is currently located.

## **8. PROPOSED PROJECT TIMETABLE**

Key target milestone dates are proposed as follows:

|  |               |
|--|---------------|
| Cabinet Approval                                 | October 2013  |
| Full Council                                     | November 2013 |
| Obtain Planning Approval for refurbishment works | February 2014 |
| Tender Approval of works                         | May 2014      |
| Enter into Works Contract                        | May 2014      |
| Library Closure                                  | June 2014     |
| Construction works commence                      | July 2014     |
| Reopen Library                                   | August 2015   |

## **9. LIBRARY SERVICE IMPLICATIONS**

- 9.1 The Library and Museum Service has and will consult widely throughout the lifetime of the proposed development for both the interim arrangement and permanent refurbishment of the library. Residents, businesses, local community groups / organisations and interested stakeholders will be kept informed, and invited to express their views, where appropriate, on such things as the resources they wish to see in the library in the short and longer term.
- 9.2 A comprehensive consultation and engagement programme is being developed to enable residents from all sections of the community to express their views. The consultation and engagement process will ensure access is as broad as possible and will take place via various means including the Council website, social media, online and hard copy surveys, focus groups and meetings at a variety of community settings, local venues and at local area forums. Members of the project team will be on hand throughout to answer questions.
- 9.3 A comprehensive list of FAQs will be regularly updated on the Council website for easy reference along with details of plans as they develop.
- 9.4 Palmers Green Library will need to close for the duration of the refurbishment works. During the closure of the existing library, users



will be given access to other library facilities, including the Mobile Library which will be sited nearby at advertised times.

- 9.5 Customers can already access any library within the borough to use these services, borrow and return items. They can also access services online. However, there are four other libraries in the local area (Bowes Road, Winchmore Hill, Ridge Avenue and Southgate Circus) which can also be accessed during the closure and consideration is being given to increasing their opening hours during this period of time. Use could also be made of the Homebound Library Service if necessary.
- 9.6 The refurbished library will offer an improved service and customer experience. Although the current library does have disabled access, the entrance to the lift is poorly located. Main vehicle entry is through the car park from Shapland Way, N13, and there are no walkways to the main entrances, making it both difficult and dangerous for customer users. Improvements to this area will offer a much more welcome approach to visitors.
- 9.7 The layout of the space in the existing library, particularly those in the backroom areas, are not effective and a fresh approach to the layout will enable us to reflect current service priorities in the design, including a room for hire by the local community as well as a space for library activities such as a homework club and reading groups. We are also looking to reduce the size of counters to maximise public space.
- 9.8 The refurbished library will offer a wide range of books and periodicals for both adults and children, bookable PCs for internet access, Wi-Fi access for customers using their own laptop or mobile devices and a range of reader development/library based activities for adults & children. As with other library developments we will offer a customer self-service facility and there will also be an access point for council information and the potential for digital access to museum exhibits.

## **10. ALTERNATIVE OPTIONS CONSIDERED**

- 10.1 The recent decision to demolish the Library Annexe as part of works to enable the disposal of the adjacent redundant Southgate Town Hall site necessitates some works to the main building to ensure that Palmers Green Library remains fit for purpose.
- 10.2 A range of options for the nature and extent of the works have been considered which have taken into account; the adopted Planning Brief for regeneration of the Town Hall & Library site, the Council's desire to improve the service offering to the public, the condition of the various elements of the building fabric, the opportunity to improve the environmental performance of the building and the potential to facilitate and co-locate with other community orientated facilities, particularly

health care. **As the result of a call-in on this item, considered by Overview & Scrutiny Committee on 5 November 2013, an outline of the options considered has been set out as supplementary information in Appendix 2 of this report, for Council's information.**

- 10.3 The possibility of providing a temporary building to deliver a library service during the closure of the library for refurbishment has been investigated. It has been discounted as not being value for money for the potential benefits it might deliver and more economic ways of maintaining a service will be put in place as set out above.

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 The proposed refurbishment;
- develops the library within the context of the Adopted Planning Brief,
  - replaces worn out elements of the existing building,
  - improves environmental performance and reduces running costs,
  - provides a modern fit for purpose library with improved access and superior facilities, community space
  - creates an opportunity for co-location with local health providers, and other services
  - addresses the requirement of the Planning Brief in relation to the redevelopment of the adjacent Southgate Town Hall

## **12. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **12.1 Financial Implications**

12.1.1 Architectural Services have been commissioned to design and procure works associated with enabling the disposal of Southgate Town Hall and together with Property Services carried out an Options Appraisal for the refurbishment of Palmers Green Library. Options for the refurbishment works are recorded in an Options Report.

12.1.2 Estimated capital costs for the complete refurbishment comprising remodelling, improvements, replacing existing mechanical and electrical services, and creation of a new public space/entrance for the proposed option (option 4) is £4.46m, (see section 6 above). **As the result of a call-in on this item, considered by Overview & Scrutiny Committee on 5 November 2013, the costs of the other options not selected have also been set out as supplemental information within Appendix 2 of this report, for Council's information.**

12.1.3 The project will be met by unsupported borrowing financed through the Public Works Loan Board (PWLB). The cost of the unsupported borrowing to the council for this project (£4.46m) is estimated to be £339k pa.

**As a result of the call-in on this item, considered by Overview & Scrutiny Committee on 5 November 13, the following additional financial implications have been included for Council's information:**

***12.1.4 It should be noted that the net receipt from the disposal of the former Southgate Town Hall is expected to be of the order of £1.9m. The conditions of disposal were set out in a portfolio report in June and included an estimated £715k cost of enabling works.***

***12.1.5 Capital receipts are used on a Corporate basis to contribute to the funding of the overall capital programme. If the remaining £1.185m receipt were applied to this project then the ongoing revenue borrowing requirement would reduce to £245k pa.***

***12.1.6 In addition there is an anticipated revenue stream from the vacant space which could be let for a variety of uses. Depending on use the annual net rental value will be of the order of £110,000 - £120,000 per annum exclusive of rates and other outgoings. There will be a fitting cost to this area which will depend on the use of the facility before the rental inflow can be secured. There is also expected to be additional income from the aerial relocation which is in the order of £7,500 per annum exclusive. If these income flows were applied against the borrowing figure in 12.1.5 this would reduce the net borrowing cost to approximately £120k per annum.***

12.1.7 The revenue costs of supporting the provision of council services during the construction phase, in particular, temporary arrangements for the existing library service and storage costs is included in the 5% contingency.

12.1.8 The on-going revenue cost of operating the building is not likely to be more than what is available in the current budget.

## **12.2 Legal Implications**

12.2.1 Under the Public Libraries and Museums Act 1964, the Council is under a duty to provide a comprehensive and efficient library service for all persons whose residence or place of work is within the library area of the authority or who are undergoing full time education within that area. 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 and may enter into a contract with a

provider for the works pursuant to section 1 of the Local Government (Contracts) Act 1997.

12.2.2 The procurement of any works goods or services must be conducted in accordance with the Councils Constitution, in particular Contract Procedure Rules.

12.2.3 Any resulting contracts must be in a form approved by the Assistant Director for Legal Services.

12.2.4 The terms of any heads of terms/tenancy agreements for use of parts of the building not occupied by the library will be in accordance with the Councils Constitution, in particular Contract Procedure Rules in a form approved by the Assistant Director of Legal Services

### **12.3 Property Implications**

12.3.1 The proposed refurbishment works will address a number of outstanding maintenance and sustainability issues, bringing the library building up to date and making it fit for purpose.

12.3.2 The terms of any tenancy agreement with others to use a part of the building not occupied by the library service will be in accordance with the Council's Property Procedure Rules.

## **13 KEY RISKS**

13.1 Working in partnership with third party developers designing external elements of the main entrance and public realm access from Green Lanes, N13, may have an impact on the planning approval timeline. On-going negotiations and Design and Planning meetings with third parties are now in place.

13.2 The cost of the refurbishment could potentially exceed the current estimates. In the present economic climate, it is hoped that tender prices will be reasonable. However, the construction market is volatile and tender prices have been coming in low. Property Services will manage and mitigate the risks through a detailed procurement process and will value engineer the proposals that are received if required.

13.3 When construction works are completed, the Library Services shall re occupy the new refurbished areas. At a later date the basement and ground floor areas may be occupied by third parties (Health Services), for which further construction works, and fit out shall take place, which may be a disruption to the Library Services. This may also have a cost impact as two phases of works shall be required.

- 13.3 Subject to approval to proceed, a detailed risk register will be created and maintained for this project, to consider the likelihood of identified risks and mitigating actions that can be taken. This risk register will be monitored on a regular basis by the Project Manager.

## **14. IMPACT ON COUNCIL PRIORITIES**

### **14.1 Fairness for All**

This scheme represents another example of the Council's commitment to provide a borough-wide library service which is fit for purpose.

### **14.2 Growth and Sustainability**

Refurbishment of Palmers Green Library should facilitate increased local usage of the library service.

The proposed works to the library building will improve its environmental performance.

The combined redevelopment of the Southgate Town Hall and Palmers Green Library buildings is intended to enhance the Palmers Green built environment and so attract further local inward investment by others.

### **14.3 Strong Communities**

Palmers Green Library provides a significant local civic amenity and a range of community services. The proposed improvements will enhance and future-proof this role.

## **15 EQUALITIES IMPACT IMPLICATIONS**

- 15.1 An Equality Impact Assessment has been completed, highlighted below the main outcomes: -

'Upgraded library facilities will improve access to all Council wide services to all groups in the community as libraries have been shown to be a key route for local information and access to all services. As a universal service, library customers represent a wide cross section of the population in Enfield. Closer partnership with Customer Services is ensuring the library service contributes to all Council agendas'.

## **16 PERFORMANCE MANAGEMENT IMPLICATIONS**

- 16.1 This capital works project will be performance managed in accordance with the Council's project management methodology and monitored using the Council's electronic corporate reporting systems. An

experienced project manager has been allocated from the Council's Strategic Property Services Team.

## **17 HEALTH AND SAFETY IMPLICATIONS**

- 17.1 The works proposed to the library building are too extensive for staff and users to be able to safely occupy the building while they are being carried out. The library will therefore be closed for the period of the works.

## **18 HR IMPLICATIONS**

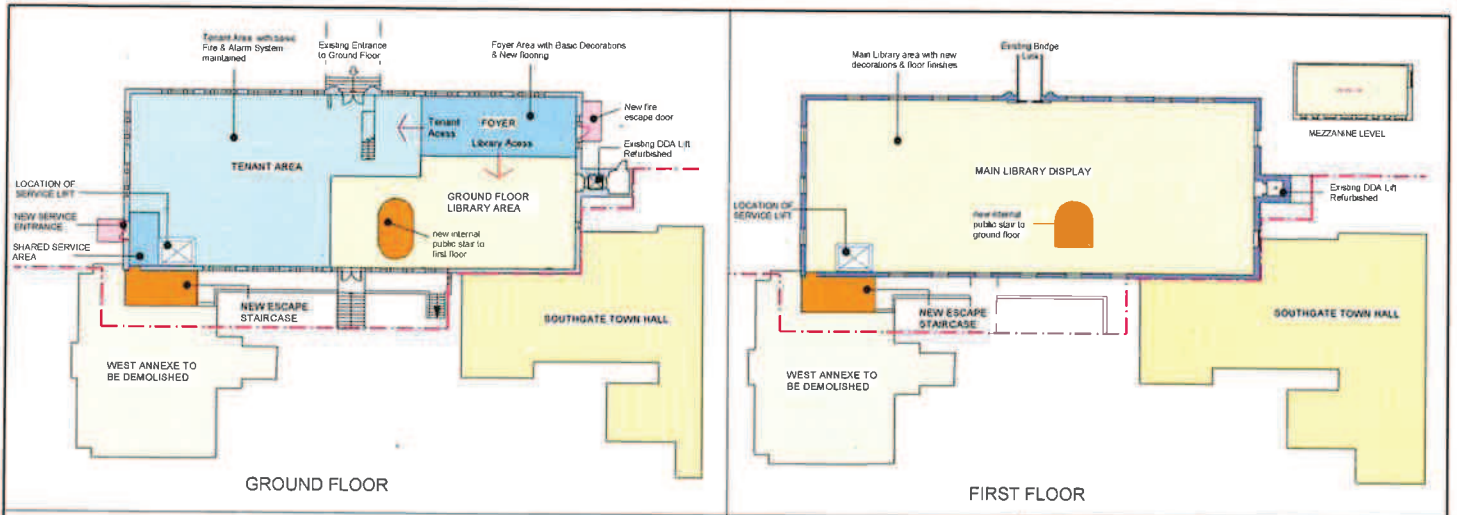
The existing staff shall be relocated to other libraries during the period of the works due to extended opening hours of surrounding libraries, and mobile services being provided.

## **19 PUBLIC HEALTH IMPLICATIONS**

- 19.1 Subject to agreement, there is an opportunity for a healthcare provider to locate within the lower parts of the building not allocated to library use.
- 19.2 The newly refurbished library shall be inviting and enhance the current environment space, to encourage more usage, and social cohesion within the community.

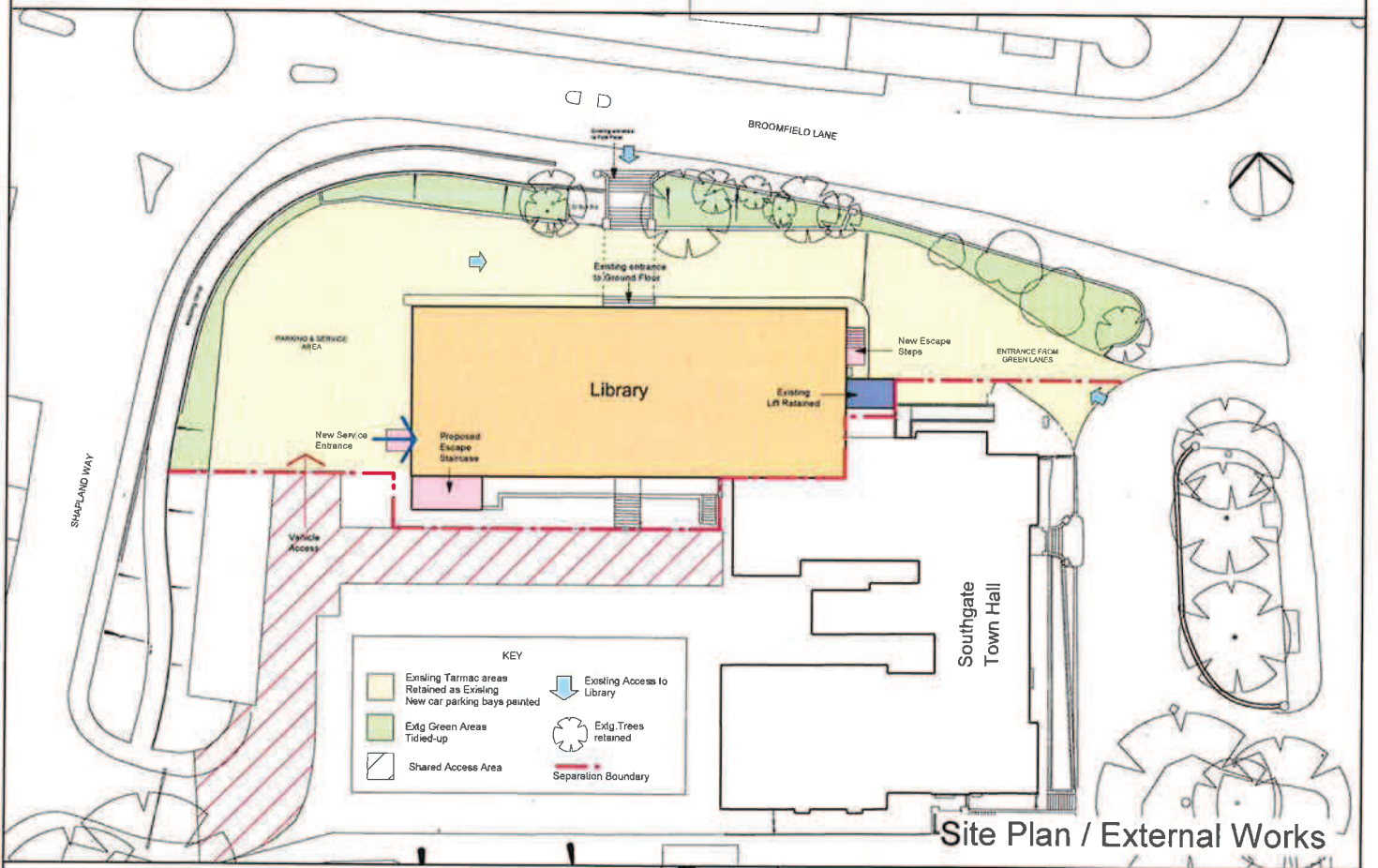
### **Background Papers**

None



| KEY  | SUMMARY OF SCOPE OF WORKS   |
|--|---|
| PROPOSED DEMOLITION OF WEST WING                                     | 1) New Service Entrance created   |
| LIBRARY AREAS  | 2) New Service Lift Installed   |
| NEW STAIRCASE  | 3) Library Space added to Ground Floor  |
| OTHER TENANT AREAS - No Alterations - Basic Fire & Alarm System only | 4) Tenant Areas left unaltered - basic fire & intruder alarm maintained       |
| EXISTING SERVICE   | 5) Existing Passenger Lift Refurbished  |
| PROPOSED STEPS   | 6) Heating - Boiler Modification only   |
| SHARED AREAS (Service & Foyer)                                       | 7) Lighting - New for Ground Floor Library & to be as existing at First Floor |
| PROPOSED SERVICE LIFT LOCATION                                       | 8) New Fire & Alarm Systems   |
| PROPOSED LINE OF SEPARATION  | 9) Main Library - Basic decorations & new flooring                            |
|  | 10) Roof & Rooflights - Repairs only  |
|  | 11) Windows - overhaul only   |
|  | 12) External Parking - New Markings only                                      |
|  | 13) External Works - Forecourt - left as existing                             |
|  | 14) New Signage   |
|  | 15) New furniture & fittings  |

Floor Plans



Site Plan / External Works

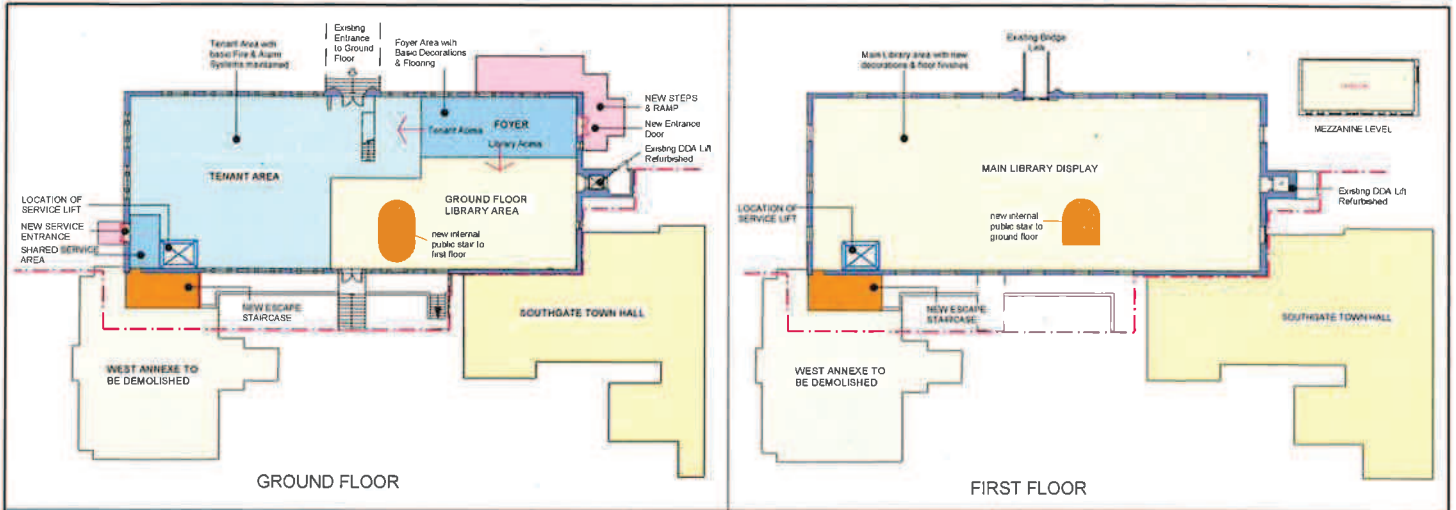


PALMERS GREEN LIBRARY



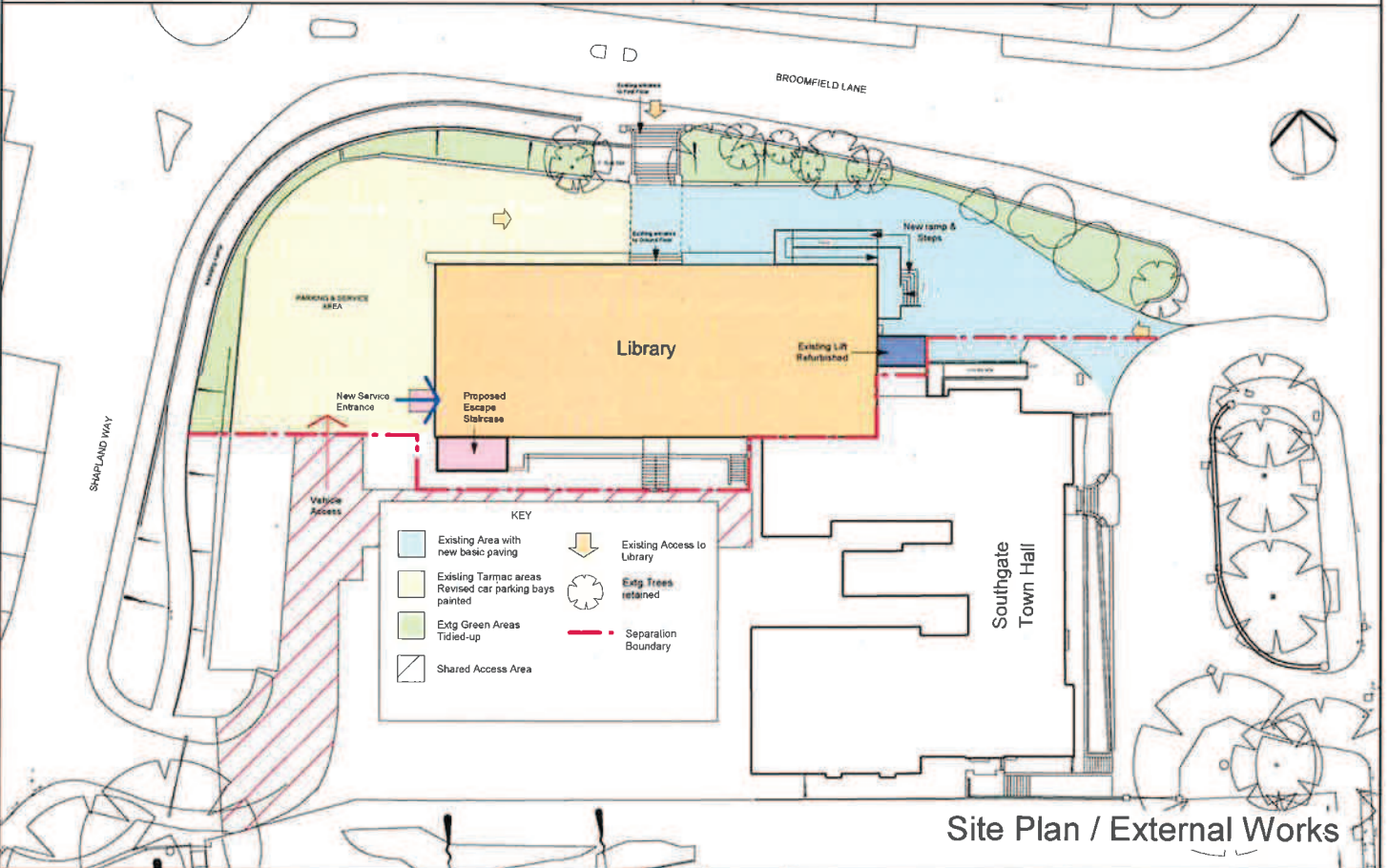
OPTION 1





| KEY   | SUMMARY OF SCOPE OF WORKS  |
|---|--|
| PROPOSED DEMOLITION OF WEST ANNEXE                                    | 1) New Service Entrance created  |
| LIBRARY AREAS   | 2) <b>New Service Lift installed</b>   |
| NEW STAIRCASES & LIFT   | 3) Library Space added to Ground Floor   |
| OTHER TENANT AREAS - No Alterations - Basic Fire & Alarm Systems only | 4) Tenant Areas left unaltered - basic fire & intruder alarm maintained                |
| EXISTING SERVICE  | 5) Existing Passenger Lift Refurbished   |
| PROPOSED STEPS & RAMP   | 6) New Main Entrance Steps & Ramp  |
| SHARED AREAS (Service & Foyer)  | 7) Heating - New Boilers + PV Panels   |
| PROPOSED SERVICE LIFT LOCATION  | 8) Lighting - New for Ground Floor Library & like for like in Main first floor library |
| PROPOSED LINE OF SEPARATION   | 9) New Fire & Alarm Systems  |
|   | 10) Main Library - Basic decorations & new flooring                                    |
|   | 11) Roof & Rooftlights - Repairs only  |
|   | 12) Windows - overhaul only  |
|   | 13) External Parking - New Markings only   |
|   | 14) External Works - Forecourt - Levels unaltered - basic new paving                   |
|   | 15) New Signage  |
|   | 16) New furniture & fittings   |

