



## **LONDON BOROUGH OF ENFIELD**

**AGENDA FOR THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY, 8TH OCTOBER,  
2014 AT 7.00 PM**

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

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**Date:** 30 September 2014

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, 8th October, 2014 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 - 24)**

To approve, as a correct record, the minutes of the Council meeting held on Wednesday 16 July 2014.

**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. STRATEGY & APPROACH TO DELIVERING PUPIL PLACES** (Pages 25 - 46)

To receive a report from the Director of Schools & Children's Services and Director of Finance, Resources & Customer Services setting out the Council's approach and updating the Council's strategy towards the provision of school places in Enfield. (Report No.15A)

Members are asked to note that the updated strategy was agreed by Cabinet on 23 July 2014. Council is only being asked to approve the changes identified in relation to the overall scheme allocation within the Capital Programme. **(Key Decision – Reference Number 3943)**

**8. LEE VALLEY HEAT NETWORK BUSINESS PLAN** (Pages 47 - 84)

To receive a report from the Director of Regeneration & Environment detailing progress on development of the Lee Valley Heat Network Business Plan and seeking approval to the inclusion of funding for the scheme in the capital programme. (Report No.25A)

Please note Report No.27A on the Part 2 agenda also refers.

Members are asked to note:

- The Phase I Business Plan was approved by Cabinet on 23 July 2014. Council is only being asked to approve the addition of funding on the Council's Capital Programme to support development costs through to financial close in September 2015. **(Key Decision – Reference Number 3706)**
- The additional appendices referred to in the report have previously been made available for members with the Cabinet agenda. A reference copy will be available in the Members Library, Group Offices and with this agenda as a supplemental pack on the Democracy page of the Council's website. If required additional copies can be obtained by contacting James Kinsella (Governance Team).

**9. ADOPTION OF NORTH CIRCULAR AREA ACTION PLAN** (Pages 85 - 102)

To receive a report from the Director of Regeneration and Environment seeking approval to the formal adoption of the North Circular Area Action Plan. (Report No.40A)

Members are asked to note:

- The Area Action Plan was considered and recommended on to Council for formal adoption as part of Enfield's Local Plan by Cabinet on 12

August 2014. **(Key decision – reference number 3918)**

- A copy of the detailed Action Plan will be available (for reference) in the Members Library, Group Offices and also with this agenda via the Democracy page of the Councils website. If required additional copies will be available by contacting James Kinsella (Governance Team Manager).

**10. COMMUNITY INFRASTRUCTURE LEVY** (Pages 103 - 132)

To receive a report from the Director of Regeneration and Environment (No.51) summarising the work undertaken to date towards the introduction of a Community Infrastructure Levy (CIL) for Enfield and seeking approval of the Enfield Community Infrastructure Levy Draft Charging Schedule, for consultation and submission to the Secretary of State for public examination.  
(Report No.51A)

Members are asked to note that the Community Infrastructure Levy Draft Charging Schedule was considered and recommended on to Council for formal approval by Cabinet on 17 September 2014. **(Key decision – reference number 3844)**

**11. SCRUTINY ANNUAL WORKPROGRAMME & WORKSTREAMS 2014/15**  
(Pages 133 - 146)

To receive a report from Overview & Scrutiny Committee setting out the Scrutiny Annual Work Programme including the potential workstreams identified for 2014/15.  
(Report No.77)

Members are asked to note that the report has been referred on to Council for formal approval following consideration by Overview & Scrutiny Committee (24 July 14) & consultation with Cabinet (12 August 14).

**12. REFERENCE FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO COUNCIL PROCEDURE RULES: COUNCIL QUESTIONS** (Pages 147 - 152)

To receive a report from the Director of Finance Resources & Customer Services seeking approval of an amendment to the Council Procedure Rules enabling the Associate Cabinet Members to be included under Councillor Questions.  
(Report No.78)

Members are asked to note that the proposed change was considered and approved for reference on to Council by the Members & Democratic Services Group (16 September 2014).

**13. THE CARE ACT 2014** (Pages 153 - 164)

To receive a report from the Director of Health, Housing & Adult Social Care setting out the key requirements of the Care Act, its potential impact on the

Council and progress made locally to implement it. (Report No.20A)

Members are asked to note that Cabinet considered and approved the report on 23 July 2014. In approving the report, Cabinet requested that it also be referred on to Council for information. **(Key Decision – Reference Number 3933)**

#### **14. APPOINTMENT OF MONITORING OFFICER**

Members will be aware that the Assistant Director of Corporate Governance (John Austin) has been Monitoring Officer since 2004. As a result of the Assistant Director taking flexible retirement from the Council's service with effect from 1 October 2014, there is a need to appoint a new Monitoring Officer in accordance with the requirements in Section 5 of the Local Government and Housing Act 1989.