Floor Plans



Site Plan / External Works

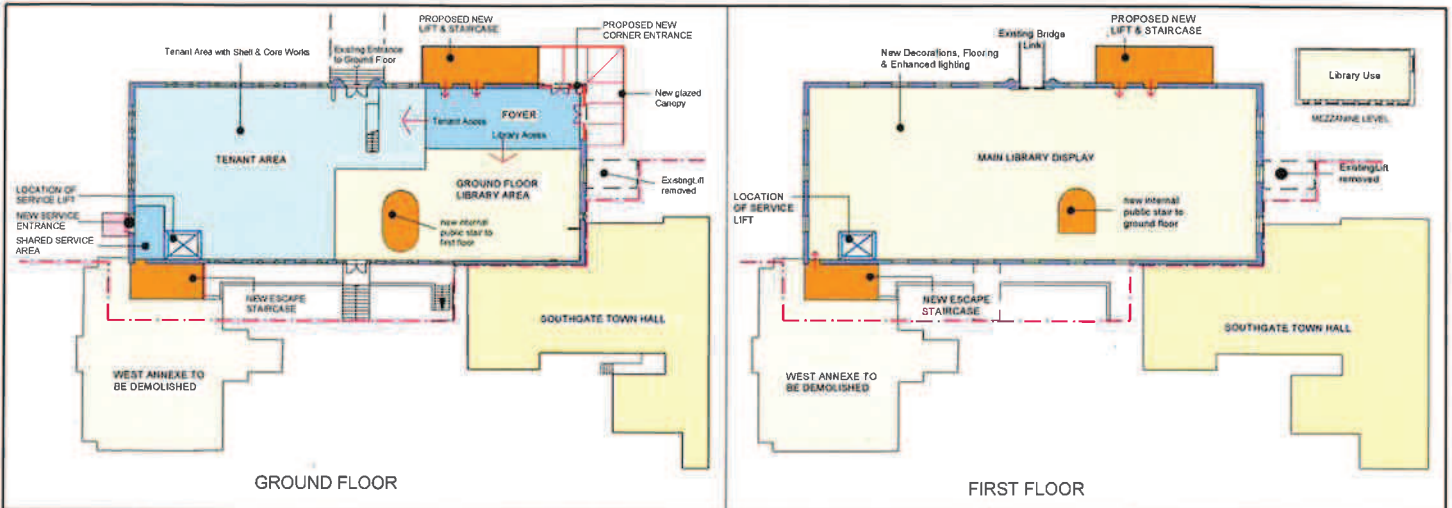


PALMERS GREEN LIBRARY



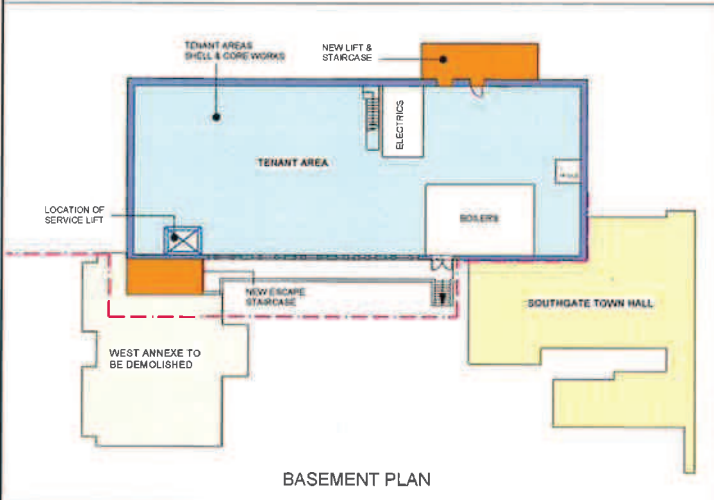
OPTION 2





GROUND FLOOR

FIRST FLOOR



BASEMENT PLAN

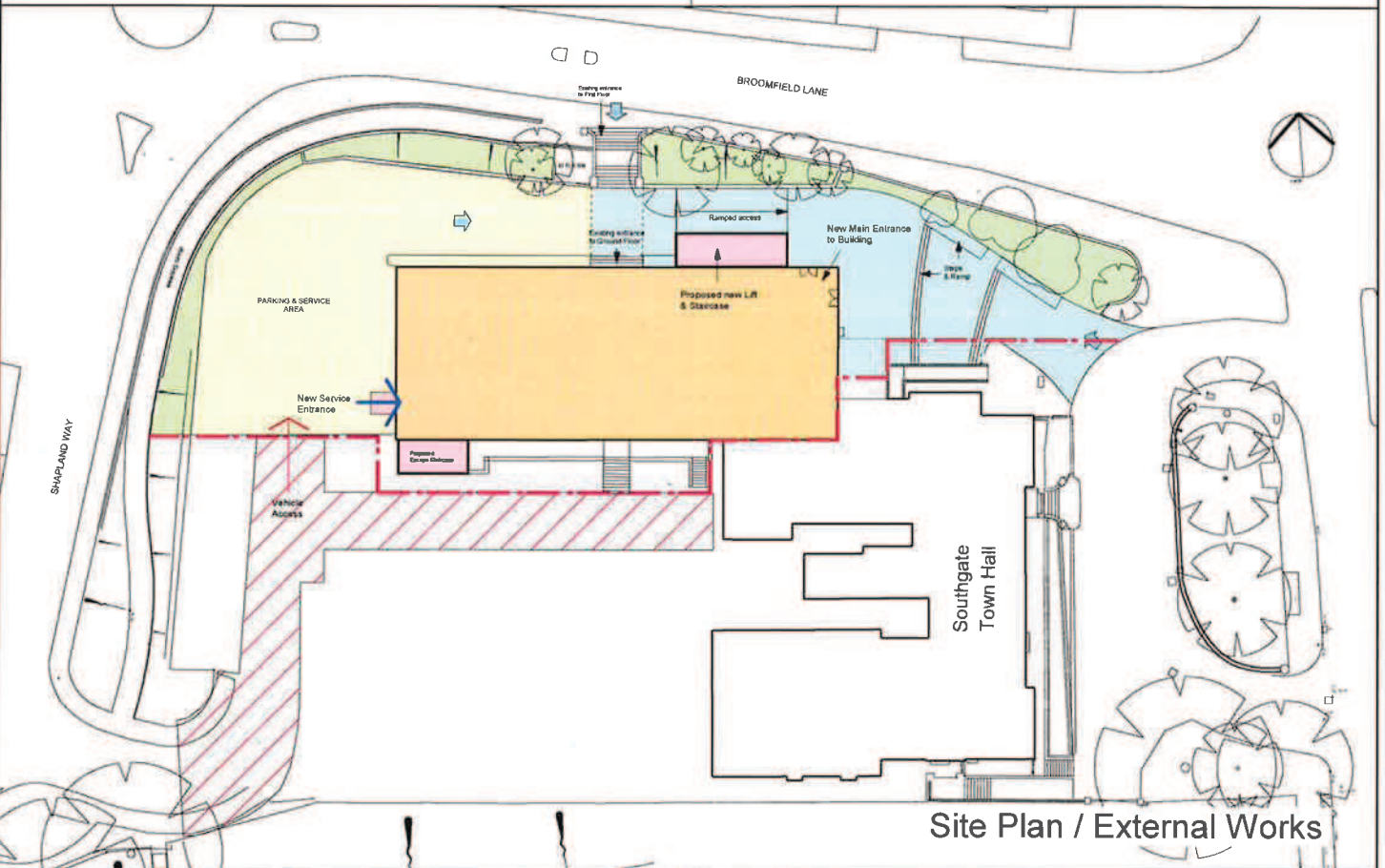
KEY

- PROPOSED DEMOLITION OF WEST ANNEXE
- LIBRARY AREAS
- NEW STAIRCASES & LIFT
- OTHER TENANT AREAS - Shell & Core Works
- EXISTING SERVICE
- PROPOSED STEPS
- SHARED AREAS (Service & Foyer)
- PROPOSED SERVICE LIFT LOCATION
- PROPOSED LINE OF SEPARATION

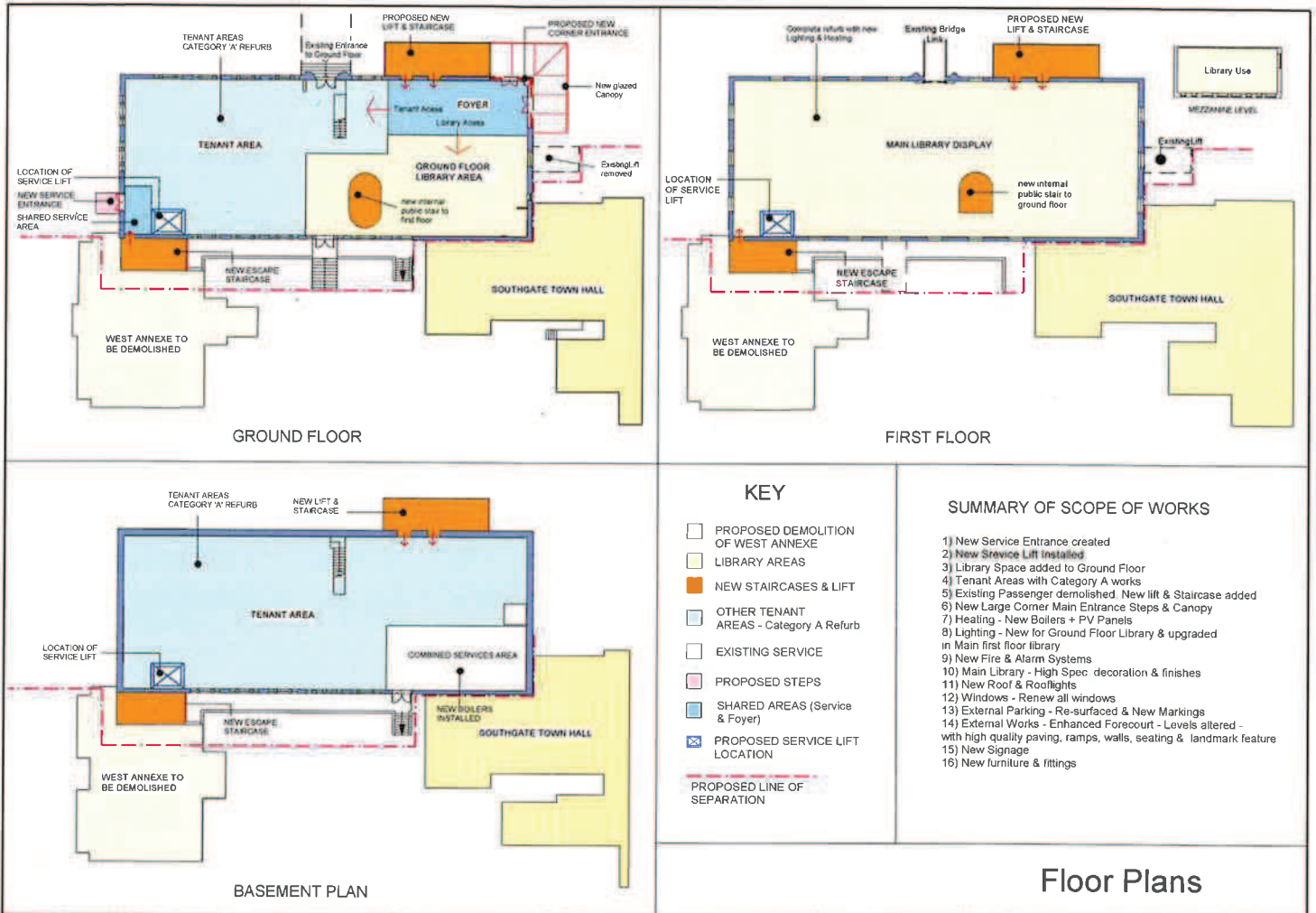
SUMMARY OF SCOPE OF WORKS

- 1) New Service Entrance created
- 2) New Service Lift Installed
- 3) Library Space added to Ground Floor
- 4) Tenant Areas with Shell & Core works
- 5) Existing Passenger demolished. New lift & Staircase added
- 6) New Large Corner Main Entrance Steps & Canopy
- 7) Heating - New Boilers + PV Panels
- 8) Lighting - New for Ground Floor Library & upgraded in Main first floor library
- 9) New Fire & Alarm Systems
- 10) Main Library - Basic decorations & new flooring
- 11) Roof & Rooflights - Repairs only
- 12) Windows - overhaul only
- 13) External Parking - Re-surfaced & New Markings
- 14) External Works - Forecourt - Levels altered with basic new paving
- 15) New Signage
- 16) New furniture & fittings

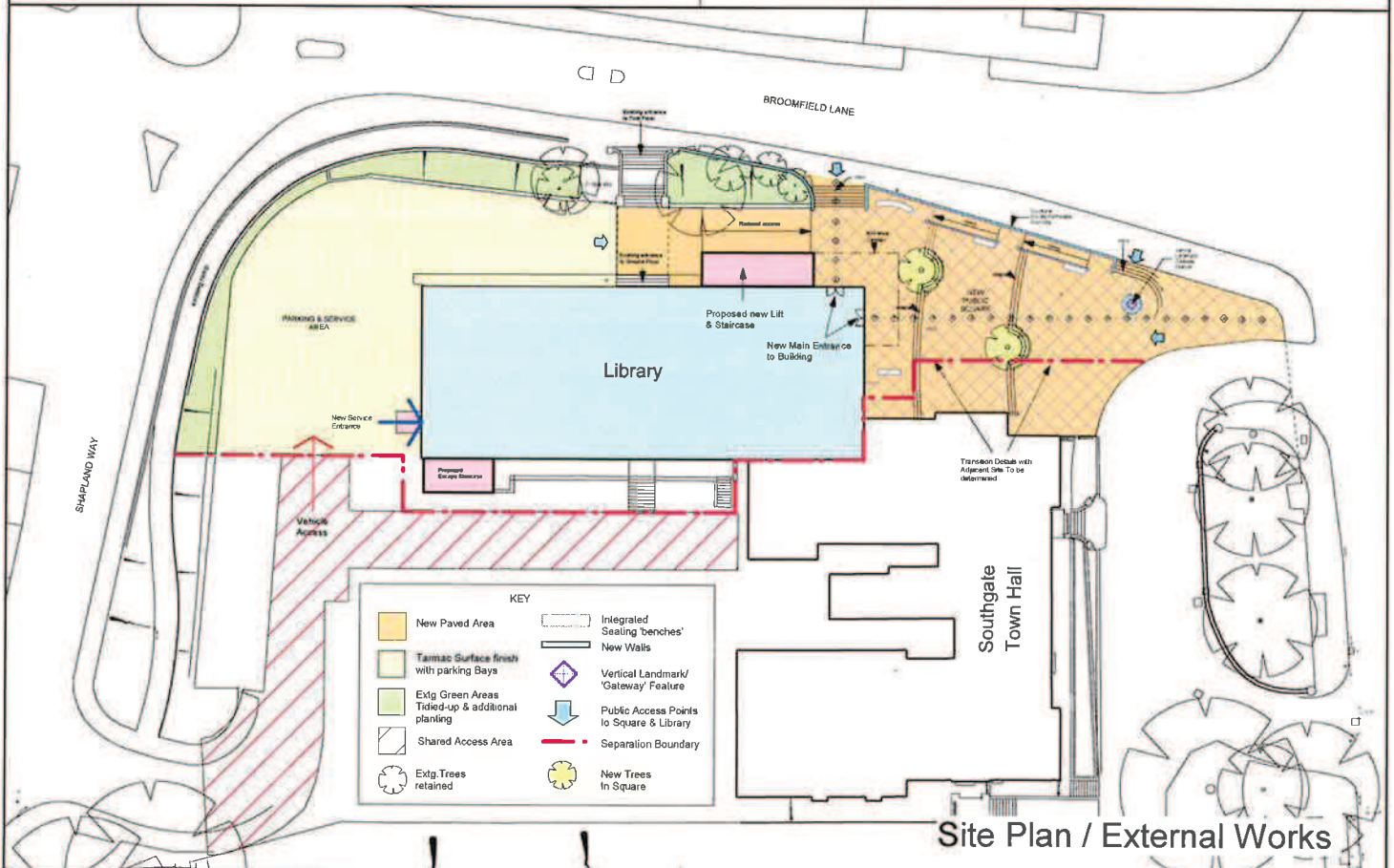
Floor Plans



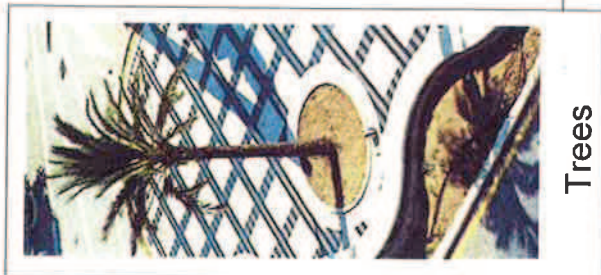
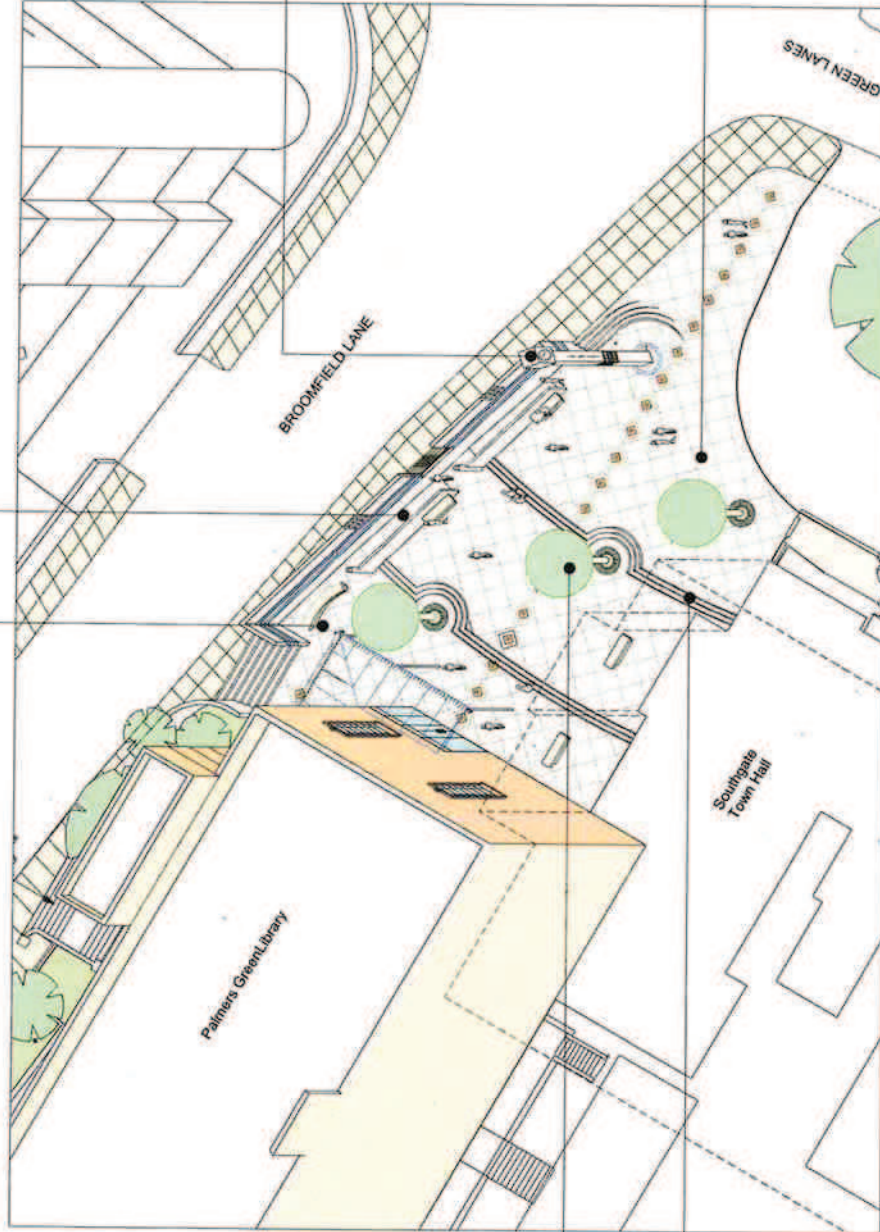
Site Plan / External Works



Floor Plans





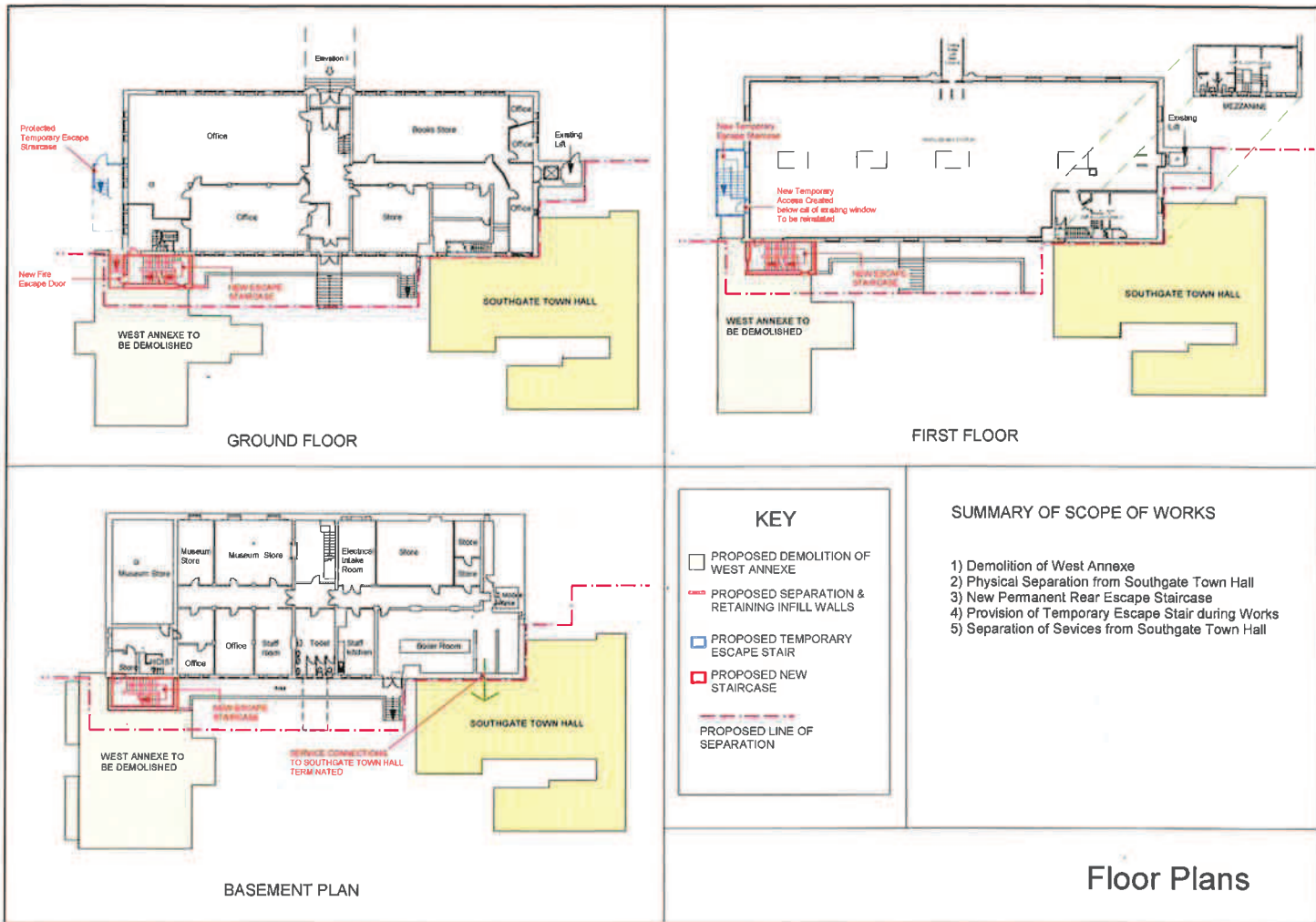


# OPTION 4 PUBLIC SQUARE



# PALMERS GREEN LIBRARY





Floor Plans



WEST ANNEXE - SOUTH WEST ELEVATION

Extent of Annexe to be demolished



WEST ANNEXE - EAST ELEVATION

Library Retained

Extent of Annexe to be demolished



LIBRARY & WEST ANNEXE - WEST ELEVATION

Location of Temporary Escape Staircase to Library

Extent of Annexe to be demolished



LIBRARY & SOUTHGATE TOWN HALL - SOUTH SEPARATION

Library Retained

Southgate Town Hall

Line of Separation

Photographs





SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



New lift & Staircase

New Main Entrance

**NEW ENTRANCE AREA AT NORTH WEST CORNER**

Option 1 - No new Entrance Escape Door & Steps only

Option 2 - New Ramp & Steps with new entrance Door

Options 3 & 4 - New Corner Main Entrance , Lift & Staircase



New Car Park Area

**PROPOSED CAR PARKING AT NORTH WEST CORNER**

Option 1 - No Works to Existing Area. New Car parking Bays marked only.