As this role requires a full time resource it is recommended that the new Assistant Director Legal and Governance (Asmat Hussain) be appointed as Monitoring Officer with John Austin and the Principal Lawyers/Head of Legal taking on the role of Deputy Monitoring Officers.

#### **RECOMMENDATION**

That Council formally approve the change in Monitoring Officer arrangements with the Assistant Director Legal and Governance (Asmat Hussain) being appointed as Monitoring Officer with effect from 9 October 2014 and John Austin together with the Principal Lawyers/Head of Legal taking on the role of Deputy Monitoring Officers.

#### **15. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)**

##### **15.1 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.

15.2 Councillors' Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8) (Pages 165 - 194)

The list of fifty three questions and the written responses received are attached to the agenda.

## 16. MOTIONS

16.1 In the name of Councillor Stewart:

“This Council recognises the distress and costs brought on to Enfield residents because of the Home Secretary’s crisis at the Passport Office. This Council calls on the Passport Office to refund all those residents who had to incur extra fees and costs because of the Home Secretary’s poor management of the agency. The Leader of the Council should write to the Home Secretary to pass on our view.”

16.2 In the name of Councillor Hamilton:

“This Council is calling on the three Enfield MPs to support the private members bill by MP Clive Efford to repeal the competition provisions in the coalition’s Health and Social Care Act. The bill will tackle Section 75 rules which force CCGs (Clinical Commissioning Groups) to put services out to market even if they do not want to.

This Council is dismayed by the fact that private providers have won the majority of tenders for services since the Health and Social Care Act came into force in April 2013, this shows that the Tory pledge that the NHS is not being privatised is untrue.

Therefore, we call on the three Enfield MPs to demand that the Tory led coalition government repeals the competitive tendering legislation in the Health and Social Care Act so that:

- CCGs are free to commission in the best interest of patients, as was promised before the passing of the Act and
- Scant NHS resources are used for front line patient services.

It is therefore important that due to the NHS crisis caused by the Tory led coalitions shambolic Health and Social Care Act, that the residents of Enfield can be reassured that the takeover by the Royal Free NHS Foundation Trust of Barnet and Chase Farm NHS Trust will be scrutinised to ensure that any additional funding will be used to improve and redevelop Chase Farm NHS Trust.

We also call upon the three Enfield MPs and the London MEPs to support the call for the NHS to be removed from the Transatlantic

Trade and Investment Partnership (TTIP) and for the Prime Minister to veto health from the TTIP agreement. TTIP is a proposed “free trade” deal between the European Union and USA, including the ability for companies to sue governments.

The NHS must be excluded from the trade deal. The Tory led government’s Health & Social Care Act 2012 accelerated the sell-off of the NHS to private health firms, the Transatlantic Trade and Investment Partnership (TTIP) now threatens to make this sell off irreversible as it will undermine government freedom to change policy on private provision in the NHS.”

16.3 In the name of Councillor Oykenor:

“The Council welcomes the establishment of a local authority company to develop own and manage a portfolio of properties to be made available for private rent.”

16.4 In the name of Councillor Neville:

“The Council welcomes the completion of the purchase of the Barnet and Chase Farm Hospitals NHS Trust by the Royal Free London NHS Foundation Trust. The Council notes that this is the first piece of potentially positive news in the chequered history of Chase Farm for a very long time!

The Council shares both, the Royal Free’s assessment that the site needs to be redeveloped and it’s acknowledgement that parts of the site are “no longer suitable for the delivery of modern health care”. The council is concerned however to see that the £100million of government investment in the site is **actually delivered**, and as quickly as possible. It looks forward to working with the Royal Free to secure this much needed and long overdue redevelopment, for the benefit of Enfield residents.”

16.5 In the name of Councillor Neville:

“The Council calls upon the Cabinet to implement Labour’s election pledge “to encourage residents to shop locally” by firstly implementing a 20 minute free parking at Pay and Display bays in town centres, and secondly ensuring that in designing the Cycle Enfield project existing on-street parking spaces are not reduced.”

16.6 In the name of Councillor Taylor:

“Enfield Council welcomes

- An increase in nurses
- Better access to housing
- Fairer taxation

- An increase in the minimum wage
- A freeze of gas and electricity bills until 2017

Enfield residents will benefit from changing the economic conditions currently creating a fall in incomes. Enfield residents will benefit from the safeguarding of the NHS promised by a change of Government.”