Option 2 - No Works to Existing Area. New Car parking Bays marked only.

Options 3 & 4 - Parking Area re-surfaced & Car Parking Bays marked



Existing Lift

New Public Square Area

**PUBLIC SPACE IN FRONT OF BUILDING**

Option 1 - No Works to Existing Area. Existing Lift Retained

Option 2 - Basic Paving to Existing Area. Existing Lift Retained

Options 3 - Levels altered. Basic paving. Existing Lift demolished & New Lift Installed

Options 4 - Levels altered. Enhanced Public Space Created Existing Lift demolished & New Lift Installed



Existing aluminium & Steel Windows

Staining of Brickwork

**EXTERNAL FABRIC OF BUILDING**

Option 1 - No Works to existing brickwork. Existing Windows only overhauled

Option 2 - No Works to existing brickwork. Existing Windows only overhauled

Options 3 - No Works to existing brickwork. Existing Windows only overhauled

Options 4 - Existing Brickwork & masonry cleaned, New windows installed.



Existing aluminium & Steel Windows

Staining of Brickwork

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PALMERS GREEN LIBRARY - SUMMARY OF WORKS FOR ALL OPTIONS

APPENDIX 2

| WORKS  | OPTION 1          | OPTION 2          | OPTION 3          | OPTION 4          |
|--|-------------------|-------------------|-------------------|-------------------|
| 1) Demolition of West Wing   |                   |                   |                   |                   |
| 2) Physical Separation from Town Hall  |                   |                   |                   |                   |
| 3) New Permanent Rear Escape Staircase   |                   |                   |                   |                   |
| 4) Temporary Escape Stair  |                   |                   |                   |                   |
| 5) Separation of Services from Town Hall   |                   |                   |                   |                   |
| 6) New Service Lift  | X                 | X                 | X                 | X                 |
| 7) New Service Entrance Created  | X                 | X                 | X                 | X                 |
| 8) Library Space added to Ground Floor with internal stair to First Floor  | X                 | X                 | X                 | X                 |
| 9) Tenant Areas – left unaltered with basic fire & intruder alarm  | X                 | X                 |                   |                   |
| 10) Tenant Areas – Shell & Core Works  |                   |                   | X                 |                   |
| 11) Tenant Areas – Category ‘A’ Refurb   |                   |                   |                   | X                 |
| 12) Existing Passenger Lift Refurbished  | X                 | X                 |                   |                   |
| 13) Passenger lift Demolished  |                   |                   | X                 | X                 |
| 14) New Entrance Stair & Lift  |                   |                   | X                 | X                 |
| 15) New Main Entrance Steps & Ramp   |                   | X                 |                   |                   |
| 16) New Large Main Corner Entrance & Canopy  |                   |                   | X                 | X                 |
| 17) Boilers – Modifications only   | X                 |                   |                   |                   |
| 18) Boilers – New + PV Panels + New Heating  |                   | X                 | X                 | X                 |
| 19) Lighting – New for Ground Floor library & First floor as existing  | X                 |                   |                   |                   |
| 20) Lighting – New for Ground Floor library & First floor like for like replacement                                    |                   | X                 |                   |                   |
| 21) Lighting – New for Ground Floor library & First floor Upgraded   |                   |                   | X                 |                   |
| 22) Lighting – New for Ground Floor library & First floor Replaced with new updated fittings                           |                   |                   |                   | X                 |
| 23) Fire & Alarm Systems   | X                 | X                 | X                 | X                 |
| 24) First Floor Library – Basic Decoration & Floor Finish  | X                 | X                 | X                 |                   |
| 25) First Floor Library – Higher Spec.Decoration & Floor Finish, Ceilings Redecs.                                      |                   |                   |                   | X                 |
| 26) Roof & Rooflights Repairs (as per existing condition survey)   | X                 | X                 | X                 |                   |
| 27) New Insulated Roof & Rooflights  |                   |                   |                   | X                 |
| 28) Windows – Overhaul /paint Existing   | X                 | X                 | X                 |                   |
| 29) Windows – Renew All  |                   |                   |                   | X                 |
| 30) External Works – Parking Areas as existing – with new parking Bay Markings   | X                 | X                 |                   |                   |
| 31) External Works – Parking Areas re-surfaced – new parking Bay Markings  |                   |                   | X                 | X                 |
| 32) External Works – Forecourt left as existing  | X                 |                   |                   |                   |
| 33) External Works – Levels Unaltered -with basic paving   |                   | X                 |                   |                   |
| 34) External Works – Levels Altered -with basic paving   |                   |                   | X                 |                   |
| 35) External Works – Enhanced works( high quality paving, steps, ramps, seating, landmark feature, new retaining walls |                   |                   |                   | X                 |
| 36) Signage  | X                 | X                 | X                 | X                 |
| 37) Furniture, Fixtures & Fittings   | X                 | X                 | X                 | X                 |
| <b>TOTAL ESTIMATED COSTS</b>   | <b>£1,230.600</b> | <b>£1,632.750</b> | <b>£2,873.850</b> | <b>£4,455.150</b> |

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## MUNICIPAL YEAR 2013/2014 REPORT NO. **98A**

**MEETING TITLE AND DATE:**

Cabinet 16th October 2013  
Council 27<sup>th</sup> November  
2013

**REPORT OF:**

Director of Schools & Children's  
Services

|  |                 |
|--|-----------------|
| <b>Agenda – Part: 1</b>  | <b>Item: 10</b> |
| <b>Subject: Future Provision of Secondary Tuition Services (PRU)</b> |                 |
| <b>Wards: All Wards</b>  |                 |
| <b>Key Decision No: 3799</b>   |                 |
| <b>Cabinet Members consulted: Councillors Orhan and Stafford</b>     |                 |

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 re-provision of the Secondary Tuition Service (STS) also known as the Pupil Referral Unit (PRU) from its current multi-site accommodation on to one site on 230 Bullsmoor Lane.

The report also details the procurement methodology for delivering the new building required to house the PRU and seeks approval to commence the Planning and procurement process.

The report also details the outline capital requirements for the build and the options for funding.

### 2. RECOMMENDATIONS

- 2.1. Council is asked to to approve the additional capital requirement of £3.099 being added to the Council's capital programme, as recommended by Cabinet.
- 2.2. Council is asked to note that Cabinet agreed the following, in referring the report to Council:
  - (a) agree the additional capital funding for the proposed works and associated technical services totalling £3.099m as detailed in paragraph 7.1 (Financial Implications) of this report and to include the revised total project value of £7.5m over three years in the Council's capital programme.
  - (b) the Director of Schools & Children's Services being authorised to approve expenditure for orders by operational decision for individual orders up to a maximum of £250,000 for works and technical services.

- (c) the Director of Schools & Children's Services being authorised to manage the Project budget in a flexible way within the overall funding available to take account of variations between estimates and tender costs
- (d) the Director of Schools & Children's Services being authorised to approve an appropriate procurement strategy by operational decision for works and technical services, subject to the financial restrictions in b & c above
- (e) the Director of Schools & Children's Services being authorised to undertake the work for and approve submission of a Planning Application.
- (f) approve the disposal of the two assets detailed in paragraph 3.3 of the Part 2 report on this agenda, subject to the approval of the Director Finance, Resources and Customer Services and the Cabinet Member of Finance and Property.

### **3. BACKGROUND**

- 3.1 Authority was sought and granted (Key Decision number U183/KD3692) with the date that the original Portfolio decision was taken being 19 March 13 to acquire the freehold interest of Orchardside Nursery, 230 Bullsmoor Lane (The Property) at either auction or by private treaty if not sold at auction.
- 3.2 The Council was unsuccessful in securing the purchase of the property at that time but following the auction the owner approached the Council to sell the property via private treaty to include a leaseback arrangement until 1 September 2014. Following the approach the Authority sought to supplement the original Key decision with KD number U186/KD3754 with the date that the second Portfolio decision was taken being 2 July 13, thereby allowing the Council to purchase the Property and enter into a short term leaseback agreement until the beginning of September 2014. At the time of drawing up this report the acquisition is still in progress but by the date of this Cabinet meeting it is anticipated that the purchase will have been completed and the property added to the education portfolio. A verbal update will be given at Cabinet.
- 3.3 The PRU students have been excluded and cannot be educated at main stream school. The majority of pupils attend full-time although a part-time induction programme is used to introduce pupils to the centre; a small number also attend college part-time.
- 3.4 The PRU is currently accommodated on three sites; in HORSAs buildings at Eldon Road, in a converted church hall (Newbury site) at Bury St., plus

temporary use of Swan Annexe. Suitability assessments have identified the existing accommodation as not being fit for purpose and there are major concerns in relation to the condition of the buildings. There is insufficient space, existing accommodation is deficient in specialist and general teaching areas and there are inadequate areas for administration, support and storage. External areas are extremely restricted and there are no appropriate areas for recreation and PE.

- 3.5 Replacing the poor accommodation the PRU currently uses has been a Council priority for some time and was initially to be addressed under the Building Schools for the Future Programme (BSF). When the BSF programme was scrapped in July 2010, Schools and Children's Services undertook a desktop feasibility study into the purchase and use of the St Mary's Centre Site, Lawrence Road, Edmonton. This was found not to be suitable as the vision was originally to provide the service using a "hub and spoke" model, with the St Mary's Centre as the location for the hub using the Borough's Youth Centres to provide the spokes. It soon became apparent that this would not be feasible and so the brief changed to look at providing all the accommodation on St Marys', however the site was deemed too small.
- 3.6 The PRU was inspected by OFSTED in February 2013 and achieved outstanding. However, the inspection team highlighted that there was a need to "Address the accommodation shortcomings so that students can be offered a wider range of practically-based courses"
- 3.7 Initial discussions have taken place with the head teacher and Governing Body of Capel Manor Primary school who have been very positive about locating the PRU adjacent to the school.
- 3.8 The location enables the effective use of any new facilities by the primary school next door, for example a potential MUGA. In addition it is envisaged that educational opportunities could be offered by Capel Manor College to students attending the school.
- 3.9 Over a nine year period officers from within Education and Children's Services have been looking to relocate the secondary tuition service from its current locations, as part of this process 13 sites including the preferred site identified in this report have been considered. The other sites for various reasons have been excluded. (Options Paper for the re-provision of the secondary tuition service).

#### **4. PROPOSAL**

- 4.1. To construct a purpose built facility for 150 Secondary pupils (50 managed remotely) that will address the accommodation shortcomings

so that students can be offered a wider range of practically-based courses.

- 4.2 Subject to obtaining full Planning consent, works will be procured to commence on site as soon as possible after the end of the short term leaseback agreement in September 2014, which should result in the facility opening in September 2015.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

The alternative option is to continue to provide services from the current locations, to use the St Mary's site which was originally purchased and latterly identified as being too small or to find an alternative site.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1. The recommendations have been made to enable works and technical services to be procured as soon as possible to address the accommodation shortcomings so that students can be offered a wider range of practically-based courses.

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

### **7.1 Financial Implications**

7.1.1. Within the approved S&CS capital programme there is a provision of £2.770m for this scheme, of which £1.0m will be required to cover the recent purchase of the site. Based on preliminary estimates using benchmark data and assuming modular construction, the capital expenditure is expected to be £6.2m including a £300k contingency sum, giving a total of £7.2m. The existing £2.770m will be supplemented by the approved allocation of £1.631m from the Targeted Basic Need grant. This means that only £4.401m is available to fund the proposed expenditure of £7.2m. The funding gap of £2.799m has been submitted as an unsupported borrowing capital pressure bid for consideration during the 2014/15 budget setting process. However it is anticipated that £876k can be achieved through the sale of the existing sites which will reduce the unsupported borrowing requirement down to £1.923m The annual revenue cost of this additional unsupported borrowing will be £144k. By 2015/16 it may be possible to maximise any new or unallocated grant funding available then to reduce the need for any unsupported borrowing.

7.1.2. The proposed expenditure and funding profile is as follows :

|   | 2013/14      | 2014/15      | 2015/16      | Total        |
|---|--------------|--------------|--------------|--------------|
|   | £m           | £m           | £m           | £m           |
| Purchase of Site                        | 1.000        |              |              | 1.000        |
| Construction (Works/Technical Services) | 0.300        | 2.700        | 3.200        | 6.200        |
| Project Contingency                     |              |              | 0.300        | 0.300        |
| <b>Total Expenditure</b>                | <b>1.300</b> | <b>2.700</b> | <b>3.500</b> | <b>7.500</b> |
| <b>Funded by:</b>                       |              |              |              |              |
| Schools Capital Grants                  | 1.292        |              |              | 1.292        |
| Approved Unsupported Borrowing          |              | 1.077        | 0.401        | 1.478        |
| Targeted Basic Need                     | 0.008        | 1.623        |              | 1.631        |
| Use of Capital Receipts                 |              |              | 0.876        | 0.876        |
| Additional Unsupported Borrowing Bid    |              |              | 2.223        | 2.223        |
| <b>Total Funding Required</b>           | <b>1.300</b> | <b>2.700</b> | <b>3.500</b> | <b>7.500</b> |

## 7.2 VAT Implications

The Council's responsibility for providing statutory full time education extends to excluded pupils who, for various reasons, would not receive suitable education without such provision by the Local Authority. PRUs are therefore deemed to be similar to LA maintained schools such that the supply of education is non-business for VAT purposes. Therefore, VAT incurred towards the supply of such education can be recovered under provisions of S33 of VAT Act 1994, subject to the normal rules for VAT recovery- i.e. the council must contract for/procure the supply, receive the supply, pay with corporate funds, and receive a VAT invoice in its name. Qualifying VAT include VAT incurred in making the site suitable for the supply of education (e.g. construction, furniture and fittings, educational tools and equipment, etc.).

The Council will be granting a peppercorn lease to the seller. A true peppercorn (with no other associated benefits/payments, monetary or otherwise) is non-business for VAT and incurred VAT will be recoverable as outlined above. If other consideration is received, the

lease becomes exempt and could jeopardise the council's ability to recover its exempt VAT, approximately £2.8m/year.

It is not expected that Exempt revenue income (e.g. from leases or lettings) will be generated by the PRU, therefore the impact on the partial exemption position should be minimal. However, it is recommended that a VAT implication analysis is carried out before any changes are made to the use of the site.

### **7.3 Legal Implications**

- 7.3.1 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 ("the LGA"), includes the power to do anything ancillary to, incidental to or conducive to the discharge of any of its statutory functions.
- 7.3.2 With regard to the recommendation at paragraph (g) concerning the proposed disposal of the Council's two assets, s123 of the LGA authorises the local authority to dispose of its property in any way it thinks fit, provided it's at the best consideration that can be obtained, otherwise the consent of the Secretary of State is required.
- 7.3.3 An additional consideration and powers apply if the assets proposed to be disposed of are used for educational purposes, in which case the consent of the Secretary of State is required. In considering whether the consent should be given, the Secretary of State will take into account the suitability of the premises for use by any other educational establishment, eg an academy of a free school.
- 7.3.4 The disposal of the assets must also be in accordance with the Council's Property Procedure Rules.
- 7.3.5 The procurement of any goods/works/services will need to be in accordance with the Council's Constitution, in particular Contract Procedure Rules.
- 7.3.6 All contracts will need to be in a form approved by the Assistant Director (Legal Services).
- 7.3.7 Subject to the comments above, the recommendations within this report are in accordance with these powers.

### **7.4 Property Implications**

- 7.4.1 With regards to the leaseback arrangement with the vendor, it will include a 12 month lease, contracted out of the Landlord & Tenant Act 1954 (Part II) at a peppercorn rent. The lease would be on a Full Repairing and Insuring basis giving LBE vacant possession at the end of the term.
- 7.4.2 This solution offers vacant possession at the end of 12 months with no risk of the occupant of the residential or the commercial element becoming a secure tenant of the Council.
- 7.4.3 The Council would be liable for the decommissioning costs (capping service, asbestos removal from pipes and lagging, decontaminating the site and removing the glass from the greenhouses), site security and taxation on the rest of the site once the lease expires.
- 7.4.4 As soon as vacant possession is yielded, subject to planning approval, the Council will be in a position to employ contractors to enter onto the site to take possession, demolish and build out the scheme immediately to avoid the majority of the holding costs described in 7.4.3. However, any delay will result in additional holding costs.
- 7.4.5 There are various risks, which if they materialise, may delay the site's development. These risks include: planning risk given the site's designation; obtaining SoS and Sports England Consent. The sale and leaseback arrangement has been contractually drafted to ensure that the vacant possession will be achieved by September 2014.
- 7.4.6 Prior to gaining access to the property, site investigations and development due diligence will be required such as topographical surveys, sub soil investigations to ascertain whether the site has a deleterious materials which would require careful removal and disposal.
- 7.4.7 A demolition notice will have to be sent to Property Services prior to demolition to comply with Property Procedure Rules and Capital valuation regulations.
- 7.4.8 With regards to the construction method, modular buildings provide enhanced environmental performance measures which in turn lower energy costs. Other advantages of utilising the modular route include lower maintenance costs, speedier assembly, enhanced longevity of the buildings and greater sustainability.
- 7.4.9 Once built, the property will be need to be added to the annual Capital Valuations and once acquired, the site and any completed buildings will need to be added to the Council's insurance schedule to ensure that the property has adequate cover.
- 7.4.10 An inventory list of any material procured and produced will need to be kept. In the event of failure to complete, 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.

- 7.4.11 Property Services will need to be aware and sent the new data being generated for the new build in either CAD or Pdf format. These include floor plans with room data for the purposes of the Asset Management System, Atrium.
- 7.4.12 Operating manuals for the new building and internal system manuals will need to be handed over on completion by the contractor.
- 7.4.13 Once planning permission is gained Building Regulations will need to be adhered to as part of the enabling and construction works.
- 7.4.14 Overall this transaction will have to adhere and comply with internal Property Procedure Rules and Corporate Procurement Rules.
- 7.4.15 The location of a PRU at this site provides several opportunities that enhances and optimises the use of Council assets. In particular, it permits the sharing of existing open space and recreational space between different organisations which contributes towards the financial sustainability of public assets. A management plan for the shared use of Bulls Cross playing fields and outdoor playspace with Capel Manor Primary School will need to be agreed.
- 7.4.16 The disposal of assets will be subject to the Council's Property Procurement Rules and detailed third party valuations.
- 7.4.17 The relocation of the secondary tuition service will enable the release of Swan Annex as agreed to form part of the Ponders End High Street regeneration proposals.

## **7.5 Procurement**

- 7.5.1 As the estimated value of the Works exceeds the EU threshold for of £4.348m it is subject either to a competitive tender via OJEU (Official Journal of the European Union) or the use of a compliant framework agreement.
- 7.5.2 Procurement options are under review for the proposed Works and Technical Services. A compliant framework agreement that best meets the Council requirements will be identified from those currently available such as but not limited to: Education Funding Agency (EFA) – PfS Contractor's Framework / Improvement and Efficiency South East (iESE) - South-East & London Construction Framework for Major Projects / London Housing Consortium (LHC) - Schools & Community Buildings (SCB1) / Barking & Dagenham Council - Education & Other Services Framework £1.5 million and above / Scape - National



Contractor Framework (£2m and over) / Government Procurement Service (GPS) Cabinet Office - RM875 Modular Building Systems.

7.5.3 In accordance with the Council's Constitution the procurement strategy will need to be approved by the Strategic Procurement Board.

## **8. KEY RISKS**

The proposed site although a brown field site is within the green belt and therefore there will be a need to design the building sympathetically taking account of the proposed location

## **9. IMPACT ON COUNCIL PRIORITIES**

### **9.1 Fairness for All**

This proposal will provide additional special provision school places which serves the entire Borough

### **9.2 Growth and Sustainability**

This proposal will provide additional school places in an area of the community of high demand. The places will increase the numbers of pupils and parents being assisted

### **9.3 Strong Communities**

The school places will be offered to the young people of Enfield who need them from all wards.

The accommodation will allow additional facilities to be offered to the pupil and parents of the Capel Manor Primary School.

The accommodation will incorporate, where possible the ability to be used outside the normal school day by the community.

## **10. EQUALITIES IMPACT IMPLICATIONS**

An EQI assessment is currently underway, and this will be finalised following the consultation on the scheme which will commence subsequent to the approval of this report.

## **11. PERFORMANCE MANAGEMENT IMPLICATIONS**

As a result of this project, there will be the provision of the projected and current requirements for school places within the Pupil Referral Unit, for young people across the Borough

The PRU was inspected by OFSTED in February 2013 and achieved outstanding. However, the inspection team highlighted that there was a need to “Address the accommodation shortcomings so that students can be offered a wider range of practically-based courses”. This scheme looks to address those concerns

**12. HEALTH AND SAFETY IMPLICATIONS**

Requisite notices under the Building Acts and Health and Safety information will be issued to the contractor for any works.

**13. HR IMPLICATIONS**

None.

**14. PUBLIC HEALTH IMPLICATIONS**

None.

**Background Papers**

None.

MUNICIPAL YEAR 2013/14 REPORT NO. **114A**

**MEETING TITLE AND DATE**

Audit Committee – 7 November 2013  
Cabinet – 13 November 2013  
Council – 27 November 2013

**Agenda – Part: 1**

**Item - 11**

**Subject: Updated Property Procedure Rules**

**Wards: ALL**

**Cabinet Member consulted: Cllr Andrew Stafford**

**REPORT OF:**

Director of Finance, Resources & Customer Services

Contact officer and telephone number: Detlev Münster 020 8379 3171

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**1. EXECUTIVE SUMMARY**

- 1.1 The current Property Procedure Rules were prepared in 2008 and re-approved by Council for inclusion in the Council's Constitution in 2011.
- 1.2 The economic climate over the past five years has necessitated a fresh look at how real assets owned and transacted by the Council are managed. Procedures used by the Council were reviewed together with current best practice in the industry and it was considered necessary to update the current procedures.
- 1.3 This update strengthens the Council's existing procedures, promotes greater transparency in decision-making and enhances alignment with the Council's Contract Procedure Rules. In addition, it clearly outlines a proactive approach to asset management thereby ensuring assets are effectively managed and returns are optimised.

**2. RECOMMENDATIONS**

- 2.1 Council is asked to note that Audit Committee & Cabinet endorsed the attached Property Procedure Rules and establishment of the Corporate Asset Management Group.
- 2.2 Council is asked to approve the amended Property Procedure Rules, as detailed within the report, Rules for adoption and inclusion within the Constitution.

### **3 BACKGROUND**

- 3.1 The Council's Property Procedure Rules (the "Rules" or PPRs) apply to all real property, whether freehold, leasehold or other property interests in which the Council has or proposes to have a legal interest. The Rules commit the Council to a rigorous and business-like approach to the management of property.
- 3.2 The Rules are intended to ensure that any transaction is entered into only in circumstances which can demonstrate:
- A clear rationale for owning properties;
  - A demonstration of performance and return from the investment in property;
  - Joined-up approach to ensure a more systematic, whole-of-Council approach to property asset planning, acquisition, management and maintenance, disposals and capital investments;
  - Certainty in the terms of the contract;
  - Consistency in the application of the law and Council policy;
  - Probity; and
  - Value for money.
- 3.3 To achieve these objectives these Rules must be followed every time the Council commences a property transaction and/or enters into a property related contract.
- 3.4 Property Procedure Rules are made under the Local Government Act 1972.
- 3.5 The Director of Finance, Resources and Customer Services has the responsibility to:
- regularly review the application and effect of these Rules in consultation with the Assistant Director Property Services and the Assistant Director of Legal Services; and
  - To propose such amended Rules to the Council as he/she may consider appropriate.

### **4. KEY CONCEPTS AND PRINCIPLES**

- 4.1 The proposed Rules:
- 4.1.1 Enforce the concept that all property interests are held legally in the name of Enfield Council and managed corporately to assist with the delivery of Council services and for investment and regeneration purposes.
- 4.1.2 Ensures all assets are managed in accordance with the Council's Property Strategy.
- 4.1.3 Require all property occupiers to agree asset plans with the Assistant Director Property Services so that property is occupied in accordance with that plan.
- 4.1.4 Delegates powers to the Assistant Director Property Services to manage the implementation of the Rules.
- 4.1.5 Empowers the Asset Performance Group to ensure the effective, efficient and economic use of all aspects of the Council's estate and to provide scrutiny on property matters.

4.1.6 Outlines procedures for the disposal and acquisition of real assets.

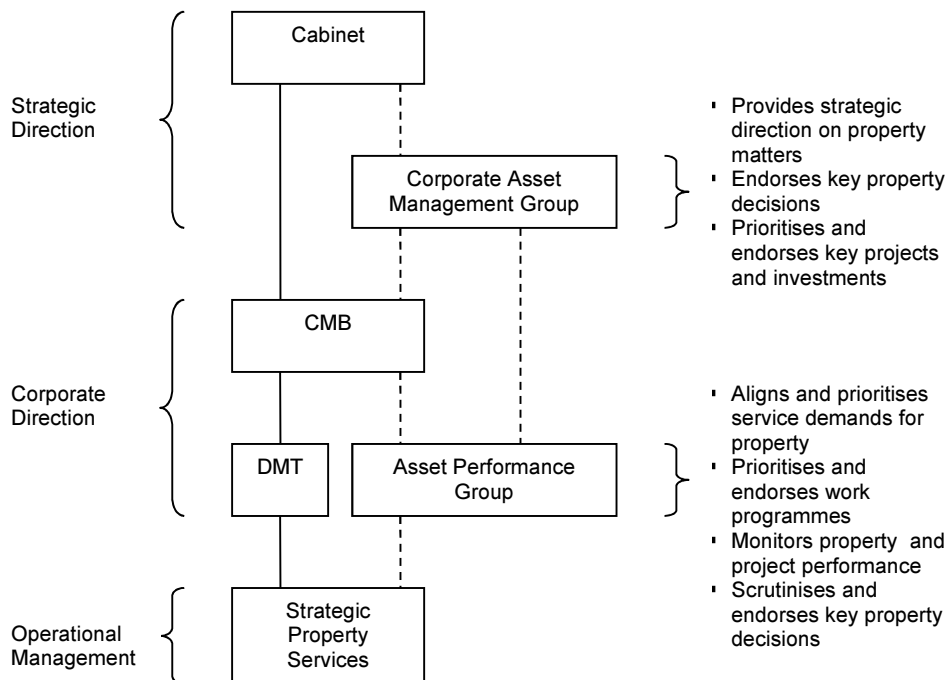
4.2 In particular, the Rules require Asset Management Plans as part of Departmental Business Plans to be prepared by the relevant Director utilising property with the assistance of the Assistant Director Property Services. These will set out for the relevant department a strategy for the use of those assets.

4.3 In addition, these plans will inform the development of a Corporate Property Asset Management Plan for the Council’s combined property asset portfolio to be prepared by the Assistant Director Property Services.

4.4 The Rules outline various forms of acquisitions and disposals and delegates prime responsibility of these activities to the Assistant Director Property Services and in certain instances for final approval to be issued by the Cabinet Member responsible for property and/or Cabinet.

4.5 The Rules also formalises how requests from community organisations for asset transfers will be considered.

4.6 With respect to the governance of property matters, two new “boards” are proposed, viz.: the Corporate Asset Management Group and the Asset Performance Group. The diagram below outlines reporting structures and highlights the key areas of responsibility.



## 5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Two alternative options were considered, viz.:
- Retain the existing Rules; and
  - Not publish these Rules as part of the Council's Constitution and maintain as Departmental operational procedures.
- 5.2 The former option was not considered feasible in that the drafting of the current Rules had resulted in confusion thereby exposing the Council to unnecessary risks. In addition the current Rules were considered to be too unwieldy and overly prescriptive and did not reflect the economic climate the Council was facing.
- 5.3 Consideration was given to removing the Rules from the Council's Constitution. This resulted from a review of other local authority property procedure rules and it transpired that while a significant number of local authorities had property procedure rules, they were not included in the Council's Constitution. It would appear that this approach would allow council officers greater flexibility (within the statutory framework) in adopting and adapting property related operational procedures without the need for full Council approval. This option was discounted as it was considered necessary to have clear and transparent rules that would guide all officers and members. Officers also considered that the precedent of having existing Rules in the Council's Constitution was a good one and worthy of maintaining.
- 5.4 Both alternative options would also not meet recent Audit recommendations to tighten-up the property procedure rules and ensure greater transparency and less ambiguity in the acquisition, retention and disposal of assets.

## 6. REASONS FOR RECOMMENDATIONS

- 6.1 Various audit reports (internal and external) have suggested that the current Rules should be reviewed and tightened where appropriate. In particular, the audits called for clearer guidelines to all staff and members.
- 6.2 The current Rules were also considered to be too unwieldy and overly prescriptive. The following table highlights key areas of concern with the current PPRs and briefly outlines key changes made to the proposed PPRs.

| Area of Concern  | Response  |
|--|---|
| Trent Park Café Audit highlighted the need to make a clear distinction between the PPRs and the Contract Procedure Rules (CPRs). | The proposed PPRs include the following amendments:<br>- "Concessions" defined in section 2;<br>- "Concessions" outlined in |

|  |  |
|--|--|
|  | <p>Section 9;</p> <ul style="list-style-type: none"> <li>- Rules regarding disposals clarified and section 11.2 and 11.3 added.</li> </ul>   |
| Approach to evaluating non-financial criteria needs to be taken into account.  | As above and in addition section 11.10 (asset transfer to community organisation) included which makes reference to the Social Return on Investment methodology.   |
| State Aid. Previous rules are silent on State Aid matters.   | The need to consider State Aid is now explicitly stated under section 11.3.  |
| Delegated authorities need to be clearly outlined.   | New rules explicitly state the responsibility of the AD(Property Services) and Director (FRCS). This is particularly needed in light of legislative Corporate Landlord responsibilities and in ensuring good governance. SoD within Property Services also revised with appropriate financial thresholds in place. |
| In current PPRs the value of a lease transaction is based on the annual figure only irrespective of lease length. This grossly skews the transaction value and does not align with the Council's financial thresholds.   | This has changed to ensure the value is aggregated over the length of the lease period so that sign-off limits are appropriately delegated and in line with the Financial Regulations where possible. See Sections 11.1, 11.2, 11.3 and 11.4   |
| Officers have expressed the need to have greater cross-departmental co-operation and strategic steers on property matters.   | The PPRs effect the establishment of the Asset Performance Group and the need for asset management planning. See sections 2, 3 and 3.5 in particular.  |
| Asset transfers to community organisations needs clarity. In addition, the Localism Act requires the need to put in place measures to consider Assets of Community Value and asset transfers to community organisations. | See sections 11.9, 11.10 and section 19.   |
| PPRS generally made clearer and disposal routes clarified.   | The disposals section has been restructured and requirements specified for each disposal transaction type. See sections 11, 12, 13, 14, 15, 16, and 19.  |

|  |  |
|--|--|
| Service departments were demolishing buildings and parts thereof without approvals and without updating the capital assets registers. Previous practice was not capturing changes to the Council's asset register and insurance policies and were therefore impacting on Capital Valuations. | Demolition of any building or part thereof requires authorisation. See Section 10. |
| The current process and responsibility for surplus properties is not clear.  | Clarity provided in Section 11.5   |

- 6.3 Generally, the new Rules aim to provide a fair, transparent and consistent basis for property related decision-making.
- 6.4 The revised rules will provide a more streamlined process for decisions around the Council's property matters.

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

### **7.1 Financial Implications**

There is no obvious implication on the existing financial resources of the Council in the approval of the rules. However, the rules would assist to achieve the following:

- Clearer approach to management of corporate assets;
- Aligns property assets with overall corporate objectives;
- Optimising revenue and capital receipts;
- Allows consistency with capital and revenue accounting;
- Allows for greater transparency in allocation of resources and
- Supports effective audit trails.

### **7.2 Legal Implications**

7.2.1 The Rules are made under the Local Government Act 1972 (as amended) which provide powers for the Council to arrange its functions including the discharge of delegated authority. In addition the Council has power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles.

7.2.2 The Rules once adopted will provide consistency in the application of the law and Council policy and will create a process to ensure transparency and consistency of decision making around the use of Council owned assets.



- 7.2.3 The process set out in the appendix (i.e. The Property Procedure Rules) must be adopted by full Council as a change to the Council's Constitution to become operational.
- 7.2.4 Once adopted transactions made involving property will need to be in accordance with the Council's Scheme of Delegation which delegates responsibility for property functions to the Assistant Director (Property Services) and in compliance with the Contract Procedure Rules.
- 7.2.5 Compliance with the rules will facilitate the on-going good governance and audit requirements of the Council's property portfolio and aid transparency in the decision making process.
- 7.2.6 Any documentation required as a result of a transaction must be in a format agreed by Assistant Director of Legal Services.

### **7.3 Property Implications**

- 7.3.1 The Rules provide a clear mandate to, and clearly outline the roles and responsibilities of the Assistant Director Property Services. In addition, the functions of the Corporate Property Services division are outlined.
- 7.3.2 The Rules highlight clear procedures for the management, planning, disposal and acquisition of real assets (property).
- 7.3.3 The Rules will ensure that all property transactions are completed only in circumstances which can demonstrate a benefit to the Council and in compliance with appropriate legislation; in particular the need to demonstrate best consideration under S123 of the Local Government Act 1972 and best value.
- 7.3.4 The Rules provide structure to the management of the Council's estate thereby ensuring there is a clear rationale for retaining an interest in a property asset including performance and return from investment.

### **8. KEY RISKS**

- 8.1 The adoption of the revised Rules strengthens the Council's risk management with respect to property transactions (in particular acquisitions and disposals).
- 8.2 The Rules are compliant with the law and Council policy and thereby minimises any potential challenge, i.e. Judicial Review, from an aggrieved party.
- 8.3 The consistent and transparent application of the Rules allows for greater public scrutiny, but this is considered right and proper.

## 9. EQUALITIES IMPACT IMPLICATIONS

- 9.1 It is a statutory requirement to undertake an equalities impact assessment on all policies, procedures and programmes that the Council intends to introduce.
- 9.2 Consequently equalities issues were scoped prior to the preparation of the revised Rules. In this regard the following table highlights key issues that were scoped and how they were addressed in the revised Rules.

| <b>Issue</b>  | <b>Response/Application</b>   |
|---|---|
| <p>Transparency in decision-making: It is imperative that the procedures are transparent and that all property transactions are consistently and fairly implemented.</p>  | <p>The Rules are drafted and structured to provide clear and transparent guidance. The publication of the Rules and its inclusion in the Council Constitution enhances such transparency and allows for public scrutiny.</p>  |
| <p>Disposal of assets: Opportunities for all parts of the local community. Disposal opportunities must be available to all segments of our society and no particular group or individual should have any particular advantage above others.</p> | <p>The Rules clearly outline various disposal methods and attempts to minimise collusion.</p> <p>The Rules also specify the need to advertise opportunities locally and nationally. While this is print-media biased and may exclude certain population groups, the complexity, legality and nature of transacting property as well as the Council's need to seek best consideration has necessitated this approach.</p> <p>The Rules however recognises that in certain instances it may be best to dispose of an asset where an open market sale would not achieve best consideration reasonably obtainable, such as instances where a sale is made to a tenant or to an adjoining owner. Appropriate safeguards are put in place to ensure such disposals are approved and a registered valuer has considered the disposal.</p> <p>The Rules also outline the issues that the Council will take into consideration transferring an asset to a community organisations thereby ensuring transparency and opportunity for all.</p> |

|  |  |
|--|--|
| <p>Acquisition by Compulsory Purchase may be seen as prejudicial to a community or an individual thereby impacting on their Human Rights.</p>  | <p>Orders are made as subordinate legislation under powers given to Local Authorities in existing legislation. Sufficient safeguards are in place to ensure that an Authority must demonstrate that the taking of the land is necessary and there is a "compelling case in the public interest". Owners or occupiers can challenge this, and their objection will be heard by an independent Inspector. Compensation rights usually include the value of the property, costs of acquiring and moving to a new property, and sometimes additional payments. The Rules are in conformity with legislation.</p> |
| <p>The Acquisition of gifts has the potential to raise certain inferences of favourable treatment particularly in light of future transactions thus benefiting/favouring particular segments of society.</p> | <p>The rules allow for the disclosure of such gifts and requires Cabinet approval. As such, the acceptance of gifts is transparent and can be subject to member and public scrutiny.</p>   |
| <p>Certain community groups may not have the ability to compete for assets with other better resourced and vociferous organisations.</p>   | <p>The Rules include a section on the Voluntary and Community Sector and outlines a fair, consistent and transparent process for requests to interests in particular assets. In addition, the Council is undertaking a separate exercise into how it can support voluntary and community organisations and publishing a policy that is compliant with the Localism Act.</p>  |

## 10. IMPACT ON COUNCIL PRIORITIES

### 10.1 Fairness for All

The Rules allow for the transparent and consistent application of procedures for the acquisition and disposal of assets. This will open up opportunities to all parts of the local community.

### 10.2 Growth and Sustainability

The application of the Rules will enable the reuse/transfer of assets that will contribute to regeneration by other organisations. In addition,

the receipt of revenue or income from assets will present the Council with the opportunity to reapply funds towards regeneration activities and/or Council activities.

### 10.3 Strong Communities

Publishing the Rules as part of the Council's Constitution will enhance the democratic process and enables scrutiny in decision-making. The Rules also has the potential to promote social cohesion and provide local communities with more influence over how the Borough's assets are managed and/or utilised.

## **11. PERFORMANCE MANAGEMENT IMPLICATIONS**

11.1 The Rules will enable officers and Members to transact in property in a fair, transparent and consistent manner. The Rules therefore enable compliance auditing.

11.2 The Rules also clearly outline the roles and responsibilities of the Assistant Director Property Services and the functions of the Property Services Division. By also introducing asset management planning, key performance indicators can be established thereby enabling a more rigorous approach to managing the performance of the Division and of the property portfolio.

## **12. PUBLIC HEALTH AND SAFETY IMPLICATIONS**

12.1 The Rules allow for the management of property in accordance with best practice, and in particular clearly delegates corporate landlord and repairs and maintenance responsibilities and the securing of assets.

## **APPENDICES**

Property Procedure Rules

Draft ToR for Corporate Asset Management Group

**PROPERTY PROCEDURE RULES****CONTENTS**

| Paragraph Number | Heading   |
|------------------|---|
| 1                | Introduction and Purpose                                |
| 2                | Definitions   |
| 3                | Management of Property Assets                           |
| 4                | Acquisition – General                                   |
| 5                | Acquisition – Compulsory Purchase                       |
| 6                | Acquisition – Empty Residential Properties              |
| 7                | Acquisition – Gift                                      |
| 8                | Appropriation   |
| 9                | Concession  |
| 10               | Demolition  |
| 11               | Disposal – General                                      |
| 12               | Disposal – Auction                                      |
| 13               | Disposal – By offering on the open market               |
| 14               | Disposal – Off Market                                   |
| 15               | Disposal – Empty Properties that are not Council Assets |
| 16               | Heads of Terms  |
| 17               | Insurance of Property Assets                            |
| 18               | Interpretation and Review of Rules                      |
| 19               | Leased-Out Property                                     |
| 20               | Operational Procedures                                  |
| 21               | Other Interests   |
| 22               | Records Keeping   |
| 23               | Scheme of Delegation for Property                       |
| 24               | Valuations  |

## **1. Introduction and Purpose**

- 1.1. These Rules apply to all real property (property assets), whether freehold, leasehold or other property interests (including licences and concessions) in which the Council has or proposes to have a legal interest.
- 1.2. The Property Procedure Rules (the Rules):
  - 1.2.1. Set out mandatory procedures regarding the acquisition, management and disposal of property assets
  - 1.2.2. Must be followed when transacting with another party using property in which the Council has an interest
  - 1.2.3. Commit the Council to a rigorous and business-like approach to the management of its property assets
- 1.3. The Rules are made under the Local Government Act 1972 which provide powers for the Council to arrange its functions and s.1 of the Localism Act 2011.
- 1.4. All property assets controlled by Enfield Council are corporate assets. They are managed corporately through rigorous performance management by the Responsible Senior Officer to ensure close alignment to business strategy, goals, metrics and initiatives.
- 1.5. Adherence to the Rules will:
  - 1.5.1. Provide consistency in the application of the law and Council policy
  - 1.5.2. Ensure that all property transactions are completed only in circumstances which can demonstrate a benefit to the Council or as are required by statute
  - 1.5.3. Provide a clear rationale for retaining an interest in a property asset including performance and return from investment
  - 1.5.4. Ensure a joined-up, systematic, corporate approach to property asset planning, acquisition, disposal, management, maintenance and capital investment
  - 1.5.5. Meet probity and value for money requirements
  - 1.5.6. Deliver high quality property records
  - 1.5.7. Ensure that no legal interest or informal arrangement with a third party can be acquired, disposed of, granted or relinquished without appropriate approval in accordance with the Council's scheme of delegation as required by these Rules
  - 1.5.8. Ensure no property asset (or part) is occupied without appropriate legal documentation authorising the occupation
- 1.6. The Council, and all employees and agents, including Enfield Homes shall be aware of and comply with the Rules.
- 1.7. These Rules govern wholly property transactions.

## 2. Definitions

### **“Asset Management Plan”**

means a document that provides a strategic overview of the Council’s complete property portfolio and sets a broad direction for Enfield’s asset management over the medium term, enabling its property resource and professional support to be effectively coordinated to meet identified needs. The plan is a practical tool which helps define, implement and measure how Enfield:

- makes its investment decisions
- maintains and improves its assets
- increases the cost effectiveness of its property portfolio
- promotes innovation and development in asset management
- listens and responds to property users

### **“Asset Management Planning”**

means a structured approach to gathering and managing information about the condition, suitability and sufficiency of property, to enable informed decisions to be taken about priorities, ensuring funding is targeted to those areas where it can have greatest effect in supporting service delivery or optimising investment returns.

### **“Asset Performance Group”**

means the corporate senior officer group (as per the terms of reference for this group) that has responsibility for optimising the beneficial use and value of the Council’s property holdings across both the General Fund and the Housing Revenue Account (excluding the social housing portfolio)

### **“Cabinet Member”**

means a Member of the Cabinet with particular responsibility for a service department Portfolio

### **“Concession”**

means a type of occupation arrangement (whether or not mobile) granting a benefit to provide a defined activity or trade from Council property. A concession must be procured in accordance with paragraph 9 of these rules.

### **“Disposal”**

means the sale or exchange for other property asset(s) of any of the Council’s property asset(s) that has been declared an “asset for sale” or a “surplus asset” as defined by Chartered Institute of Public Finance Accountants (CIPFA) but also includes the leasing-out of Council-owned property and the granting of easements, rights-of-way. Disposal includes leaseholder enfranchisement and sale of residential property under the Right to Buy scheme.

### **“Freehold”**

means the permanent tenure (absolute or possessory) of land with or without buildings.

### **“HRA”**

means the Housing Revenue Account.

### **“Lease”**

means a contract granting exclusive use or occupation of a property asset for a specified period in exchange for a specified rent.

**“Leased-In”**

means a property asset or part of a property asset that the Council leases in from an individual or organisation.

**“Leased-Out”**

means a property asset or part of a property asset that the Council lease out to an individual or organisation.

**“Licence”**

means a permission to use a property asset for an agreed purpose that does not confer any interest (such as exclusive possession) in the property. A licence may include (but is not limited to) oversailing licences, investigation licences and building works licences.

**“Market Value”**

means the highest price a willing buyer would pay and a willing seller would accept, both parties being fully informed, and the property asset being marketed for a reasonable period of time.

**“Operational Procedures”**

means those procedures and best practice in place at the relevant time, defined and employed by Property Services.

**“Property Asset”**

means land and/or buildings and all improvements thereon or any right in on or over the same.

**“Property Transaction”**

means the transfer of rights in a property asset between two or more parties (for example but not limited to the transfer of a freehold interest, the creation of a leasehold interest or the granting of a licence).

**“Responsible Senior Officer”**

means the Assistant Director Property Services or such alternative as nominated by the Director of Finance, Resource and Customer Services in consultation with the Assistant Director of Legal Services.

**“Social Return on Investment (SROI)”**

means a framework for measuring and accounting for a broader concept of value that seeks to reduce inequality and environmental degradation and improve wellbeing by incorporating social, environmental and economic costs and benefits. The methodology is defined by the Cabinet Office (2009): *A Guide to Social Return on Investment*, Society Media, London or other updated guidance.

**“Surplus Property”**

means a property asset that is not required to meet the current or future programme or operational requirements of the Council and that has been declared by the Council or its delegated authority to be a “surplus asset” or an “asset held for sale” as defined by CIPFA.