16.7 In the name of Councillor Stewart:

“Enfield Council is extremely concerned about the Government’s mismanagement of Employment and Support Allowance. Large backlogs, an increasing number of sanctions and poorly administered Work Capability Assessments are having a devastating effect on the most vulnerable in Enfield. The Leader of the Council is requested to write to the Secretary of State for Work and Pensions, Iain Duncan Smith, to raise our concerns.”

**17. REVIEW OF PROPORTIONALITY ARRANGEMENTS & COMMITTEE MEMBERSHIPS (Pages 195 - 196)**

**17.1 Review of Council Proportionality Arrangements, following a change in political balance on the Council**

To receive a briefing paper from the Director of Finance, Resources & Customer Services advising members of a change in the political balance of the Council and associated review of the proportionality arrangements relating to the allocation of seats on the committees, joint committees and panels that have been set up for discharge of the Council’s functions.

**17.2 Committee Memberships**

To confirm the following changes to committee memberships:

(a) Electoral Review Panel

Cllr Bond to replace Cllr Charalambous

(b) Deaf Forum

To establish the following membership:

Labour Group: Cllr Georgiou (Chair), Bond, Cazimoglu, McGowan, & Simbodyal.

Conservative Group: Cllr Fallart & A.M.Pearce

(c) Public Transport Consultative Group

Councillor Chibah to be replaced by a vacancy



(d) Staff Appeals Panel

Councillor Dogan to be replaced by a vacancy

Please note any additional changes notified once the agenda has been dispatched will be tabled on the Council amendment sheet at the meeting.

**18. NOMINATIONS TO OUTSIDE BODIES**

To confirm any changes notified to the nominations on outside bodies.

Please note any changes notified once the agenda has been dispatched will be tabled on the Council amendment sheet at the meeting.

**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 19 November 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 items of business listed on the part 2 of agenda on the grounds that it involves the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006) as listed on the agenda.

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## COUNCIL - 16.7.2014

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 16 JULY  
2014**

**COUNCILLORS****PRESENT**

Ali Bakir (Mayor), Patricia Ekechi (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Dinah Barry, Chris Bond, Yasemin Brett, Erin Celebi, Bambos Charalambous, Jason Charalambous, Lee David-Sanders, Dogan Delman, Nick Dines, Guney Dogan, Sarah Doyle, Christiana During, Nesimi Erbil, Peter Fallart, Krystle Fonyonga, Achilleas Georgiou, Christine Hamilton, Ahmet Hasan, Elaine Hayward, Robert Hayward, Ertan Hurer, Suna Hurman, Jansev Jemal, Doris Jiagge, Eric Jukes, Nneka Keazor, Adeline Kepez, Joanne Laban, Bernie Lappage, Michael Lavender, Dino Lemonides, Derek Levy, Mary Maguire, Donald McGowan, Andy Milne, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Vicki Pite, Michael Rye OBE, George Savva MBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Claire Stewart, Jim Steven, Doug Taylor, Haydar Ulus, Ozzie Uzoanya and Glynis Vince

**ABSENT**

Alev Cazimoglu, Lee Chamberlain, Katherine Chibah, Turgut Esendagli and Alessandro Georgiou.

**23**

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

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

**24**

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

Reverend Dr Steve Griffiths – St Andrews Church, Enfield gave the blessing.

**25**

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

The Mayor made the following announcements.

Reverend Dr Steve Griffiths from St Andrews Church, Enfield was thanked for offering the blessing at the start of the meeting.

**1. Update on Mayoral Engagements**

The Mayor took the opportunity to highlight the range of engagements he had been involved in supporting, since taking up office. This had included:

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- engagements across the borough and further afield;
- meeting Royalty, marking Armed Forces Day, visits to organisations involved in supporting the young and elderly and attending the London Youth Games at Crystal Palace, where Enfield had achieved a respectable 8<sup>th</sup> place;
- welcoming a number of new citizens to Enfield;

The Mayor advised that he had been particularly impressed by the welcome and hospitality he had received when visiting Murrayfield Care Home and from the children of the Prince of Wales School who were undertaking a wonderful project in terms of growing and producing their own food.

During August, the Mayor advised that he would be taking a long overdue trip to visit his parents in Turkey and so he took the opportunity to wish all councillors a relaxing summer.

**2. KRATOS (Children in Care Council)**

The Mayor then moved on to welcome representatives from KRATOS (Children in Care Council) who he had invited to attend the meeting in order to highlight the range of work they were involved in supporting. The Mayor informed members that KRATOS had been formed to represent the views of looked after children and care leavers in Enfield, with the organisation actively engaged in supporting looked after children and care leavers.

Over the past year over 100 young people had been involved in a variety of events and activities organised through KRATOS, giving them a say about the support they received from Children Services, Health and Education.

The Mayor invited five representations from KRATOS to come forward and briefly address Council, in order to highlight the range of work and support being provided and priorities for their organisation moving forward.

The representatives invited to address the meeting included the chair and three young people currently in foster care. The range of support and activities highlighted included:

- the provision of a safe and supportive environment in which to meet and interact with people from similar backgrounds.
- The opportunity to take part in training and development of other skills e.g. young leaders programme; Duke of Edinburgh Award; young inspectors programme; professional development of social care staff and Princess Diana awards
- The provision of an advocacy service for young people in care or care leavers.

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Members thanked the representatives for the attending the meeting in order to highlight the work being undertaken by KRATOS.

3. Members Conduct

The Mayor completed his announcements by reminding members, as this was the first Council business meeting of the new Administration, that he would be seeking their co-operation in ensuring that meetings were conducted with due respect for each other, the office of Mayor and the Constitution.

Members were reminded of the need to conduct themselves in a manner which upheld the reputation of their office and of the Council and to comply with the rules of debate, which included refraining from interruption or private conversations whilst other members were speaking.

Whilst not wanting to use them, he reminded members of the power he had as chair (under Council Procedure Rule 19) to ensure good conduct at Council meetings. These included, moving that the member concerned be not heard further or leave the chamber.

**26  
MINUTES**

The Mayor advised members of an amendment to the minutes from the Annual Council Meeting (11 June 2014) which had been detailed on the Council amendment sheet tabled at the meeting.

The amendment related to the second roll call vote on the Political Management and Member Engagement Structure report (Min.13 referred – Page 11 of the agenda pack) which should have recorded the vote(in relation to the final decisions approved as 39 For and 20 Against and not 20 For and 39 Against

**AGREED** that, subject to the amendment detailed above, the minutes of the Annual Council meeting held on Wednesday 11 June 2014 be confirmed and signed as a correct record.

**27  
APOLOGIES**

Apologies for absence were received from Councillors Alev Cazimoglu, Lee Chamberlain, Katherine Chibah, Turgut Esendagli and Alessandro Georgiou.

Apologies for lateness were received from Councillors Erin Celebi and Achilleas Georgiou.

**28  
DECLARATION OF INTERESTS**

None declared.

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**29**

**OPPOSITION BUSINESS - TACKLING ABUSE IN THE PRIVATE RENTED SECTOR**

The Mayor opened this item by referring Members to the legal advice that had been issued in relation to legal proceedings issued against the Council in relation to the Cabinet decision on the Assisted and Selective Licensing Scheme for Private Sector Landlords, which was the subject to Opposition Business.

He then invited the Leader of the Opposition to make a statement in relation to discussions that had taken place in advance of the meeting with the Assistant Director Legal Services. Whilst not being in agreement with the legal advice provided in relation to the matter now being subjudice, the Leader of the Opposition confirmed that he had agreed to the debate being adjourned on the basis that the Majority Group had agreed:

- to the debate being rescheduled as Opposition Business, once the legal proceedings against the Council had been concluded; and
- that the adjournment would not result in any negative impact in the total number of Opposition Business debates during the Municipal Year;

On this basis, Councillor Neville formally moved and Councillor Laban seconded adjournment of the Opposition Business debate to a future meeting, to be undertaken once the current legal proceedings had been concluded. This was agreed without any further debate.

**AGREED** to adjourn consideration of the item pending completion of legal proceedings involving the Council relating to this item.

**30**

**AMENDMENTS TO CONSTITUTION - CHANGE TO POLITICAL MANAGEMENT AND MEMBER ENGAGEMENT STRUCTURE**

Councillor Simon moved and Councillor Savva seconded the report from the Director of Finance, Resources and Customer Services (No.34) detailing a number of amendments to the constitution arising from changes to the Council's political management and member engagement structure agreed at the Annual Council meeting (11 June 2014).