**“Valuation”**

means a valuation by an appropriately qualified (internal or external) valuer

**3. Management of Property Assets**

- 3.1. The Responsible Senior Officer must manage all property assets to ensure close alignment with the Council’s strategy, goals, metrics and initiatives. Responsibilities include (but is not limited to):
- 3.1.1. Acquisition and disposal of freehold and leasehold property
  - 3.1.2. Agreements regarding rights of way, easements and wayleaves with statutory undertakers, public utility and telecommunications companies and adjoining property owners
  - 3.1.3. Preparing and reviewing the corporate Asset Management Plan
  - 3.1.4. Assist with the preparation of departmental business plans in so far as these relate to property assets
  - 3.1.5. Agreeing Concessions with the relevant Service department
  - 3.1.6. Continuous improvement of processes, systems procedures, records and methodologies necessary for effective control and management
  - 3.1.7. Corporate Landlord responsibilities
  - 3.1.8. Development options and appraisals
  - 3.1.9. Ensuring fairness, transparency and objectivity are the overriding principles in all tender exercises relating to the Rules
  - 3.1.10. Lease issues such as new lettings, lease renewals, rent reviews, repairs, surrenders, assignments, sub-lettings, changes of use, alterations, dilapidations, collection of service charges and rents etc
  - 3.1.11. Marketing activities in relation to Property Assets
  - 3.1.12. Planning applications for marketing or development purposes
  - 3.1.13. Repair and Maintenance of Property Assets
  - 3.1.14. Restrictive covenants including the modification or release of restrictions in freehold titles and leases
  - 3.1.15. Property valuations including asset valuations, insurance valuations, Right to Buy valuations and valuations for appropriation, balance sheet, grant application, internal rate of return, statutory subsidy, stock transfer purposes
  - 3.1.16. Rates assessments
  - 3.1.17. Regular review of all Property Assets to ensure that under utilised property is managed effectively and, where appropriate, identified as potentially surplus
  - 3.1.18. Undertaking Court of Protection transactions
  - 3.1.19. Any other arrangement that involves a Council Property Asset.
- 3.2 The Responsible Senior Officer may:
- 3.2.1 empower specific Council post-holders to be responsible for managing specific Property Assets such as:
    - 3.2.1.1 Highways property
    - 3.2.1.2 Parks property
    - 3.2.1.3 Education property
    - 3.2.1.4 (Housing) HRA property
  - 3.2.2 delegate his/her functions under these Rules to one or more Council officers in compliance with the Council’s Scheme of Delegation.
- 3.3 All such empowerment or delegation must be recorded in writing and the Responsible Senior Officer must ensure adequate operating procedures setting out roles and responsibilities are in place.

- 3.4 All Directors will agree an asset management approach for their service with the Responsible Senior Officer for inclusion in the corporately held asset management plan.
- 3.5 The Asset Performance Group will be responsible for commissioning the corporate property Asset Management Plan, corporate property review programme and the prioritised capital investment in assets. The Group will report to Cabinet via the Corporate Management Board.
- 3.6 Property Assets will be managed according, but not exclusively, to:
- 3.6.1 UK and EU law
  - 3.6.2 Council policies and procedures including:
    - 3.6.2.1 Contract Procedure Rules
    - 3.6.2.2 Corporate Landlord Policy
    - 3.6.2.3 Empty Properties Policy
    - 3.6.2.4 Financial Regulations
    - 3.6.2.5 Health and Safety instructions
    - 3.6.2.6 Property Services Operational Procedures
    - 3.6.2.7 Records Retention Policy
    - 3.6.2.8 Scheme of Delegation for Property
  - 3.6.3 Other such formal Council guidance as may apply or be issued or time to time.

#### **4 Acquisition – General**

- 4.1 The acquisition, by any means, of a freehold interest or a leasehold interest over one year in duration requires the approval of the relevant Director and the Responsible Senior Officer, unless the acquisition is:
- 4.1.1 Covered by the Property Scheme of Delegation
  - 4.1.2 Vested by statutory authority
  - 4.1.3 Owing to the Council acting as trustee
  - 4.1.4 Made under planning and highways legislation as a condition of a planning permission or a planning obligation.
- 4.2 Any acquisition with a market value in excess of £250,000 and lower than £500,000 has to also be approved by the relevant service Cabinet Member and the Cabinet Member with the property portfolio, and any acquisition with a market value exceeding £500,000 has to be approved by Cabinet.
- 4.3 Every acquisition must be accompanied by the service Director's report that states:
- 4.3.1 How the acquisition will help deliver the Council's strategy, goals, metrics and initiatives
  - 4.3.2 The life-cycle costs whereby the Council is able to demonstrate its ability to fund all costs (including running costs), expenses, impacts and risks and any other costs associated with the acquisition (for example allowed/required by legislation).
  - 4.3.3 The report is approved by the Responsible Senior Officer and the Director of Finance Resources and Customer Services
  - 4.3.4 The Responsible Senior Officer has approved the provisional terms for the acquisition
  - 4.3.5 The Responsible Senior Officer has certified that the price and terms and conditions represent value and in most circumstances has obtained an independent valuation

#### **5 Acquisition - Compulsory Purchase**

- 5.1 A resolution to make a Compulsory Purchase Order must be made by Cabinet, following a recommendation by the appropriate Director and the Responsible Senior Officer.
- 5.2 Compulsory purchases or purchases by agreement prior to a Compulsory Purchase Order being confirmed, are considered as acquisitions and subject to these Rules.

## **6 Acquisition - Empty Residential Properties**

- 6.1 Acquisitions under the Empty Property Policy shall also be in accordance with the Empty Property Policy Guidelines. For ease of reference, the Council may wish to purchase by agreement with the owner, or may wish to consider using compulsory purchase powers in order to bring a property back into use. Where a Compulsory Purchase Order is recommended, then the Director Housing, Health and Adult Social Care is to be responsible for seeking Cabinet approval. Such approval will sanction both the Compulsory Purchase Order and the recommended means of onward disposal.

## **7 Acquisition - Gift**

- 7.1 The acceptance of a gift of a Property Asset to the Council requires:
  - 7.1.1 A report prepared by the Responsible Senior Officer stating the purpose of the gift, the value of the Property Asset and any rights, restrictions or liabilities, including life cycle costs associated with the gift
  - 7.1.2 The approval of Cabinet.

## **8. Appropriation**

- 8.1 Any proposed appropriation of property from one purpose to another or any proposed transfer of property between the General Fund and the Housing Revenue Account, requires the approval of the relevant Director(s) and the Responsible Senior Officer. Any appropriation will be in accordance with legislation and any regulations in force at the time and may be subject to Secretary of States consent and/or statutory advertising requirements.

## **9. Concessions**

- 9.1 Where a Property Asset (or part) is to be let and the Council wants to either control an aspect of trade that is not normally part of a commercial lease or goes beyond what could be required through the planning regime, or wishes to use the Property Asset for community use, the transaction must be subject to the general principles of ensuring value for money, equal treatment, non-discrimination and the obligation of transparency.
- 9.2 The opportunity to manage/operate a Concession with the type of restrictions set out in 9.1 must be run as a tender process in accordance with the Corporate Procurement Regulations.

## **10. Demolition**

- 10.1 Demolition of any building or part of a building is not permitted without the authorisation of the Responsible Senior Officer who is to ensure that the Council's Finance Team (for accounts purposes) and other appropriate officers are aware.

- 10.2 On completion of any demolition, the project owner must complete a "Demolition Completion Notice" and forward it to: [PropertyMatters/LBE@LBE](mailto:PropertyMatters/LBE@LBE)

## 11. Disposal - General

- 11.1 The Local Government Act 1972 s123 applies to all disposals. For Section 123 purposes, a disposal includes the grant of a lease of more than 7 years or an assignment of an existing lease which has more than 7 years to run.
- 11.2 To ensure transparency in all property transactions as a matter of general principle, disposals or lettings to any organisation, including charitable, voluntary or non-profit organisations, must be on the basis of market value, with any financial assistance or other gratuitous benefit to be provided by way of a grant rather than reduction in the disposal terms.
- 11.3 The Council is highly unlikely to dispose of a Property Asset at less than best consideration, but where this is approved by Cabinet under exceptional circumstances, the Council is potentially providing a subsidy to the new owner, developer and/or the occupier of the Property Asset such that there may be a distortion of competition. Where this occurs, the Council must ensure that the nature and amount of subsidy complies with State Aid Rules, as defined by Article 107(1) of the Treaty on the Functioning of the European Union, particularly if there is no element of competition in the sales/disposals process.
- 11.4 The Responsible Senior Officer may grant any lease of less than 15 years duration on a property shown in the Council's Asset Register as held for investment or other purposes, provided the cumulative value of the term of the lease does not exceed £250,000. Leases greater than 15 years and/or where the cumulative value of the term of the lease exceeds £250,000 will require approval from the Director of Finance, Resources and Customer Services.
- 11.5 When a corporate Property Asset or part of an asset is/are becoming surplus to requirements:
- 11.5.1 The Director of the occupying department:
- 11.5.1.1 Must give at least 6 months notice to the Responsible Senior Officer that the accommodation is no longer required and such notification should set out a reasoned justification why the site or accommodation is no longer required and define the timescale to vacate/handover
- 11.5.1.2 Remains responsible for all running and other costs of the property during the notice period and up to the point of disposal or transfer to another Service. (If the property is a HRA property, the property costs cannot be transferred from the HRA)
- 11.5.1.3 Remains responsible for ensuring vacant possession of the property prior to its transfer to the Responsible Senior Officer
- 11.5.2 On the expiry of the notice period in 11.5.1.1 the Responsible Senior Officer will become responsible for maintaining and disposing or transfer of the property asset.

- 11.5.3 The Responsible Senior Officer must prepare a report recommending whether the property is to be:
  - 11.5.3.1 Retained for use by another service, use by a partner organisation or voluntary community sector organisation
  - 11.5.3.2 Disposed of, or
  - 11.5.3.3 Kept under review pending greater clarity
  
- 11.6 The Responsible Senior Officer will:
  - 11.6.1 Ensure that the disposal method and negotiation process are transparent and that auditable processes are followed.
  - 11.6.2 Prepare a report to the Asset Performance Group which:
    - 11.6.2.1 Recommends the proposed disposal and its method
    - 11.6.2.2 States the disposal mechanism to be adopted
    - 11.6.2.3 States the disposal is for the best consideration reasonably obtainable
    - 11.6.2.4 If valuation advice is included, uses valuation advice that has been certified by a Valuer in accordance with practice guidance issued by the Royal Institution of Chartered Surveyors
    - 11.6.2.5 Includes the Heads of Terms (if appropriate)
  - 11.6.3 Ensure no property is disposed of in any transaction unless it has been placed on the open market and advertised publicly subject to the exceptions stated below "Disposal – Off Market"
  - 11.6.4 Ensure that in any competition all individuals or organisations are given equal opportunity to succeed
  
- 11.7 The Asset Performance Group must endorse the disposal of any interest (except where acting as trustee or under a statutory obligation).
  
- 11.8 Disposals required by statute (for example but not limited to Right to Buy, lease extensions, enfranchisements) will be delegated to appropriate officers however in all other respects these rules must be followed
  
- 11.9 Any Property Asset owned by the Council that is identified as an Asset of Community Value (as defined by the Localism Act 2011) will be considered in accordance with the statutory framework.
  
- 11.10 Requests for an asset transfer to a community organisation may be considered where:
  - 11.10.1 the community organisation can provide an adequate business case demonstrating amongst others its ability to sustain its operation and adequately maintain the property;
  - 11.10.2 social, environmental or economic benefits are demonstrated by the community organisation and an analysis of Social Return on Investment is undertaken by the community organisation;
  - 11.10.3 the transfer would meet the Council's priorities and objectives;
  - 11.10.4 the asset is surplus to the Council's requirements;
  - 11.10.5 there is compliance with the Contract Procedure Rules; and
  - 11.10.6 there is compliance with s.123 Local Government Act 1972.
  
- 11.11 Property Assets transferred to a community organisation will have appropriate restrictions on title and use applied to the form of the disposal.

## **12. Disposal - Auction**

- 12.1 The appointment of an auctioneer shall comply with the Council's Contract Procedure Rules.
- 12.2 A sale by auction must be openly and publicly advertised by appropriate methods in agreement with the auctioneers.
- 12.3 The reserve price:
- 12.3.1 Will be set by the Responsible Senior Officer in consultation with the auctioneer
- 12.3.2 Must be at a figure that is not less than a valuation that complies with the s123 of the Local Government Act 1972
- 12.4 Should a Property Asset fail to sell at auction, the Responsible Senior Officer may instruct the auctioneer to proceed with a post-auction sale, if it can be demonstrated that the Property Asset has been properly exposed in the market and disposal terms represent the best price reasonably obtainable
- 13. Disposal - By offering on the open market**
- 13.1 An offer on the open market is to be appropriately advertised in at least two newspapers or journals (of which one must be a local newspaper) likely to be read by people interested in property.
- 13.2 The receipt and opening of tenders must be carried out in accordance with the Council's Procurement Rules.
- 13.3 If the Responsible Senior Officer is of the opinion that an offer other than the highest should be accepted, the reason must be fully documented.
- 13.4 Negotiations with any interested parties are permitted after the closing date for offers has passed, providing they are open, transparent and clearly documented. If such negotiations are considered to prejudice other persons who have made an offer, then in the interests of fairness and transparency a "call for best and final offers" should be made or the property re-marketed.
- 13.5 If the Responsible Senior Officer considers that offers received do not represent the best price which can be reasonably obtained, then the Property Asset should be re-marketed if the reasons for not attracting satisfactory offers can be addressed or withdrawn for the time being from the market.
- 14. Disposal - Off Market**
- 14.1 There may be instances where a disposal by way of open market sale would not achieve the best consideration reasonably obtainable. Examples include (but are not limited to) sales to a tenant, disposal to a development partner, disposal to an adjoining owner.
- 14.2 Such disposals are subject to a report prepared by the Responsible Senior Officer, and approved by the relevant Cabinet member, that includes:
- 14.2.1 Justification for such a disposal as being in the best interest of the Council
- 14.2.2 Written advice, including a market value, from an external registered valuer.
- 15. Disposal - Empty Properties that are not Council Assets**

15.1 Disposals under the Empty Properties Policy shall be dealt with in accordance with the Empty Property Policy Guidelines. Such properties should be disposed of as soon as possible with a condition of sale that they should be improved to an acceptable standard and restored to full continuous occupation within a reasonable, specified period of time. A disposal can be by auction or other means, including by agreement with a Registered Social Landlord/Registered Provider.

15.2 These properties are not to be identified on any disposal register as they are not assets of the Council.

## **16. Heads of Terms**

16.1 Where Heads of Terms have been agreed and the property transaction is not covered by the "Scheme of Delegation for Property", the Heads of Terms must be attached to the report that seeks authorisation to the proposal.

## **17. Insurance of Property Assets**

17.1 All buildings owned by the Council are insured by the Council's corporate insurance policy. Insurance for leased-in buildings will be in accordance with the lease of those premises.

17.2 Insurance issues should be referred to the Council's Insurance and Risk Manager.

## **18. Interpretation and Review of the Rules**

18.1 Issues regarding interpretation of the Rules shall be referred in the first instance to the Responsible Senior Officer.

18.2 The Director of Finance, Resources and Customer Services shall regularly review the application and effect of these Rules in consultation with the Responsible Senior Officer and the Assistant Director of Legal Services and shall propose such amended Rules to the Council as he/she may consider appropriate.

## **19. Leased-Out Property**

19.1 Requirements of the Local Government Act 1972 s 123 (that except with the specific consent of the Secretary of State) the Council may not dispose of land for a consideration less than the best that can reasonably be obtained other than by way of a short tenancy. A short tenancy is one not exceeding seven years.

19.2 Leased-out property must be advertised in the open market, and must comply with the process set out in the Operational Procedures. However, there will be instances where letting a property on the open market would not be in the best interest of the Council. Examples include (but are not limited to) providing premises to an individual or organisation that has been displaced by compulsory purchase. In such cases officers will act with due probity, good governance and transparency.

19.3 No Property Asset (or part) shall be occupied without appropriate legal documentation authorising the occupation.

## **20. Operational Procedures**

20.1 The Responsible Senior Officer is responsible for the Operational Procedures to assist with the delivery of these Rules. The Operational Procedures shall be approved by the Director of Finance, Resources and Customer Services and shall be reviewed as appropriate.

20.2 Operational Procedures:

20.2.1 Do not amend/alter the Rules, and in the event of any conflict with operational procedures, the Rules take precedence

20.2.2 Set out the roles and responsibilities of officers to meet the requirements of the Rules

## **21. Other Interests**

21.1 Other interests, such as but not limited to wayleaves and rights of way, either acquired or disposed of and not specifically set out under the Acquisitions or Disposals sections above, requires the approval of the Responsible Senior Officer.

## **22. Record Keeping**

22.1 All Council officers must keep accurate electronic records of their compliance with the Rules.

22.2 Records are to:

22.2.1 Include notes of interviews, negotiations and valuations

22.2.2 Be retained in accordance with the periods set out in the Council's Records Retention Schedule

22.3 Where it is necessary to keep original paper documents, such as a signed documentation, a hard copy file must be maintained.

## **23. Scheme of Delegation for Property**

23.1 The Property Scheme of Delegation only grants authority to the Assistant Director (Property Services), or his/her authorised officers, and to no other Directors.

## **24. Valuations**

24.1 In preparing for the disposal or acquisition of a Council interest in property, the Responsible Senior Officer shall ensure that a formal, written valuation report is provided for the property in question.

24.2 Where a disposal or acquisition has not reached completion within 6 months of the date of the corresponding disposal valuation report, an updated valuation report shall be prepared.



## **Corporate Asset Management Group**

Draft – To be reviewed and finalised by the Corporate Asset Management Group (CAMG)

### **Terms of Reference**

#### **1. Scope**

- 1.1. The Group will be an informal sub-group of Cabinet responsible for providing strategic direction on property matters and optimising the beneficial use and value of all the Council's property holdings across both the General Fund and the Housing Revenue Account.
- 1.2. The Group will act as an advisory body to Cabinet and to CMB.
- 1.3. In undertaking this role, it will take into account all the relevant Council, Corporate, Departmental and Service Strategies, Plans Policies and the consequent accommodation needs they generate.

#### **2. Membership and Meetings**

- 2.1. The Group will be chaired by the Leader of the Council and will be attended by other Cabinet Members as deemed appropriate by Cabinet.
- 2.2. The Chief Executive, Director of Finance, Resources and Customer Service, and the Assistant Director of Property Services will be in attendance.
- 2.3. Other Directors will be requested to attend depending on the nature of the agenda.
- 2.4. The Group's secretariat function will be managed/provided by Property Services.
- 2.5. The Group will meet monthly.

#### **3. Roles and Responsibilities**

- 3.1. Oversee the implementation of the Asset Management Plan and provide a steer on issues identified by the Asset Performance Group.
- 3.2. Provide a strategic steer on future property requirements and needs as identified by the Asset Management Group and to provide a steer on the future use of all properties once declared surplus to operational requirements by service departments.
- 3.3. Monitor and review the Council's operational and investment assets, and provide a strategic view on its use and development.

- 3.4. Endorse recommendations made by the Asset Performance Group and/or the Assistant Director of Property Services to Cabinet on options for alternate use, acquisitions and or disposal.
- 3.5. Provide a strategic review role of Council objectives and policies for the corporate portfolio for approval by Cabinet and ensure thereby that the Council meets its statutory duties and responsibilities in this rapidly changing sector.
- 3.6. To consider such strategic or service acquisitions and opportunity purchases for portfolio consolidation or as may be introduced for appropriate reference to CMB and Cabinet.
- 3.7. To challenge, scrutinise and consider all property asset use or re-use outputs and proposals.
- 3.8. To ensure that all outputs and recommendations are challenged rigorously before proposals are finalised for consideration by CMB and/or Cabinet.

**MUNICIPAL YEAR 2013/2014 REPORT NO. 135A**

**MEETING TITLE AND DATE:**

Members & Democratic  
Services Group – 12  
November 2013  
Council – 27 November  
2013

**REPORT OF:**

Director of Finance  
Resources & Customer  
Services  
Contact: John Austin (020 8379 4094)

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|  |                 |
|--|-----------------|
| <b>Agenda – Part: 1</b>  | <b>Item: 12</b> |
| <b>Subject: Constitution Changes: Local Authorities (Functions &amp; Responsibilities) Order 2000 – Establishment of companies</b> |                 |
| <b>Cabinet &amp; Other Members consulted: n/a</b>  |                 |

**1. EXECUTIVE SUMMARY**

- 1.1 At the last Council meeting (9 October 13) members were asked to consider an additional change to the Council's Constitution relating to the way decisions regarding the establishing of companies and trusts and acquisition of share capital are agreed.
- 1.2 The proposed change was to remove the granting of approval to establish a company, or trust or acquire share capital as a matter reserved for Council and, on the basis of legal advice, to include it as an Executive decision under the Cabinet remit. Council felt that further consideration of the proposed change was needed in advance of any final decision being made, as it had only been possible to undertake limited consultation with members in advance of the Council meeting. It was therefore agreed that the matter should be referred back to the Members & Democratic Services Group for detailed consideration prior to any final recommendation being made to Council.
- 1.3 The proposed change, along with the legal advice on which it has been based, has been set out in the report for members consideration. Having considered the additional information provided Members & Democratic Services Group (12 November 2013) agreed to recommend the proposed change on to Council for approval.

**2. RECOMMENDATIONS**

Council is asked to approve (as recommended by the Members & Democratic Services Group) the removal of approval for the establishment of any companies or trusts and acquisition of share capital as a matter in the Constitution reserved for Council and its addition, in accordance with the Local Authorities (Functions & Responsibilities) Order, as an Executive decision under the remit for Cabinet.

### **3. BACKGROUND**

#### **3.1 Local Authorities (Functions & Responsibilities) Order 2000: Establishment of Companies**

3.3.1 The Local Government Act (LGA) 2000 provided for three categories of council decision:

- a. Most fall under the Executive; exercised by the Leader and Cabinet, and often delegated to officers.
- b. Decisions which are specifically reserved to Council e.g. setting the Council tax and Council also has responsibility for the sort of regulatory decisions dealing for example with licensing and development control usually delegated by Council to Committees; and
- c. There is a relatively small category of "Local Choice" decisions, where the Council has discretion over whether a decision is one for the Executive or the Council.

Legal advice has confirmed that under the terms of the Local Authorities (Functions & Responsibilities) Order which accompanied the LGA 2000, the fall-back position is always that unless a matter is specifically reserved to the Council, it is a matter for Executive decision.

3.3.2 The list of matters currently identified as being a function reserved for Council (Chapter 2.3 – para 4.3 (20) of the Constitution) includes the following – “to establish any companies or trusts or acquire share capital in companies other than on behalf of the Pension Fund Investment Panel”. This has been a matter listed for Council within the Constitution for a number of years.

3.3.3 The legal advice received was from an external source (Bevan Brittan) and was raised as an additional comment to an unrelated issue on which an opinion had been sought. The advice received was that as the establishment of companies and trusts and the acquisition of share capital is not a function specifically listed as a matter reserved for Council under the Local Authorities (Functions & Responsibilities) Order, it should be treated as an Executive rather than Council function, with the decision making power resting with Cabinet rather than full Council.

3.3.4 In order to comply with this legal advice, Council (9 October 13) was asked to consider and approve the establishment of companies and trusts being removed as a matter reserved to Council and included under the remit for Cabinet. At the Council meeting concerns were highlighted in relation to the limited consultation undertaken with

members in advance of the meeting, with further detail requested on any potential decisions planned that the change would impact upon.

3.3.5 At the current time, the Assistant Directors of Corporate Governance & Legal are aware of the following projects for which approval will need to be sought, as part of their delivery mechanisms, to the establishment of a company:

- (a) Establishment of a Community Interest Company with Capel Manor College for a social enterprise vegetable box scheme as one of the milestones in the Market Garden Initiative grant agreement with the GLA.
- (b) Creation of a Local Authority Trading Company to purchase and own a small number (up to 15) of 2 & 3 bed housing units under a pilot project, that would be rented/leased back to the Council in order to assist in addressing housing demand and mitigating the costs of Temporary Accommodation. The pilot will also help to establish the Council's capability in managing this type of housing model in the future.