NOTED

1. The main constitutional changes outlined in the report had been designed to reflect the changes already agreed to the Council's political management and member engagement structure in relation to:
  - a. the introduction of a revised delivery model for scrutiny focussed on a single Overview & Scrutiny Committee (OSC) with two standing

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workstreams established in order to discharge the requirements in relation to health and crime & safety scrutiny and the ability to appoint other workstreams to undertake “task and finish” reviews on priority areas;

- b. the replacement of the Area Forum model with a more localised ward based approach towards member engagement; and
  - c. the introduction of the Associate Cabinet Member (ACM) role
2. The report set out the detailed changes (in tracked version) required to the constitution in order to facilitate the changes outlined in 1. above, as requested by Annual Council (11 June 14). Members had also been supplied with a copy of the proposed amendments in final format, without the tracked changes.
3. The following concerns raised by the Opposition Group in relation to the proposed changes:
- a. at what was felt to be the weakening of the Council’s scrutiny function and more limited opportunities available to hold the Executive to account and for wider member engagement and development, which it was felt the new scrutiny structure would result in;
  - b. the lack of detail provided within the report on the level of quantified savings to be achieved as a result of the new arrangements and loss of experience in relation to the scrutiny officer support arrangements;
  - c. the lack of detailed cross party and public consultation regarding the proposed changes;
  - d. the role and cost of the ACM positions, which it was felt:
    - closely resembled the constituency roles of the current Members of Parliament in the borough; and
    - should be directly accountable to Council rather than Cabinet;
4. In response to the concerns expressed by the Opposition Group members were advised:
- a. that the new scrutiny delivery model had been designed to provide a more flexible and focussed approach within the more limited financial and operational resources available. The statutory requirements in relation to health and crime & disorder scrutiny would be maintained but under a more member led and streamlined function. Scrutiny would continue as a cross cutting service but working in a smarter and more efficient way. The new scrutiny structure would continue to be supported and it was felt would give members more time to spend with constituents and in

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undertaking more in-depth reviews designed to better meet the needs of local residents.

- b. in view of the issues raised, specific reference would be included within the Terms of Reference for Overview & Scrutiny Committee to the discharge of not only health but also the crime and disorder scrutiny requirements as set out in the Police & Criminal Justice Act 2006. These areas would be subject to standing workstreams, with all workstreams established on a proportional basis.
- c. the proposals had been designed to assist members in developing their representational role by establishing clearer and more focussed mechanisms for listening to and representing local people and ensuring the delivery of more responsive services based around the Council's strategic objectives.
- d. The creation of the Associate Cabinet Member positions had been designed to provide a focal point for co-ordinating member engagement in terms of regeneration and the other strategic objectives and in serving as a link between the locality and Cabinet/Council.

Following a long debate the recommendations in the report were put to the vote, and agreed with the following result:

For: 36  
Against: 20  
Abstentions: 0

**AGREED** that

- (1) The constitutional changes to the procedure rules relating to scrutiny be approved, as detailed in Appendix A of the report.
- (2) The constitutional changes to the procedures relating to Area Forums be approved, as detailed in Appendix B of the report, in order to reflect the establishment of a more localised ward forum based approach to member engagement.
- (3) Reference to the newly created Associate Cabinet Member (ACM) posts be added to the Constitution, as detailed in Appendix C of the report, with Council noting (as detailed in 3.5.4 of the report) that the ACM role would be subject to further detailed consideration by Cabinet, and any additional constitutional changes identified as a result being reported to Council.
- (4) Council discharges its powers of scrutiny on such matters designated within the Health and Social Care Act 2012, and the Police and Criminal Justice Act 2006 through the Overview and Scrutiny Committee, who will



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work closely with the standing work streams in relation to crime and health.

- (5) In accordance with Section 9FB of Local Government Act 2000 the current Head of Electoral, Registration and Governance Services be appointed as the Statutory Scrutiny Officer.
- (6) Council delegate authority for any further administrative amendments to the constitution, arising from the decisions in 1- 5 above, to be made by the Director of Finance Resources and Customer Services. This to include specific reference within the Overview & Scrutiny Committee Terms of Reference (on the terms detailed in 4. above) to the requirements in relation to scrutiny under the Police & Criminal Justice Act 2006.

**31**

**ENFIELD'S RE-ACCREDITATION AS A FAIRTRADE BOROUGH**

Councillor Stafford moved and Councillor Sitkin seconded a report from the Director of Finance, Resources & Customer Services (No.4A) detailing the Council's application to continue accreditation as a Fairtrade Borough.

**NOTED**

1. The intention to apply for re-accreditation as a Fairtrade Borough had been approved by Cabinet (25 June 14), with the accompanying report referred on to Council for information.
2. The cross party support expressed towards the principle of Fairtrade and decision for the Council to apply for re-accreditation as a Fairtrade Borough.
3. The thanks expressed to:
  - a. the ex-council members from both political groups who had originally championed the Council's application as a Fairtrade Borough, with specific reference made to Chris Cole and Annette Dreblow; and
  - b. Christian Action Housing, for their support in the re-accreditation process as a Fairtrade Flagship employer;
4. The Council's ongoing commitment to the objectives of Fairtrade in terms of their positive environmental, economic and social impact and in support of the ongoing "Good Food for London" campaign as part of the broader food growing initiatives of the Council.

Following a short debate the recommendations in the report were unanimously approved, without a vote.

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**AGREED** to note that Cabinet (25 June 14)

- (1) had approved the intention to apply for re-accreditation to remain a Fairtrade Borough in view of the benefits that Fairtrade was felt to provide.
- (2) had approved a change from the supply of Rainforest Alliance to Fairtrade tea and coffee in the Civic Centre restaurant.

**32**

**COUNCILLOR CONDUCT COMMITTEE ANNUAL REPORT 2013/14**

Councillor Brett moved and Councillor Rye seconded the 2013/14 Annual Report from the London Borough of Enfield Councillor Conduct Committee.

NOTED

1. The Annual Report had been approved and recommended onto Council by the Councillor Conduct Committee on 30 April 2014
2. The cross part support expressed for the way in which the Committee had operated during the year.

**AGREED** that the Councillor Conduct Committee Annual Report 2013/14 be noted and approved.

**33**

**SCRUTINY ANNUAL REPORT 2013/14**

Councillor Simon moved and Councillor Rye seconded the 2013/14 Scrutiny Annual Report detailing the work undertaken by the Council's scrutiny function during the previous municipal year.

NOTED

1. The Annual Report had been approved and recommended onto Council by the Overview & Scrutiny Committee on 12 March 2013.
2. The brief outline provided by each of the Scrutiny Chairs of the key areas of work undertaken by their Panels during 2013/14 and thanks to members, officers, the public and other key stakeholders for their engagement and support in the process.
3. The concerns highlighted by the Opposition Group regarding the capacity of the new scrutiny model to engage in the same depth of work as the previous structure.
4. In response to the concerns in 3. above members were reminded that the changes to the scrutiny arrangements had been designed to provide a more flexible and streamlined structure that would still function

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effectively but within the more limited financial and operational resources available.

**AGREED** to endorse and approve the 2013/14 Scrutiny Annual Report.

**34**

**AUDIT COMMITTEE ANNUAL REPORT 2013/14 & AMENDMENT TO TERMS OF REFERENCE**

Councillor Lemonides moved and Councillor Simon seconded:

- (a) the London Borough of Enfield's Audit Committee Annual Report 2013/14; and
- (b) the amendments to the internal audit section within the Terms of Reference for the Audit Committee, which had been designed to reflect the current role of the Committee and Internal Audit service.

**NOTED**

- 1. The annual report had been considered and recommended onto Council by Audit Committee on 9 July 2014.
- 2. The key areas of work undertaken by the Audit Committee during 2013/14, as outlined in the Annual Report, and thanks to members and officers for their support in the work of the Committee over the year.
- 3. The following amendment to the Annual Report (tabled at the meeting on the Council amendment sheet) – Section 1: Membership of Committee to include Councillor Don Delman.
- 4. Audit Committee (9 July 2014) had considered and approved the proposed amendments to their Terms of Reference (as detailed in Agenda Item 12.2) for reference on to Council.
- 5. In addition to the amendments to the Audit Committee Terms of Reference set out under agenda item 12.2, the Chair of the Audit Committee advised of his intention to seek a review of the current requirements in relation to members of the Audit Committee being able to lodge objections to the Council's Statement of Accounts. Whilst recognising the legal rights for local government electors to raise objections to the accounts and not seeking to prevent challenge, it was felt that members of the Audit Committee already had sufficient opportunity to raise issues of concern, hence the need for a review.

**AGREED** to approve:

- (1) The Audit Committee Annual Report 2013/14, subject to the inclusion of Councillor Don Delman under the Committee Membership list in Section 1 of the report.

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- (2) The changes, as detailed under agenda item 12.2, to the Internal Audit section of the Audit Committee Terms of Reference in order to ensure that they reflected the current role of the Committee and Internal Audit service.

**35**

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

1.1 Urgent Questions

None received.

1.2 Questions by Councillors

NOTED

1. The sixty three 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:

**Question 1 (Councillor Questions) from Councillor Neville to Councillor Taylor, Leader of the Council.**

"Whilst recognising the Member & Democratic Services Group as the appropriate body to consider this request, can I ask whether the Leader supports the proposal that councillor questions should be moved to the beginning of the council agenda with the time allowed increased to one hour?"