The proposed pilot approach would be consistent with the investment models identified within the report due to be considered by Cabinet (13 November 13) setting out a Framework of Housing Investment Options (KD 3808).

3.3.6 Under the recommended change being sought the decisions on the creation of these companies would be matters presented to Cabinet for approval, and as such would be open to the usual call-in requirements.

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

No other options have been considered. The recommended change to the decision making process for the creation of companies and trusts and acquisition of share capital by the Council has been designed to reflect legal advice received in relation to application of the Local Authorities (Functions & Responsibilities) Order 2000.

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

To reflect legal advice received in relation to application of the Local Authorities (Functions & Responsibilities) Order 2000.

#### **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 recommendation within the report has been designed to reflect, within the Council's Constitution, external legal advice relating to application of the Local Authorities (Functions & Responsibilities) Order 2000 and to ensure that the Council decision making arrangements continue to meet these requirements.

## **7. KEY RISKS**

The changes recommended to the way in decisions are taken within the Constitution relating to the establishment of companies, trust and acquisition of share capital has been designed to reflect legal advice and will ensure that the Council continues to act within the requirements of the Local Authorities (Functions & Responsibilities) Order 2000. Not complying with these Regulations could open the decision making process up to potential future challenge.

## **8. IMPACT ON COUNCIL PRIORITIES**

### **Fairness for All & Strong Communities**

The proposed change has been designed to ensure that transparency and openness in relation to the Council's decision making arrangements is maintained.

## **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 proposed change has been designed to 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

**MUNICIPAL YEAR 2013/2014 REPORT NO. 139**

**MEETING TITLE AND DATE**

Council  
27 November 2013

**REPORT OF:** Director of Finance,  
Resources and Customer Services

**Contact officer:** John Austin  
(Assistant Director of Corporate  
Governance) Tel: 020 8379 4094  
Email: john.austin@enfield.gov.uk

**Part: 1****Item: 13**

**Subject:** Review of procedure for  
dealing with complaints against  
councillors and co-opted members

**Wards:** All

**Cabinet Member consulted:**  
Not applicable

**1. EXECUTIVE SUMMARY**

The Complaints Procedure for use when dealing with complaints against councillors and co-opted members was reviewed at the meeting of the Councillor Conduct Committee held on 22 October 2013.

They considered the procedure and agreed amendments to ensure that it was clear and easy to follow, and could not be open to misinterpretation.

An amended procedure, attached as Appendix A to this report is recommended to Council for approval.

**2. RECOMMENDATIONS**

- 2.1 That Council agree the changes to the Procedure for Dealing with Complaints against Councillors and Co-opted Members as set out in Appendix A to this report.
- 2.2 To note the flowchart, complaint and appeal forms, attached to the report, which will be used to administer the complaints process.

**3. BACKGROUND**

- 3.1 Enfield's procedure for dealing with complaints against councillors and co-opted members was redrafted following the changes to the Standard's Regime brought about by the Localism Act 2011. The aim of the changes introduced by the Localism Act was to streamline the procedure for dealing with complaints against

councillors and it was left to individual authorities to establish their own local arrangements. A new procedure was agreed at Council on 4 July 2012.

- 3.2 The Councillor Conduct Committee reviewed the process at a meeting on 2 May 2013 and agreed that a further review would take place when the process had been used.
- 3.3 At the 19 September 2013 meeting of the Committee members discussed the consideration of an appeal against decision that had been taken by the Monitoring Officer in relation to a complaint and felt that a further review of the procedure was necessary to ensure that the appeal process was clear and easy to follow.
- 3.4 The Monitoring Officer reviewed the procedure and suggested a number of amendments, mainly concerned with ensuring that it was clear how and when appeals against complaints decisions by the monitoring officer could be made. They included the following:
  - The addition of a paragraph (3.3) stating that there can be no appeal against a Monitoring Officer decision, where they had decided that the complaint did not meet eligibility criteria.
  - An extra section (Paragraph 6) setting out plainly the processes for appeals against Monitoring Officer decisions.
  - The inclusion of paragraph (6.2) stating that councillors complained against also have a right of appeal against Monitoring Officer decisions.
- 3.5 The changes were discussed and agreed at the Councillor Conduct Committee meeting held on 22 October 2013.
- 3.6 The Committee also considered whether or not the complainant should have a right of appeal, as is included in the current procedure, against a decision of the Councillor Conduct Committee.
- 3.7 After discussion, they agreed that it was appropriate to allow appeals against the decision of the Monitoring Officer, as this was a decision taken by one person in consultation with the Independent Person, but not against a decision of the Committee which was a democratically elected group of people, who also had the benefit of formal legal advice. They felt that there was no benefit in setting up another panel to replicate what had already been considered by the Councillor Conduct Committee and so removed this right of appeal.
- 3.8 The amendments proposed to the procedure have been detailed in Appendix A to the report. It is also proposed that paragraph 6 in the original code be replaced by a paragraph stating that the decision of the Councillor Conduct Committee will be final and binding and that there will be no further right of appeal. If the complainant feels that the Council has failed to deal with the complaint properly and



that this failure has caused in justice, they can make a complaint to the Local Government Ombudsman.

- 3.9 Two forms have also been put together to help administer the process: a form to be completed when a complaint is made and another for appeals. These are attached as appendices to the amended procedure.
- 3.10 When making a complaint, all complainants will have to complete the Councillor Conduct Complaint Form, which will include all the information required to enable the monitoring officer to make an initial assessment on the complaint. Any appeal will have to be made using the appeal form template.
- 3.11 Christine Chamberlain, the Independent Person, has been consulted on the proposed changes and has supported them.
- 3.12 A flow chart setting out the procedure is also attached as Appendix B to the report.
- 3.13 The procedure for hearings will be reviewed at the December meeting of the Councillor Conduct Committee.
- 3.14 The Councillor Conduct Committee agreed that the changes to the complaints procedure set out in Appendix A, should be recommended to Council for formal approval.

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

An alternative option would be not to make any changes to the procedure, but this would mean that it could be open to misinterpretation.

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

To ensure that the complaints procedure is fit for purpose.

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

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

The changes will be made using existing financial resources.

##### **6.2 Legal Implications**

The Localism Act introduced a number of changes to the Standards Regime which included giving the Local Authority the ability to establish their own local arrangements for handling complaints against councillors. The changes to the procedure set out in this report meet these requirements.

**6.3 Property Implications**

Not applicable

**7. KEY RISKS**

That the procedure is not clear and the process is open to challenge.

**8. IMPACT ON COUNCIL PRIORITIES**

**8.1 Fairness for All and Strong Communities**

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

**9. EQUALITIES IMPACT IMPLICATIONS**

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

**10. PERFORMANCE MANAGEMENT IMPLICATIONS**

There are no performance management implications

**11. PUBLIC HEALTH IMPLICATIONS**

There are no public health implications.

**Background Papers**

None

# London Borough of Enfield

## Procedure for Handling Complaints against Councillors and Co-opted Members

### 1. Introduction

- 1.1 The Council has established a Councillor Conduct Committee to implement the relevant requirements of Section 28 of the Localism Act 2011. These include arrangements for dealing with allegations that a councillor or co-opted member has failed to comply with the Authority's Code of Conduct.
- 1.2 The Councillor Conduct Committee comprises 4 members of the Council and deals with policy, complaints against councillors and issues concerning the members' Code of Conduct. The Localism Act also set up a role of Independent Person who will be consulted in respect of complaints received and before findings and sanctions are agreed. The Independent Person will not be a councillor and will be drawn from the local community. The Council has agreed to appoint two Independent Persons who will be recruited through public advertisement and a competitive interview process. Further information on the role of the Committee and the Independent Persons can be found at (insert hyper link)
- 1.3 Further reference to 'councillor' or 'member' in this document also refers to co-opted members of the Authority.

### 2. Key principles

The procedure for dealing with complaints should:

- 2.1 Be relevant to the Council's Code of Conduct
- 2.2 ~~Command~~ Have the confidence of the public, Council members and council staff.
- 2.3 Be as simple and economical as possible
- 2.4 Be speedy and fair to all parties
- 2.5 Be decisive
- 2.6 Provide oversight and support to the Monitoring Officer
- 2.7 Be proportionate and comply with the principles of natural justice

### 3. Criteria for eligibility of complaints

3.1 Complaints must be received by the Council's Monitoring Officer in writing within three months of the alleged matter, stating why it is felt the councillor concerned has breached the Code of Conduct. It will be considered solely on the evidence presented. The Council encourages complainants to provide their name and contact details. If the complainant asks for their identity to be protected, the Council will not disclose such details without their consent. The Council will not accept anonymous complaints. The Monitoring Officer will consult the Councillor Conduct Committee or relevant Independent Person as appropriate throughout the process – subject to neither being at risk of being compromised in the event of them being involved at some future point.

3.2 Complaints will not be accepted where:

- (a) They are considered to be malicious, vexatious or frivolous
- (b) The subject matter has already been considered by the Council - except where -new evidence has become available which could not previously have been produced
- (c) It would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure
- (d) One of the parties had registered their intention to take legal action on all or some of the matters complained about
- (e) Legal action is was under way
- (f) Some or all of the matters complained about have been resolved through litigation.
- (g) The complaint is being/has been dealt with by another independent complaints process.
- (h) The complainant seeks to overturn decisions made by the Council.

3.3 If a complaint is rejected on the basis of 3.2 above, there is no right of appeal.

### 4. Process

4.1 All complaints must be made using the Councillor Conduct Complaint Form attached as Appendix 1.

4.1.2 The Council will use its best endeavours to determine a complaint within 3 months of –receipt. It will acknowledge the complaint within 5 working days, giving the complainant a contact name and details. The complainant will be kept informed of progress throughout. The process may include:

- (a) Requests for further information/evidence

- (b) Informal resolution to the satisfaction of all parties
- (c) Mediation
- (d) Investigation and/or
- (e) Referral to the Councillor Conduct Committee where the Monitoring Officer feels it would not be appropriate for him/her to take a decision

4.32 The Monitoring Officer, based primarily on the criteria set out in paragraph 3.2 above, will consider the complaint received and, in consultation with an Independent Person, will determine whether it warrants further action.

4.43 If it is decided that the complaint does not warrant further action as it falls within the criteria in 3.2, the Monitoring Officer will advise the complainant accordingly with reasons.

4.54 If the complaint is referred for further action, the Monitoring Officer will determine, in consultation with the Independent Person, the most appropriate way of dealing with the complaint. ~~This may include any of the options in 4.1 above. The Monitoring Officer can either decide to determine the matter her/himself or refer it to the Councillor Conduct Committee.~~

#### 5. Consideration of Complaints by Monitoring Officer

~~45.15~~ The Monitoring Officer may decide to undertake any investigation and other of the actions him/herself or appoint another person to act as investigating officer on his/her behalf. Whichever option is chosen, the outcome will be the responsibility (and in the name) of the Monitoring Officer.

5.2 Following an investigation which may involve requests for further information and advice, the Monitoring Officer or his/her representative will seek to resolve the matter to the satisfaction of all parties or carry out mediation.

(a) If the complaint is resolved, there will be no further action.

(b) If this is not possible the Monitoring Officer will either determine the matter her/himself or refer it to the Councillor Conduct Committee at this stage.

~~5.34.6~~ ~~There will be a right of appeal for the complainant against the above decisions of the Monitoring Officer. Such appeals must be submitted within 10 working days of the receipt of the decision (with reasons) and will be considered by the Councillor Conduct Committee, with advice from an Independent Person not previously involved if available.~~

45.74 The Monitoring Officer will report quarterly to the Councillor Conduct Committee on:

- (a) The number and nature of complaints received

- (b) Those rejected with reasons
- (c) Those resolved through informal resolution and other methods (eg mediation)
- (d) The number investigated,
- (e) Outcome/progress of investigations and action taken.

## **6. Appeals against Monitoring Officer decisions**

- 6.1 In cases where the Monitoring Officer has either found no breach of the code or has determined the matter him/herself the complainant will have a right of appeal against this decision.
- 6.1 A councillor will also have a similar right of appeal against a Monitoring Officer decision.
- 6.2 Such appeals must be submitted on the template attached as Appendix 2 within 10 working days of the receipt of the decision.
- 6.4 Appeals under 6.1 above will be considered by the Councillor Conduct Committee, with advice from an Independent Person not previously involved, if available.
- 6.5 When considering the appeal the Councillor Conduct Committee will follow the procedure for appeal hearings (to be reviewed).
- 6.6 The attendance of the appellants will not be required unless the committee decides otherwise
- 6.7 If the Councillor Conduct Committee do uphold the appeal, and consider that there has been a breach of the code, they will have the option of considering further action, imposing sanctions or adjourning to seek further information.
- 6.8 There is no further right of appeal to the Council against the decision of the Councillor Conduct Committee. The decision made will be final and binding.
- 6.9 If the complainant feels that the Council has failed to deal with a complaint properly, and that this failure has caused injustice, a complaint can be taken to the Local Government Ombudsman.

## **75. Consideration of complaints by Councillor Conduct Committee**

- 75.1 If appropriate, the Monitoring Officer (in consultation with the Independent Person) may refer the outcome of an investigation to the Councillor Conduct Committee.

75.2 The Committee will consider the Monitoring Officer/Investigating Officer's report which should include evidence and representations from both parties associated with the complaint. The attendance of the complainant(s) and the member(s) against whom the allegations were made will not be required, unless the Committee decides otherwise.

7.3 The Committee will follow the procedure for Councillor Conduct Committee hearings. (to be reviewed)

75.43 — The Committee after considering the investigating officer's report will decide either that:

- (a) The member concerned has breached the Code of Conduct; or
- (b) There has been no breach

7.55.4 — In the event of a finding of a breach of the Code, the Committee will have the option of recommending a sanction against the member concerned. This can include:

- (a) Reporting the findings to full Council
- (b) Recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member
- (c) Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities
- (d) Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access
- (e) Excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member
- (f) Publishing the findings in the local media.

75.65 The decision will be communicated to all parties with reasons.

757.6 Where there is a finding of no breach, the Committee will communicate the decision to all parties together with reasons.

**86. Appeals against decisions of the Councillor Conduct Committee in relation to 7 above.**



- (a) ~~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. Dissatisfaction with the decision itself will not constitute a right to appeal.~~
- (b) ~~An appeal must be made in writing to the Authority's Monitoring Officer and be received within 10 working days of the notification of the decision. The appeal must contain reasons.~~
- (c) ~~In the event of an appeal, the Leaders of both Groups will be asked to nominate two members each to hear the case, advised by an Independent Person and the Monitoring Officer or representative — none of whom should have been previously involved in the complaint.~~ (d) ~~These members will consider firstly whether the Councillor Conduct Committee~~
- ~~• Had focussed only on relevant matters~~
  - ~~• Had not refused or neglected to take account of relevant matters, and~~
  - ~~• Was not influenced by irrelevant matters.~~
- ~~Secondly, given the above, the members will then consider whether the Committee had come to a conclusion that any reasonable body would have reached under the circumstances.~~
- (e) ~~The Council will use its best endeavours to consider the appeal and notify all parties of the outcome within 4 weeks of it being received.~~

The decision of the Councillor Conduct Committee will be final and binding with no further right of appeal to the Council. If the complainant feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they can make a complaint to the Local Government Ombudsman.



# London Borough of Enfield

## Councillor Conduct Complaint Form



This form is to be completed in full if you wish to make a complaint that a Member or voting Co-opted Member of the London Borough of Enfield has failed to comply with the Code of Conduct adopted by the Council with effect from 1 July 2012.

### 1. Please provide us with your name and contact details

|                      |  |
|----------------------|--|
| <b>Title</b>         |  |
| <b>First Name</b>    |  |
| <b>Last Name</b>     |  |
| <b>Address</b>       |  |
| <b>Daytime Tel</b>   |  |
| <b>Evening Tel</b>   |  |
| <b>Mobile Tel</b>    |  |
| <b>Email Address</b> |  |

### 2. Please tick the box which best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority officer
- Other (please specify . . . . .)

### 3. Please provide us with the name of the Councillor(s) and/or voting Co-Opted Member(s) you believe have breached the Code of Conduct:

| <b>Title</b> | <b>First Name</b> | <b>Last Name</b> |
|--------------|-------------------|------------------|
|              |                   |                  |
|              |                   |                  |
|              |                   |                  |
|              |                   |                  |

**Appendix 1****4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct.**

If you are complaining about more than one Councillor you should explain clearly what each individual has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer\* when he/she decides (having first sought the advice of the Council's 'Independent Person'), whether to take any action on your complaint. For example:

- Be specific, wherever possible about exactly what you are alleging the Member said or did. For instance, if you are complaining about something said you should state what words were used.
- Specify which part(s) of the Code of Conduct you consider have not been complied with.
- You should provide the dates of alleged incidents wherever possible. If you do not know exact dates, it is important to give a general timeframe.
- Confirm whether there were any witnesses to the alleged conduct and provide their names and contact details if possible.
- Provide relevant background for, or any documents that support, your allegation.

*[\* The Monitoring Officer at the London Borough of Enfield has a statutory responsibility to ensure that the Council acts in a lawful manner, and that it does not do anything which might cause maladministration, or injustice to any individual.]*

Please set out in this box the details of your complaint. If you use separate continuation sheets please state how many additional pages are attached . . .

## Appendix 1

If you are enclosing any documents to support your claim, please list them here.

Is there anybody who can help us with information about this matter?  
If so, please give their name(s) and contact details.

### 5. Confidentiality

Your complaint will be handled by the Council's Monitoring Officer in accordance with the procedure for handling complaints against Councillors and Co-opted Member.

The Monitoring Officer will normally pass a copy of your complaint to the Councillor complained about so that he/she can comment. It is also in the interests of fairness and natural justice that a Councillor complained about should have the right to know who has made the complaint and what it is.

In very exceptional circumstances, the Monitoring Officer may agree to withhold your name and address. He/she would only do this if he/she has a good reason to believe that to give your name or address to the Councillor would be contrary to the public interest or would prejudice any investigation.

If your request for confidentiality is not granted, you will usually have the option of withdrawing your complaint.

**Appendix 1**

If you believe that there is justification for withholding your name and address, please set out the reasons here.

However, it is important to understand that in exceptional circumstances where the matter complained about is very serious, the Monitoring Officer may decide to proceed with an investigation or other action and disclose your name even if you have expressly asked her not to.

**6. Additional Help**

Complaints must be submitted in writing. This includes submissions by email. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

Please let us know if this is the case (see contact details below or ask to speak to the Monitoring Officer by calling 020 8379 4094).

**Please sign and date this form**

Signature: .....

Print full name: .....

Date: .....

*Please send the completed form to:*

The Monitoring Officer - London Borough of Enfield  
PO Box 54, Civic Centre, Silver Street, Enfield,  
Middlesex EN1 3XF

*Email: [john.austin@enfield.gov.uk](mailto:john.austin@enfield.gov.uk)*

# London Borough of Enfield Councillor Conduct Appeal Form

This form is to be completed in full if you wish to appeal against a Monitoring Officer decision regarding a complaint against a councillor.

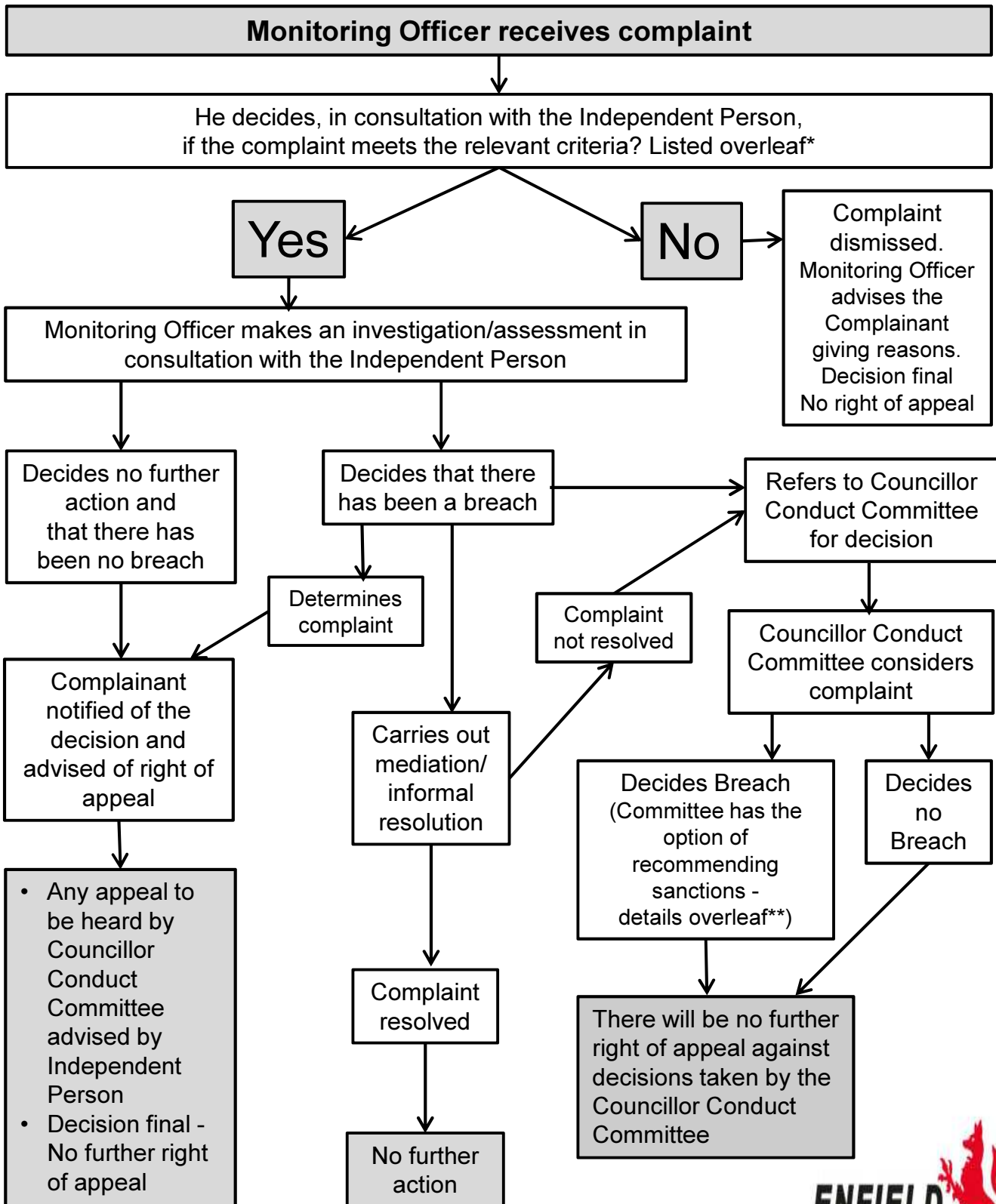
|   |              |
|---|--------------|
| <b>Complaint</b>  |              |
| <b>Name of Complainant</b>  |              |
| <b>Councillor(s) Involved</b>   |              |
| <b>Finding of Monitoring Officer</b>  |              |
|   |              |
| <b>Complainant notified of Monitoring Officer decision</b>  | <b>Date:</b> |
| <b>Reason(s) for Appeal</b> (Please list below and attach any supporting evidence)<br>Please add more reasons if you need to. |              |
| 1.  |              |
| 2.  |              |
| 3.  |              |

## Appendix 2

|  |             |
|--|-------------|
|  |             |
| <b>Date appeal submitted</b> (within 10 working days of receipt of decision)     |             |
| <b>Yes/No</b>  | <b>Date</b> |
| <b>What are the relevant matters that you feel should be taken into account?</b> |             |
|  |             |
| <b>Details of any new evidence to support your appeal</b>                        |             |
|  |             |
| <b>Comments/Advice from Independent Person (where appropriate)</b>               |             |
|  |             |

# London Borough of Enfield Councillor Complaints Procedure

Appendix B



\*Complaints will not be accepted where:

- They are considered to be malicious, vexatious or frivolous.
- The subject matter has already been considered by the Council - except where new evidence has become available which could not previously have been produced.
- It would be more appropriate for the complaint to be dealt with by a court or under another complaints or arbitration procedure.
- One of the parties had registered their intention to take legal action on all or some of the matters complained about.
- Legal action was under way.
- Some or all of the matters complained about have been resolved through litigation.
- The complaint is being/has been dealt with by another independent complaints process.
- The complainants seek to overturn decisions made by the Council.