**Reply from Councillor Taylor:**

The Council has a process for considering changes to the constitution via the Member and Democratic Services Group so it would be sensible to consider this suggestion, along with any other changes proposed, through that process.

**Question 2 (local election result) from Councillor During to Councillor Taylor, Leader of the Council**

Can the Leader comment further on the scale of the collapse of the Conservative vote at the recent local government elections in Enfield?

**Reply from Councillor Taylor:**

Looking at the results, the Conservative vote reduced by 4% across the borough as a whole compared to the previous election. Focussing on specific areas their vote reduced by 4.65% in Cockfosters and 7.77% in Grange wards. This compares to an increase of 10.14% for the Labour vote in

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Ponders End. We are looking forward to further increases in the next local elections.

**Question 4 (Ashmole School) from Councillor B Charalambous to Councillor Orhan, Cabinet Member for Education, Children's Services and Protection.**

Is the Cabinet Member considering additional provision, beyond that due to be provided by Bowes Primary School as a "partner school", to supplement the number of school places in the area?

**Reply from Councillor Orhan:**

As a result of our carefully managed and planned approach I would like to remind Council of the numbers of school places we have already secured in Enfield and am confident that the innovative arrangements being introduced will provide the places required to meet the identified need for school places in that part of the borough.

**Question 5 (Associate Cabinet Members) from Councillor Neville to Councillor Taylor, Leader of the Council**

Did Councillor B. Charalambous position as prospective parliamentary candidate for Enfield Southgate have a bearing on his appointment to the position of Associate Cabinet Member?

**Reply from Councillor Taylor:**

No. Councillor Charalambous activities outside his role as councillor have no bearing whatsoever on his appointment as Associate Cabinet Member.

**Question 7 (Measuring the success of Associate Cabinet Members) from Councillor Neville to Councillor Taylor, Leader of the Council**

Given what appears to be their close resemblance to the role of an MP or GLA member, what value will the role of Associate Cabinet Member add to the existing democratic arrangements in the borough?

**Reply from Councillor Taylor:**

We have already covered this issue at the meeting, where I have been clear about the role, responsibilities and merits of the new position. I don't feel there is anything further I can do to explain the role other than to add that the effectiveness of these new posts can be judged as part of a review planned at the end of the first year.

**Question 8 (Youth activities during the school holidays) from Councillor Hurman to Councillor Simbodyal, Cabinet Member for Culture, Sport, Youth and Public Health**

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Can the Cabinet Member tell us how she will ensure that young people are made aware of the range of activities available to them over the summer?

**Reply from Councillor Simbodyal:**

There are a fantastic range of activities on offer over the summer for young people to access. In terms of communication, we are starting by prioritising vulnerable young people, including young people in care, young carers and those from the Youth Offending Service, who have been given the chance of early enrolment in the activity programmes. This has involved us communicating with over 400 professionals who work with these vulnerable young people to encourage them to take up these places. New communication channels have also been used including Facebook, Twitter and other social media long with the development of a Young Enfield Magazine being distributed through schools and youth clubs.

**Question 9 (Accountability of Associate Cabinet Members) from Councillor Neville to Councillor Taylor, Leader of the Council**

From the report considered earlier on the agenda relating to the constitutional changes, I see that the Associate Cabinet Members will be answerable to Cabinet. Will the Leader be willing to consider bringing forward proposals to at least allow Associate Cabinet Members to be questioned at Council?

**Reply from Councillor Taylor:**

I can see the justification in this proposal, not on the basis that they receive a Special Responsibility Allowance, but in view of the wider role the posts have in each locality. I am therefore going to ask the Members & Democratic Services Group to consider amending the Council Procedure Rules to allow ACMs to be included under Council Questions.

**Question 10 (World War 1 remembrance) from Councillor Lappage to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can I ask what other remembrance activities are proposed?

**Reply from Councillor Bond:**

Beside the normal activities taking place on Remembrance Sunday, we are also planning to install a remembrance spot in a park likely to be located in eastern Enfield, which will hopefully be created before the end of the year.

**Question 12 (CCTV Parking Enforcement) from Councillor Stewart to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can Councillor Bond tell us about the importance of CCTV in terms of assisting in the prevention of illegal parking?

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**Reply from Councillor Bond:**

CCTV plays an important role in ensuring that residents are able to travel around the borough safely by assisting to tackle illegal parking. It is unfortunate that Eric Pickles, Secretary of State for Communities and Local Government does not share this view or see the advantages of its use in this way.