\*\*In the event of a finding of a breach of the Code, the Committee will have the option of recommending a sanction against the member concerned. This can include:

- Reporting the findings to full Council.
- Recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member.
- Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities.
- Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access.
- Excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member.
- Publishing the findings in the local media.



## **Council Questions - 27 November 2013**

### **Section 1 - Questions to Cabinet Members**

#### **Question 1: from Councillor D Pearce to Councillor Orhan, Cabinet Member for Children and Young People**

In reference to the SATs irregularities, could Councillor Orhan answer the following questions, regarding Eversley Primary School?

1. Who has been interviewed in the course of her investigations?
2. What forensic examinations have been undertaken of the computer that is supposed to have registered the children on time?
3. What steps are being taken to find out where and how copies of the official Level 6 SATs papers were obtained?

#### **Reply from Councillor Orhan:**

The Governors of Eversley Primary School carried out their own thorough investigation of the SATs issue and reported the outcome to the Director of Schools & Children's Services and to the parents of the school, before putting the report on the school's website. The report covered all issues in Councillor Pearce's question and is available at <http://www.eversley.enfield.sch.uk/>

The investigation proved conclusively that the school acted entirely in the interests of the children. Not a single complaint against the school, from parents, children, Local Authority officers or any other individual, was received.

Eversley Primary is an outstanding school, with exemplary policies, practices and procedures, which has been victimised by the local press and Councillors from the Opposition Party, whose sole motive seems to be self-aggrandisement. It ill becomes Opposition Members to wish to denigrate our schools, instead of trumpeting their wonderful achievements and service to our children.

#### **Question 2: from Councillor Lemonides to Councillor Stafford, Cabinet Member for Finance and Property**

Would the Cabinet Member confirm that in the Civic Centre Car Park there are parking bays for the sole use of disabled people? Would the Cabinet Member also inform Council if he is aware of any Members using the disabled parking bays?

#### **Reply from Councillor Stafford:**

There are a number of parking bays that are clearly designated for use by registered disabled or people with temporary needs.

Officers are aware of unauthorised parking in these bays and those responsible have been contacted with a view to preventing further recurrences.

We will continue to monitor the situation carefully and speak with any Member or any

other person who uses these bays without authorisation. It is my understanding that a Member of the Opposition was photographed parked in these bays.

**Question 3: from Councillor Kaye to Councillor Orhan, Cabinet Member for Children and Young People**

On Free schools Labour's new Shadow Education spokesman, Tristram Hunt says, "We are not going back to the old days of the local authority running all the schools - they will not be in charge. We have to clear up this question which has dogged Labour education policy since we entered opposition and since Michael Gove began his reforms, as to what we'd do. We just want to say, 'You are setting up these schools, we are behind you'".

Does the Cabinet Member for Children and Young People in Enfield fully support her party's spokesman on Education as regards the development of Free schools?

**Reply from Councillor Orhan:**

In Enfield we work, and will continue to work, in partnership and collaboration with our maintained schools – we do not “run” them. We delegate that to the Headteacher and Governing Bodies and, in our case, we do not recognise the “good old days” as described in the question. Councillor Kaye is well aware of the fact that we want to work, and do work, with all schools that educate Enfield children and young people. I see no difficulty in supporting the statement from our Party spokesman.

**Question 4: from Councillor Brett to Councillor Goddard, Cabinet Member for Business and Regeneration**

According to the Local Government Association study on the impact of all Welfare Reform, Enfield is in the top 10% of authorities for average loss at £2,019 a year. This leads to an overall impact of a loss of £97.6 million a year to the local economy. What impact does this have on local businesses?

**Reply from Councillor Goddard:**

It is not possible to fully analyse or quantify the economic impact on the Borough. However, there is enough understanding of what happens when there is a significant removal of any major source of wealth in an area whether through a loss of industry/jobs or in this case the amount of benefit that accrues to a local economy.

Notwithstanding the substantial impact on individuals, no concern is expressed by Government of the social economic impact on disadvantaged areas which is the result of current welfare reform/benefit reductions.

The impact in Enfield is in the most disadvantaged areas furthering the wealth inequality that already exists.

The reduction in disposable income which is often spent on local goods and services results in the decline of spend in local shops and businesses. The viability and

vitality of local shops is therefore put at risk.

In this current situation the benefit reduction reinforces a pattern of decline that is already apparent with Enfield's increasing levels of poverty. The most recent poverty profile shows that Enfield's relative position has worsened and places us in a group of the worst 6 (Greenwich, Havering, Waltham Forest, Brent & Ealing) for negative change. The notion that an individual is better off in work is being translated into reducing benefit below the minimum levels of income gained from any kind of work including casualised underemployment.

Besides the impact on local disposable income and businesses, it also places more stress on services and the quality of the local environment.

Given that a lot of benefit supports the working poor, it is essential that Enfield attempts to strategically and operationally compensate for this by seeking to attract and develop higher level jobs and to promote the London Living Wage which Enfield Council subscribes to, along with the Mayor.

**Question 5: from Councillor Kaye to Councillor Orhan, Cabinet Member for Children and Young People**

Does the Cabinet Member for Children and Young People condemn or support the teachers' strike that took place a few weeks ago?

**Reply from Councillor Orhan:**

I understand the reasons teachers, those in the teaching profession and support workers, took a day of strike action. Many parents and children showed their support for this action on the day of the strike.

As I go around the Borough I talk to hundreds of parents and I am encouraged that many of them support the reasons that good and hardworking professionals made to take strike action.

I am aware that under current legislation strike action results in a deduction of pay and impacts on pensions in the future, so taking strike action is not a decision our teaching professionals take easily.

I am committed to all our schools and to Enfield's teaching professionals and trust fully their commitment to our children and young people in Enfield and to the education profession as a whole.

**Question 6: from Councillor Simbodyal to Councillor Orhan, Cabinet Member for Children and Young People**

Should academies - some of which are reportedly failing - be subject to more scrutiny particularly by Ofsted?

**Reply from Councillor Orhan:**

I am passionate about ensuring that all Enfield's children and young people are given access to high quality educational provision so that they can maximise their potential and develop into effective and successful members of our community. This means that all Enfield schools should be held to account and be subject to the scrutiny mentioned in the question. My officers have developed a rigorous intervention and support programme that includes academies and free schools. Last year we met with those schools to hold them to account for pupil progress and achievement and will do the same this year. In terms of Ofsted we know that those schools are also subject to the same inspection process and any that are identified as failing will be subject to increased levels of scrutiny. As Lead Member I am confident that we will be liaising with Ofsted regarding this process.

**Question 7: from Councillor Kaye to Councillor Orhan, Cabinet Member for Children and Young People**

Does the Cabinet Member for Children and Young People care that parents in Enfield were inconvenienced during the one-day teachers' strike last month? For many working parents it was a costly exercise as they had to pay for supervision of their children.

**Reply from Councillor Orhan:**

Of course I care if parents were inconvenienced during the one day teachers' strike last month and we do appreciate the additional expense this may have caused some families for additional child care.

Councillors may be interested to know that in Enfield approximately 1400 teachers took industrial action. This represents just under half of our teaching workforce. It is approximately the same number of staff as for the previous strike. However, for the last strike there were 51 primary schools closed and 11 partially open but this time 36 were closed with 21 remaining partially open. The time of year could have affected this, but also the possibility of further strikes and the need to maintain education for the children over the longer term.

For secondary schools, more were closed due to the time of year and lack of flexibility (the last strike was in June when there were less pupils in the schools).

For Special schools 3 remained open or partially open.

Looking at the list of those schools closed and those which remained partially open, I would suggest that where schools believed that it was possible to stay open then they did so. This is despite having, in some cases, only two classes in, which shows the Heads' commitment to retain as many 'services as normal'.

Where schools were closed, I believe that the majority remained open for support staff and many used the day productively for staff development and improvements of the school environment, which many have found invaluable.

**Question 8: from Councillor Robinson to Councillor Stafford, Cabinet Member for Finance and Property**

Could you identify the total number of resident households affected by the benefit cap?

**Reply from Councillor Stafford:**

As at 12 November 2013 there were 988 households being capped.

**Question 9: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Can he tell the Council how much revenue is collected by the Council from business ratepayers and of that sum how much is passed on to Central Government?

**Reply from Councillor Stafford:**

The estimated net yield for business rates in 2013/14 is £106,274,502. This is shared on a 50:30:20 split as shown below:

Amount of National Non-Domestic Rates (NNDR) to be paid to central government - £53,137,251

Amount to be retained by Enfield under the rates retention scheme - £31,882,351

Amount to be passed to Greater London Authority - £21,254,900

**Question 10 from Councillor Cazimoglu to Councillor Taylor, Leader of the Council**

Could you update the Council on the result of Enfield's legal challenge on downgrading of A&E at Chase Farm?

**Reply from Councillor Taylor:**

Enfield Council has a long history of questioning the health reconfigurations planned for the borough. It is not intended to repeat the chronology of representations made; suffice to say support for the Clinical Strategy and specifically the impacts upon maternity services and A&E have never been accepted. Further promises to improve primary care as a compensatory move have not been fulfilled. To defend residents the Council sought a Judicial Review.

On 13<sup>th</sup> November 2013, following a two day hearing at the High Court on 5<sup>th</sup> and 6<sup>th</sup> November 2013, judgment in the Council's claim for Judicial Review of the decision to close the A&E department at Chase Farm hospital, was handed down. Whilst the Court refused permission for Judicial Review and dismissed the Council's claim the Judge, Mr Justice Bean confirmed that, *"Enfield has fought the good fight to save the A&E department at Chase Farm from closure for several years, and I appreciate that the Council genuinely believes that it would be in the interests of those they represent for the department to remain open. But in legal terms that fight has reached the end of the road."*

Following the judgement of the Court, the possibility of lodging an appeal against the decision was considered alongside advice from officers and leading Counsel. Any appeal against the decision would have to be filed with the Court of Appeal within a strict timeframe of 7 days following the judgement. It should be noted that an appeal would be against the decision refusing permission for Judicial Review, and if successful, a hearing of our claim for judicial review would follow.

The likelihood of the Court of Appeal considering an appeal and hearing the claim before the 9 December 2013 - the date when the closure is scheduled to take effect – is virtually nil. This means that the Council might well be obliged to seek injunctive relief to keep the A&E open pending any appeal and provide an undertaking in damages which the Clinical Commissioning Groups (CCGs) and Barnet and Chase Farm (B&CF) Hospital Trust have indicated would be in the region of £1.1m per month for B&CF Trust and £1.85m per month for North Middlesex University Hospital (NMUH).

There is a risk that the Court of Appeal would not grant an injunction in any event given:-

- (i) the Judge's conclusion that he would have refused relief because of the risk to safety in keeping the A&E open, and
- (ii) the Defendant's proposition that they would implement an emergency closure of the A&E in the meantime because of safety concerns.

Counsel further advised that, *"While we remain of the view that as a matter of law there is a strong argument, the combination of the circumstances outlined above means that the chances of upsetting the decision below are now in practice so remote that to pursue the challenge further would be fruitless. In sum, the practical realities have now overtaken the legal principles."*

After considering the implications, including the likelihood of any such challenge being successful; the extent of the beneficial outcome(s) that could be secured if the case is won; reputational risk and the direct and indirect cost of such a challenge, Cabinet agreed that it could not justify lodging an appeal. The Opposition leader Councillor Michael Lavender and Councillor Anne Marie Pearce attended Cabinet and agreed that an appeal should not be progressed and that alternative options should be considered in continuing to monitor and review the proposed implementation plans.

The Council remains committed to securing the planned and necessary primary care improvements set out in the Council's claim, which the NHS is bound to deliver notwithstanding the Court's decision. The Council will utilise its health scrutiny powers, set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to monitor implementation of these planned improvements and help secure delivery thereof.

Relevant scrutiny functions include Regulation 21 which enables local authority health scrutiny to review and scrutinise *"any matter relating to the planning, provision*

*and operation of the health service*" in their area and covers all NHS and public health services commissioned by NHS England and Clinical Commissioning Groups; making reports and recommendations to NHS bodies and imposing duties on NHS bodies to respond (Regulation 22); considering any proposal for a substantial development of the health service and possible referral to the Secretary of State (Regulation 23); imposing duties on NHS bodies to provide scrutiny with information about health services in its area (Regulation 26) and requiring persons to comply with requests to attend Scrutiny and answer questions (Regulation 27).

The Health Scrutiny and Wellbeing Panel can hold other health bodies, which the Council has a role in, accountable for their functions. The panel will consider utilising the complementary powers of the local Healthwatch's 'enter and view' and scrutiny's call in and referral powers, whilst also ensuring that the Health and Wellbeing Board is effective and that its work is improving outcomes. The Health and Wellbeing Scrutiny Panel should also ensure that Clinical Commissioning Groups, NHS England and local authorities work together to translate identified needs and strategic priorities into services.

The Health and Wellbeing Scrutiny Panel will monitor both the acute and primary care provisions including improvements to GP access, premises and services. The Panel will also review and scrutinise maternity provisions following the new pathways from primary care through to delivery at Barnet and North Middlesex Hospitals.

In addition it will be important to liaise with Barnet and Haringey and to monitor developments. While we are bitterly disappointed, there should be no let-up in our goal to get the best health services possible for our residents.

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

Can he tell the Council how many business ratepayers in the borough qualify for Small Business Rate Relief and how many are in receipt of such relief and at what cost respectively to Central Government and the Council?

**Reply from Councillor Stafford:**

All occupied business rates account with a rateable value under £25,500 automatically get their bill calculated using the lower multiplier (the small business rate multiplier) following a change made by the current Government which came into effect in April 2012. The difference is 0.009 lower than the normal multiplier, so someone with a rateable value of £25,499 is £229.50 better off.

This lower multiplier is given to around 4,815 properties.

An extra discount can be awarded to properties with a rateable value (RV) from £1 to £12,000 but has to be claimed by the ratepayer. There are about 3,200 properties with an RV below £12,000, but many businesses do not qualify as these properties are occupied by supermarkets, or are advertising rights, masts, atms, Council property or are already getting charity relief.

We give the extra discount awarded to 1,933 accounts with a rateable value of between £1 and £12,000.

This discount costs £3,564,326.13. The cost of small business rate relief is shared between the Government, GLA and the Council based on the 50:20:30 ratio. Therefore any new small business rate relief granted will cost the Council 30% of the total allowed.

**Question 12: from Councillor Sitkin to Councillor Taylor, Leader of the Council**

Could you update the Council on the Mini-Holland bid?

**Reply from Councillor Taylor:**

After successfully making a shortlist of 8, from the 18 outer London Boroughs that applied, we are now working on our detailed bid for Mini-Holland funding. We are determined to transform cycling in Enfield for the benefit of all those that live, work or visit the Borough. To that end we held a well-attended Mini-Holland information event on the 5 November 2013. Key stakeholders from across the Borough attended the meeting including representatives from Enfield Business and Retailers Association, train operators, Transport for London, schools and cycle groups. We received many useful comments on how to improve our bid and these are being worked into our scheme designs as we speak. One of the strengths of our bid is the cross party support it has achieved and I would like to thank Councillor Laban for her support and for her contribution to the information event.

**Question 13: from Councillor Laban to Councillor Orhan, Cabinet Member for Children and Young People**

Please could the Cabinet Member for Children and Young People inform the Council which other schools in the borough are receiving redeployed staff from the delayed Edmonton County School Primary Phase?

**Reply from Councillor Orhan:**

As far as I am aware no teacher has been redeployed as a result of any delay to an expansion scheme. I think Councillor Laban may be referring to work that has been organised between Edmonton County and other local primary schools to support the opening of the new primary school in January 2014. This work is providing opportunities for the sharing of skills and resources and is strengthening partnership working between primary and secondary phases that has developed over a number of years. Councillors will be aware that this is an exciting development for Edmonton County and they are determined that it will be a success for the new all age school.

**Question 14: from Councillor Ekechi to Councillor Stafford, Cabinet Member for Finance and Property**

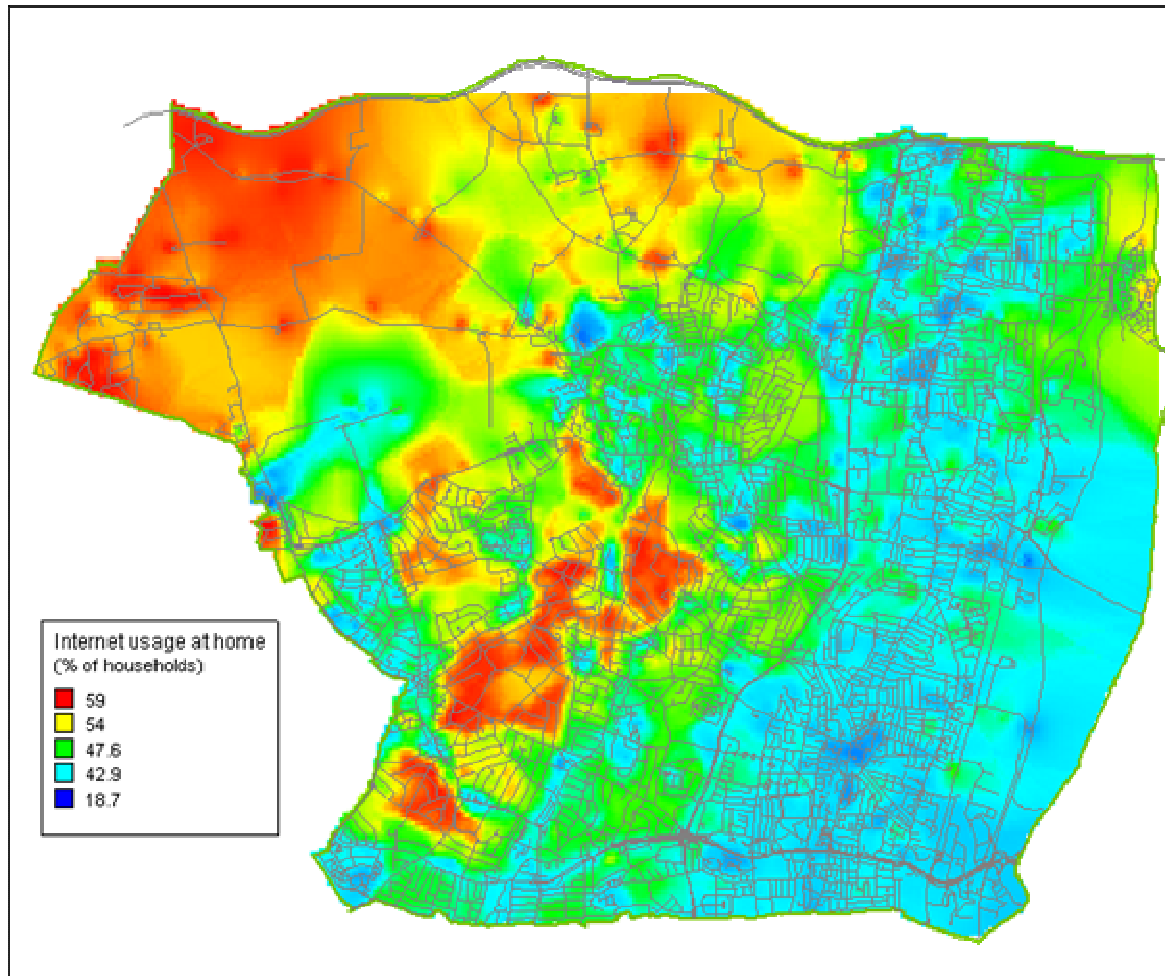
Can you calculate how many people on benefits are not computer enabled to complete personal applications online under Universal Credit?



**Reply from Councillor Stafford:**

We do not hold information on the internet access of benefit claimants; however the following information pulls together information about internet access across the borough.

This map shows internet access at homes across the borough (Please note a colour version of the plan is available as part of the agenda pack published on the Democracy page of the Council's website. A hard copy will also be tabled for all members with the amendment sheet at the Council meeting):



Experian have also produced data on access to the internet at home, community facilities and work. As can be seen below, 74.5 have access to the internet in some form, 4% above the national average:

|                             | Enfield | National |
|-----------------------------|---------|----------|
| Less than 2MB broadband     | 9.1     | 8.8      |
| 2MB broadband               | 24.5    | 24.8     |
| 4MB broadband               | 23.7    | 24.1     |
| 8MB broadband               | 28.6    | 30.8     |
| More than 8MB broadband     | 14.1    | 11.6     |
| Home                        | 60.0    | 65.9     |
| Internet café               | 4.7     | 2.8      |
| Library                     | 8.1     | 6.1      |
| School, college, university | 6.6     | 5.3      |
| Work                        | 20.6    | 19.9     |
| Non users                   | 25.9    | 29.5     |

Enfield Homes' annual tenant survey provides further information on internet access for Council tenants. Six out of ten (60%) general needs tenants state they have access to the internet via computers, laptops or tablets, while 14% state they have access to the internet via mobile phones. A third (33%) of general needs tenants do not have access to the internet.

When analysing the results by demographics it shows:

- General needs tenants aged between 35 and 44 (80%) are most likely to have access to the internet via a computer / laptop / tablet, while general needs tenants aged between 16 and 34 (29%) are most likely to have access to the internet via a mobile phone. As would be expected general needs tenants aged over 65 (68%) are least likely to have access to the internet
- General needs tenants who live in a house (68%), or maisonette (68%), are more likely to have access to the internet via a computer / laptop / tablet than tenants who live in a low rise flat (54%), or high rise flat (57%).

|                      | <b>Yes – via a computer</b> | <b>Yes – via mobile phone only</b> | <b>No</b> |
|----------------------|-----------------------------|------------------------------------|-----------|
| <b>Age group</b>     | 64%                         | 29%                                | 19%       |
| 16-34                | 80%                         | 15%                                | 15%       |
| 35-44                | 73%                         | 12%                                | 23%       |
| 45-54                | 54%                         | 8%                                 | 40%       |
| 55-64                | 28%                         | 7%                                 | 68%       |
| 65+                  |                             |                                    |           |
| <b>Property type</b> | 54%                         | 15%                                | 38%       |
| Flat - low rise      | 57%                         | 21%                                | 32%       |
| Flat - high rise     | 68%                         | 11%                                | 28%       |
| House                | 68%                         | 14%                                | 26%       |
| Maisonette           |                             |                                    |           |

**Question 15: from Councillor Neville to Councillor Bond, Cabinet Member for Environment**

Can he tell the Council on what basis the significant increase in on-street parking charges in our town centres imposed by the Labour administration in 2011 has not undermined the vitality of those centres?

**Response from Councillor Bond:**

The vitality of Enfield's shopping centres do not rely wholly on the use of vehicles. In some areas for example the Angel Edmonton and Edmonton Green and Enfield Town Centre, the vast majority of customers visit by foot or by bus. The vast majority of shoppers visit our town centres for the quality and variety of our businesses. Whilst there was an increase in 2011, it was introduced to assist with our management of traffic congestion in these centres. It is worth pointing out that this has been the one and only increase in parking charges during this administration and we have also introduced free three hour parking on Sundays to maintain the vitality of our centres.

**Question 16: from Councillor Constantinides to Councillor Stafford, Cabinet Member for Finance and Property**

Would you let the Council know when Universal Credit will be introduced in Enfield?

**Reply from Councillor Stafford:**

The Government have not announced the timescales for Universal Credit. An announcement on their revised business plan for Universal Credit is expected by the end of the year. Reports suggest that the introduction has been bedevilled by poor decision making and is likely to cost the taxpayer a very significant sum as a result.

**Question 17: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

In his reply to my Question Number 3 at the October meeting, he presented the total of days lost through sickness in each of the years 2010/11, 11/12, 12/13. Although the table shows a minimal decrease in the average number of days lost per employee over these three years, will he please tell the Council what is the cost of the current average i.e. 8.43 days per employee, taking account of all costs including costs of covering such absence with agency staff?

**Reply from Councillor Stafford:**

The actual known recorded cost for sick pay for 2012/13 was £345,138.13. As stated in the previous answer to the Council question, a significant amount of sickness absence is covered within existing resources.

**Question 18: from Councillor Ibrahim to Councillor Oykenner, Cabinet Member for Housing**

The Prime Minister has downgraded housing by replacing in his reshuffle a Minister of State with a Parliamentary Under-Secretary. Does this betray the Government's lack of concern about housing and does this reduce the ability of Enfield Council to deliver good quality accommodation?

**Reply from Councillor Oykener:**

This appointment certainly could be viewed as a downgrade, especially as the Government is facing a housing emergency. Taking their eye off the ball – if this is the consequence of this decision – will only exacerbate an existing crisis.

With homelessness rising in London and the financial pressures building for both Conservative and Labour Councils, now is the time to make sure that developing increased housing supply is a top Government priority.

Although the Government's Help to Buy scheme offers the potential to get the housing market moving again, it could also create a housing price bubble that threatens a housing market that is already fragile and unpredictable.

The issues facing housing development are complex and challenging, and leave many entering a new housing association home with challenging rent levels. This is the result of the withdrawal of grant which prohibits social landlords from charging rents at affordable levels. This then places an on-going burden on the housing benefit bill, which the Government is pledging to reduce.

These are just two examples of many issues facing the housing sector and I am worried that this lack of a coherent strategy at the most senior Government level makes the risk of not finding credible solutions to the housing crisis facing London and the country increase still further.

**Question 19: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

In his reply to Question Number 5 at the last meeting, Councillor Stafford avoided giving comparative figures for the costs of employment agency workers against those for directly employed staff, on the grounds that the law only requires employers to pay agency workers the equivalent rate to a permanent employee after 13 weeks employment and because he could not predict employers pension contributions. Leaving aside employers pension contributions, can he now give the council the comparative costs of employing the number of agency workers that we do (including interim senior post holders) with those of the permanent posts that the agency workers are covering. For this purpose the 13-week rule should not impede giving an answer.

**Reply from Councillor Stafford:**

As stated previously it is not possible to provide a meaningful comparison of the costs of engaging an agency worker with the direct employment costs as in many cases there is not a direct comparator where the Council is engaging the worker to undertake specialised, time limited, project work. The Council has a clear policy that

agency workers are only engaged where there is a short term or time limited need or there is no internal capacity within the Council. It is also an imperfect market comparison as factors such as the payment of London Living Wage, pension contributions, employer on costs and the 13 week rule serve to distort any direct comparison.

**Question 20: from Councillor Simon to Councillor Bond, Cabinet Member for Environment**

Could Councillor Bond consider working with Foodcycle, a UK wide voluntary organisation and part of OXFAM that prevents surplus food from shops restaurants and other outlets going to waste by collecting and redistributing it?

**Reply from Councillor Bond:**

Foodcycle is a worthy charity, however Enfield's waste and recycling services are able to provide collection services but are not equipped to collect food for re-use. We will contact the Charity and enquire as to what their requirements are and see if there is an opportunity of a joint working arrangement.

**Question 21: from Councillor Neville to Councillor Orhan (Cabinet Member for Children and Young People)**

In her reply to Question Number 17 at the last meeting she stated that 46% of pupils in Enfield "have English as an additional language" (EAL). The figure was apparently taken from the census. Can she clarify whether this relates to Census Day in 2011 or is it an updated figure. Her reply seems to suggest that the council does not know the number of EAL pupils and therefore has no idea of the additional cost of teaching English to them, nor of the impact on the ability to teach the general curriculum. Does she understand that this is not about "valuing the richness of our community?" but about the cost of providing this additional service?

**Reply from Councillor Orhan:**

The percentage was taken from the 2013 census and is therefore the most recent figure. The Council is well aware of the number of EAL pupils as an overall percentage but also how this is then broken down in to the individual schools across Enfield. As stated previously the numbers of EAL pupils is factored into individual schools' budgets so that they can identify the additional resources they receive and then account for how they are spent on the pupils within their schools. They have a responsibility to ensure that all groups or individual pupils make at least good progress and Ofsted will hold them to account for that progress.

In Enfield we continue to challenge our schools for the progress pupils make and also have been able to maintain a high level of support for schools in raising the attainment of our EAL pupils

**Question 22: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

In his reply to Question Number 19 at the last Council Councillor Stafford said that "since April 2011 over 200 posts have been deleted and individuals redeployed wherever possible". Could he please state how many post holders have been made redundant as a result of Leaner since that date?

**Reply from Councillor Stafford:**

The Leaner programme provides an opportunity for Directors and managers to challenge existing structures and ways of working with a view to improving service delivery. This process has enabled the Council to achieve the budget savings required whilst reaching record levels of resident satisfaction. It is not possible to assess how many of the identified redundant posts have been directly attributable to the Leaner programme.

**Question 23: from Councillor Smith to Councillor Stafford, Cabinet Member for Finance and Property**

Could Councillor Stafford confirm the amount of the Discretionary Housing Fund that has been allocated by the Government to the London Borough of Enfield for transitional relief to tenants on Housing Benefit and how much has been spent to date?

**Reply from Councillor Stafford:**

The Council was allocated £3.24m in Discretionary Housing Payments funding in 2013/14. So far the Council has spent and committed £2.23m.

**Question 24: from Councillor Smith to Councillor Orhan, Cabinet Member for Children and Young People**

In view of the widely held view in the Southgate Green area that parents seeking a place at Walker Primary school are renting residential property temporarily in the catchment area in order to obtain a place, will Councillor Orhan set out what steps the Council is taking to end this abuse of the system?

**Reply from Councillor Orhan:**

We take the matter of fraudulent addresses very seriously. Current legislation does not allow us to set a minimum residency period however we will always consider the use of whatever powers are available to identify where there has been a deliberate intent to defraud or mislead the Council in relation to school allocations.

There are established address verification checks that take place during the school application process. In addition to these, further checks are made if there are concerns raised in relation to an applicant's address.

Our published policy states that the address used in an application for admission must be the child's ordinary place of residence. The Council will not accept short term addresses that appear to have been obtained to achieve proximity and so priority of admission to a school. If this is the case, the Council will investigate this

further and involve Enfield's Counter Fraud Team where appropriate with a view to civil or criminal proceedings being taken against them under the Fraud Act 2006 or any other relevant enactment.

The Council is continually reviewing our arrangements to ensure that places are offered to children who genuinely meet the admission criteria for schools and work is currently being undertaken with other LA's to identify a pan London response to the issue of fraudulent admission applications.

**Question 25: from Councillor Smith to Councillor Oyken, Cabinet Member for Housing**

The Coalition Government has recently published draft guidance for the private rented housing sector.

The draft guidance aims to clarify how the law applies to the lettings market, identifying trading practices that could breach legislation, such as not giving sufficient information to tenants about what fees they will have to pay, or making misleading statements about a property.

The draft guidance sets out the Office of Fair Trading's views about how the legislation might apply at each step of the lettings process: from when lettings professionals first advertise their services, to the interactions they have with tenants prior to moving into a property, through to when a tenancy agreement comes to an end. These are matters of great importance to private tenants.

- a. What is the Cabinet member's view about this Guidance and is it supported by the Labour Party?
- b. Has the Labour Party responded to the consultation advocating any manner in which the guidance can be improved?
- c. What steps will be put in place by the Local Authority in its capacity as trading standards authority and housing authority to ensure that private landlords in Enfield are aware of this guidance?

**Reply from Councillor Oyken:**

- a. The private rented sector has grown substantially over the past 10 years in Enfield, almost doubling in size to nearly 28,000 homes at the last census and still growing. This reflects the trend across the Country, with more people living in the private rented sector than in social housing.

The private rented sector plays an important part in meeting the housing needs of local people. The Council has acknowledged the benefit of a good quality private rented sector, and has a history of working successfully with good landlords and letting agents, using the current light touch approach to regulation using the current mandatory powers and the voluntary accreditation scheme.

However, both recent research and tenant feedback about the quality of both the tenancy management of this sector and the quality of the properties that are

being let, give me a cause for concern as recent research has highlighted a correlation between anti-social behaviour in Enfield and areas where privately rented properties are present.

It is in this particular context, that I welcome this additional guidance which draws together and sets out very clearly the responsibilities for lettings professionals.

The draft document appears clear and unambiguous and should leave no letting professional in any doubt about the legal framework that they are operating their business within, the minimum standards that should be adhered to and their responsibilities towards their tenants.

Once the final guidance is published by the Government, it will be a useful document for local lettings professionals alongside the Council's ambition to drive up standards in the private rented sector.

- b. The Council does intend to reply to the consultation which ends on 10 December 2013.
- c. Once the guidance is agreed, the Council will ensure synergy between the content of the Council's voluntary accreditation schemes, and any current or future regulation of this sector.

In addition the Council will be pleased to develop a communication plan at the appropriate time, to ensure that lettings professionals are aware of the final guidance.

**Question 26: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

On Monday 28 October many residents woke up to find trees on their driveways, in gardens, blocking roads etc because of the storm and needed assistance from the Environment Department. Please could the Cabinet Member explain why it took several hours for the contact information to be placed on the home page of the Enfield Council website?

**Reply from Councillor Bond:**

Whilst there was a delay in getting a specific message out on the web-site, most residents used the 1000 number to report an incident without any difficulty. The Council's arboriculture officers and our contractors worked hard for a number of days to ensure that hazards were quickly addressed and that our roads and footways were cleared for use by our residents. I would like to take this opportunity to thank staff, including many volunteers who came in on their day off to assist, for their excellent response to this exceptional storm.

**Question 27: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**



A recent decision regarding a 20mph around the Carterhatch School area stated that a consultation was carried out and the results were that 9 people responded out of a possible 188. This result shows that consultation was poor. The response rate was only 5%.

- a. What is his department doing to improve consultation with the community in relation to a scheme like this?
- b. Given the poor response is the department certain that all residents received the consultation documents?

**Reply from Councillor Bond:**

I don't agree that the consultation was poor. Posters were put up at various locations within the zone to advertise the consultation. Well written consultation leaflets were hand delivered by our own staff and were also made available on the Council's Website. In addition, posters were erected half way through the consultation period reminding residents to complete and return their questionnaires.

Generally speaking we find that people are more likely to respond to consultations where they have strong views about the proposed measures. In my view, the reason for the low response to the scheme in Carterhatch Lane is simply due to the fact that it only consists of road markings and flashing vehicle activated signs. We have used exactly the same consultation technique for other schemes and have generated a response rate of over 30%, which is relatively high for this type of exercise.

However, we are always looking at ways to improve our approach to consultation and are developing a Consultation Charter to make it clear to residents exactly how we will consult, how the information will be used and how we will feedback the results.

If Councillor Laban has any ideas to improve consultation I would be happy to consider them.

**Question 28: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Residents have contacted me about the relatively new fountain in Ponders End Park. The residents remarked that they have rarely seen the fountain working since its installation last year.

Please could you confirm:

- a. How many times the fountain has been operational since its installation?
- b. For how long recently it has not been been switched on?

**Reply from Councillor Bond:**

The issue of the fountain has been raised by ward Councillors who themselves helped to get it installed and are keen to see it fully functioning. They have been informed of the issues I identify below -

- a. How many times the fountain has been operational since its installation? - The fountain is switched on each April and shut down each October.
- b. For how long recently it has not been switched on? - The fountain stopped working in July 2013 due to damage to cables in underground ducts caused by rodents. Pest control officers have attended and contractors engaged to repair cables and undertake preventative works. This has taken time to address due to the nature and extent of damage but the seasonal shut down is now in place enabling completion of works so that the fountain will be operational for the new season in spring next year.

**Question 29: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Friends of the Parks Groups really care about their parks. The groups carry out many tasks like litter picking and planting voluntarily.

- a. When there is a planning application for development or another project either in a park or nearby will the Cabinet Member ensure that the Parks Groups are consulted as a stakeholder group?
- b. Will the Cabinet Member for Environment work with his Cabinet colleagues so that all departments consult with the Friends of the Parks Groups if they have a project in or nearby a park?

**Reply from Councillor Bond:**

Where there is a project of any kind in a park and if there is a Friends Group we will of course communicate and consult with them.

It is because of our close working relationship with the Friends Groups that we have managed to maintain and increase the number of Green Flags in the borough, unlike when you were in control you lost Flags and did not have the number of Friends Groups that we have now.

**Question 30: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment confirm that a diktat has been sent to members of staff in his department that equipment such as green gyms or children's play grounds should not be installed due to the potential problem of not being able to maintain them?

**Reply from Councillor Bond:**

I am not a Conservative and therefore do not issue diktats to staff. Parks have been fortunate to be the beneficiaries of Enfield Residents' Priority Funding and other grant funds in recent years; however, it is recognised that any addition to the infrastructure has to be supported with longer term revenue support. We are fully

aware of this and officers are currently reviewing the impact of additional equipment in parks and considering the best way to maintain these going forward.

**Question 31: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for Environment update the chamber on the future of the tennis courts and Skate Park on the A10 Great Cambridge Road?

**Reply from Councillor Bond:**

A decision has not been made.

**Question 32: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for Environment inform the chamber of any activities his department has carried out in relation to the outcome of the Overview and Scrutiny Committee meeting on Deephams Sewage Works?

**Reply from Councillor Bond:**

Officers from Development Management are in regular contact with representatives from Thames Water and, acknowledging the concerns within the community which were expressed at the Overview and Scrutiny meeting, continue to press for the redevelopment of Deephams Sewage Treatment Works to maximise the benefits to local residents in terms of odour mitigation. Further detailed discussions are due once Thames Water have announced their preferred development partner.

**Question 33: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

At the recent Overview and Scrutiny Committee meeting on the odour of Deephams Sewage Works a resident who has lived in the area for a number of years stated that more often than not the bad odour is caused by the North London Waste Authority (NLWA), Eco Park. As one of Enfield's representatives on the NLWA please could he explain whether this is the case or not?

**Reply from Councillor Bond:**

We have a petition of approx. 2,500 complaints about the odour from Deephams Sewage Works. In the last two years we have not had a single complaint about the odour from the NLWA.

**Question 34: from Councillor Laban to Councillor Bond (Cabinet Member for Environment)**

At a recent consultation meeting regarding the Heritage Lottery Fund (HLF) Forty Hall grounds project residents commented that the proposals would create "Enfield's

first theme park". Please could the Cabinet Member explain what his department is doing to reassure Enfield's residents that this is not the objective of the project?

**Reply from Councillor Bond**

This is a listed landscape and all works are agreed with English Heritage and the Heritage Lottery Fund (HLF). A theme park is not proposed.

The Forty Hall Estate is made up of many different elements, the Hall, the Café, the Banqueting Suite, Capel Manor Farm and the Parkland. The HLF bids to reinstate both the Hall and Parkland aim to improve the standard of the facilities for residents, customers and partners. In some cases reinstating previous features and in others sympathetically improving the facilities. There are a number of statutory checks that are in place to ensure the entire estate is developed sympathetically in line with its status in historical and current terms. These include English Heritage, the Heritage Lottery Fund Monitoring, the Council's Planning framework, Heritage Officers and consultation sessions with residents. The many different partners will work together to ensure residents are kept up to date on the work in the grounds, utilising a number of different methods including information boards, briefing sessions, press releases and where appropriate guided tours. These methods proved very useful with the Hall development.

**Question 35: from Councillor Laban to Councillor Charalambous, Cabinet Member for Culture, Leisure, Youth and Localism**

Yoga is a peaceful exercise. Please could the Cabinet Member therefore explain why at Southgate Leisure Centre yoga is taking place in a room underneath the free weight area that causes a huge amount of noise, how his department is working with Fusion to resolve this situation and how long this situation is likely to continue?

**Reply from Councillor Charalambous:**

The yoga sessions that take place under the free weights area is an overspill from the main class due to customers and residents demand for this activity and the success of the class programmes at Southgate. However it should be noted that both the Council and its partners Fusion are unhappy with the noise in the room below the free weights area at Southgate Leisure Centre. Fusion and the Council are looking into a solution to reduce the noise in this room and to deal with the overspill of the yoga classes by reprogramming these sessions. We are also looking at solutions for the relocation of the free weights area, however these discussion are at an early stage. We hope to have these solutions in place before April 2014.

**Question 36: from Councillor Laban to Councillor Charalambous, Cabinet Member for Culture, Leisure, Youth and Localism**

Please could the Cabinet Member inform the chamber of how many times this year that Forty Hall has been hired for private events?

**Reply from Councillor Charalambous:**

Forty Hall has been hired for private event between January 2013 and the present on 22 occasions, one of these was an event which was called off at a very late stage, so whilst the event didn't take place, the party was charged. In December there are a further 5 private hires confirmed. In looking forward we have 2 confirmed wedding bookings in the summer of 2014 with a further 3 provisional bookings. This is a developing area of business for the Hall but we have to be mindful of the Heritage Lottery Fund requirements for on-going free public access to the Hall. There is a fine balance to be kept between public access and private events.

**Question 37: from Councillor Rye to Councillor Hamilton, Cabinet Member for Community Wellbeing & Public Health**

Would the Cabinet Member for Community Wellbeing & Public Health now place on record that she welcomes the increase in police numbers allocated to Enfield under the new policing model, in particular the increase of 124 Police Officers by 2015 (and present staged increase 59)?

**Reply from Councillor Hamilton:**

As the Cabinet Member for Community Wellbeing & Public Health, I have lobbied long and hard for the numbers to be increased, including meeting with the Police Commissioner. The previous administration noted that the resource allocation formula used for many years left Enfield under-strength; however, it was not until very recently that we have seen any improvement.

I believe that the neighbourhood policing officers are required to carry out more functions such as primary investigations, which may have the potential to take them off the streets and we will need to keep a close watch on this as the Local Policing Model (LPM) is established. We have taken a sensible local approach to allocating the officers that we have had into the areas of most need. As the Metropolitan Police Service (MPS) become more prescriptive about what happens locally, our police officers must remain posted into areas where they are most needed and not merely shared out across the borough without consideration of the greatest need.

I am concerned that many experienced officers have left the MPS and large numbers locally are probationary constables who will need time to gain experience.

My real concern is whether the LPM is insufficiently flexible to allow the local Borough Commander to work in partnership with us to the same degree that has won international recognition for Enfield.

This may put at risk areas of work such as management of offenders in the community as prisons are closed and the contracts for Probationary services are outsourced to private security firms.

The Council will continue to support and work with the Police and other partners involved in community safety to make our Borough even safer.

**Question 38: from Councillor Rye to Councillor Charlambous, Cabinet Member for Culture, Leisure, Youth and Localism**

Would the Cabinet Member for Children and Young People update the Council on Enfield Council's implementation of the Government's Troubled Families Initiative, launched in April 2012 and explain why there was a change in Lead Officer for this initiative and what the success rate was in turning around troubled families in the first 6 months of this programme and in the period to June 2013?

**Reply from Councillor Charalambous:**

In common with the overwhelming majority of local authorities, the first 6 months of the Troubled Families, or as it is called locally, the 'Change and Challenge' programme, focussed on the accurate identification of local families that would benefit most from this scheme. This was a monumental task, bringing together data from Council services such as, youth offending services, community safety and children's social care services as well as information held by the police, the Health services, Schools and Job Centre Plus.

This comprehensive data analysis laid the foundations for timely and intensive family interventions from a wide range of agencies and I am delighted to report that at June 2013, 136 local families made the significant changes to their lives to satisfy the government's payment by results scheme. Of these:

- 32 families now have at least one adult in employment
- 18 families have at least one adult on a 'back to work' programme and
- 86 families have significantly improved the attendance of their children at school and reduced anti-social and criminal behaviour.

The change in the lead officer for this important programme, came about following the merger of a range of services, including the Change and Challenge programme, to form a new Youth and Family Support Service for the borough. This service now provides a cohesive range of preventative services that provide help to families at an earlier stage to prevent the escalation of family difficulties. This process resulted in a reduction in management posts, to protect front line services to vulnerable families and young people, as a result of continued government reductions to local authority budgets.

**Section 2 - Questions to Scrutiny and Other Committee Chairs**

**Question 39: from Councillor Neville to Councillor Simon, Chair of the Overview and Scrutiny Committee**

Can he tell the Council how many items have been called in for scrutiny by the Overview and Scrutiny Committee by opposition members from May 2010 to the present?

**Reply from Councillor Simon:**

There were 35 called-in decisions between May 2010 to date, all by Opposition Members; by way of comparison there were 26 called-in decisions between May 2006 and end of April 2010. The jump of 50% in the monthly rate of call-ins has led

to additional pressure on existing staff resource and finance and several call-ins turned out to have no substance when the Overview & Scrutiny Committee met.”

**Question 40: from Councillor Levy to Councillor Rye (Chair of Crime & Safety & Stronger Communities Scrutiny Panel)**

The Government publicity stunt (now banned) vans telling illegal immigrants to go home has been described by Theresa May as ‘not been a good idea’, by Vince Cable as ‘stupid and offensive’, by UKIP as ‘disturbing and reminiscent of a fascist dictatorship’, by Yvette Cooper as ‘ a divisive gimmick’ and ‘reminiscent of the 1970’s National Front’, but it was publically defended by the MP for Enfield North (as reported in a North London newspaper on 07/08/13).

Were the vans a sensible idea, as suggested by the local MP or do you agree with the Home Secretary’s view?

**Reply from Councillor Rye:**

I congratulate Councillor Levy on asking such a blatantly political question. He will be unsurprised to learn that I rarely agree with Mr. Cable, Ms. Cooper or an anonymous spokesperson for UKIP. I am however, certain that the Conservative led Government has the support of the majority of the Country in requiring illegal immigrants to return to their country of origin and note that both the Home Secretary Theresa May and Nick De Bois MP for Enfield North support this view.

**Question 41: from Councillor Brett to Councillor Constantinides, Chair of Planning Committee**

Would Councillor Levy join me in expressing dismay, at the recent announcement in the local government information press, that the Coalition’s Planning Minister, Nick Boles had assured Ladbroke’s that the Coalition’s planning changes would not make it easier for councils to block permission for new betting shops?

**Reply from Councillor Constantinides**

It is disappointing to hear of the reported comments of Nick Boles to Ladbrokes on this subject. Real concerns remain within local communities about the proliferation of Betting Shops in many of the Borough’s town and local centres. However it is worth noting that the number of betting shops in the borough has fallen since 2007, albeit by a very small number.

It had been hoped that there would be a positive response to request for legislation to be amended to afford local Council’s more control over such proposals as in many cases, planning permission is not required. However, this has been recognised in Policy 33 of the emerging Development Management Document, which seeks to manage the impact of betting shops and states that proposals for new betting shops will only be permitted if specific criteria are met.

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**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 17 July 2013.**

Council is asked to note the decisions taken and the reasons for urgency.

- 1. Decision (Rule 16):** Judicial Review of the Enfield Clinical Commissioning Group (ECCG)'s decision of 25 September 2013 to close the Accident and Emergency and Maternity services at Chase Farm Hospital

**1.1 Reason for Urgency:**

The Leader approved a Portfolio decision (14 October 2013) to authorise a judicial review of the Enfield Clinical Commissioning Group (ECCG) decision to close the accident and emergency and maternity services at Chase Farm Hospital.

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 because of the need to act promptly in terms of the judicial review as any delay in commencing proceedings would have seriously prejudiced the Council's position. It had not been possible to provide advance notice, as the final decision on the closure of the Chase Farm Hospital Accident and Emergency and Maternity Services was only taken by the ECCG on 25 September 2013. The Council had then been considering, in consultation with leading counsel, the grounds for judicial review.

The use of the Rule 16 urgency procedure was approved by the Chair of the Overview & Scrutiny Committee on 12 October 2013.

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