**Question 13 (North London Waste Plan) from Councillor Lavender to Councillor Bond, Cabinet Member for Environment and Community Safety**

Has the Council or is it the intention of the Council to identify or nominate any site in the borough for waste purposes not currently being used in this way?

**Reply from Councillor Bond:**

Yes.

**Question 14 (Support for Small and Medium Sized Enterprises) Councillor Jemal to Councillor Sitkin, Cabinet Member for Economic Development**

Can you provide more information on the support provided to small and medium sized enterprises in terms of access to finance?

**Reply from Councillor Sitkin:**

Recognising that city financial institutions are failing small and medium term enterprises we are working with the Director of Finance, Resources & Customer Services to look at possible support options including the North London Credit Union; setting up of a peer to peer lending scheme and the potential of organising some form of crowd funding initiative.

**Question 16 (School places in Southgate Green) Councillor Anderson to Councillor Orhan, Cabinet Member for Education, Children's Services and Protection**

Are any other developments in terms of school places planned in the Southgate Green area?

**Reply from Councillor Orhan:**

I would refer back to my response to the previous supplementary question from Councillor B Charalambous (see 4. above). Yes, I would like to reassure the Council that we are looking to provide additional school places in those areas identified as being most in need with further announcements planned shortly. I would also like to place on record my thanks to Bowes Primary and

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Broomfield Schools for the sterling work that they are doing to bring about new places in that area of the borough.

**Question 18 (CCTV Parking Enforcement) Councillor Keazor to Councillor Bond, Cabinet Member for Environment and Community Safety**

Does the Cabinet Member feel the Prime Minister has missed the opportunity to get rid of Eric Pickles, Secretary of State for Communities and Local Government as part of the latest Cabinet reshuffle?

**Reply from Councillor Bond:**

Yes, but looking at the alternative talent on offer this is not surprising.

**Question 20 (European Union Waste Framework Directive) Councillor Hamilton to Councillor Bond, Cabinet Member for Environment and Community Safety**

Does Councillor Bond think that the present grant renegotiations with the European Union will have an effect on the revised waste framework directive?

**Reply from Councillor Bond:**

No, as it is not clear what the renegotiations will involve.

**Question 21 (Council Tax) Councillor Dines to Councillor Stafford, Cabinet Member for Finance**

Does the Cabinet Member agree with Harriet Harman MP who is quoted as saying that the middle classes should pay higher taxes?

**Reply from Councillor Safford:**

I can confirm, contrary to claims made by the opposition prior to the local election, that we have no plans to raise Council Tax at the moment and will continue to assess the Council's financial position on a year by year basis.

**Question 22 (Estate Renewal Projects) Councillor Jiajge to Councillor Oykenner, Cabinet Member for Housing and Estate Regeneration**

How do you respond to criticism about progress on the small housing site developments in Parsonage Lane and Lavender Hill being delayed?

**Reply from Councillor Oykenner:**

My response is that this appears to involve political games. I am proud to report that this Administration is delivering, unlike the Opposition who closed and boarded up the properties in these areas with no strategy for redevelopment.



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We have put in place a strategy and developers are now on site, starting the process of building much needed and affordable homes. We have made excellent progress with developments in Chase, Town and Turkey Street wards. Whilst progress has been more limited around Forty Hill, this has been due to their location in a Conservation Area which has required specific approvals to be obtained.

We have promised and are now delivering, working in an innovative way which has generated interest on a national and regional basis and led to a series of articles in The Guardian newspaper. We know that the Conservative led Coalition Government are not keen but the Council has found a different way to fund, build and deliver affordable housing using a scheme that is the first of its kind.

**Question 24 (2014 Care Act) Councillor Doyle to Councillor McGowan, Cabinet Member for Health and Adult Care**

Can the Cabinet Member outline the cost of the 2014 Care Act to Enfield?

**Reply from Councillor McGowan:**

The significant downside to the Act is the cost. The Local Government Association and London Councils have used an independent financial model to highlight the full impact of these additional costs. In Enfield it's estimated that the additional, currently unfunded, costs are likely to be in the region of £8m - £15m by 2018/19. This will require the Government to provide a fair funding settlement for health and social care and not leave councils like Enfield with insufficient funds to meet the growing demands of vulnerable people in care.

**Question 25 (Churchfield School) Councillor Neville to Councillor Orhan, Cabinet Member for Education, Children's Services and Protection**

Whilst more than happy to visit the school I would, in the meantime, like to know if this school's ethos will be enhanced by such a post and, if so whether consideration should be given to their recruitment across all schools.

**Reply from Councillor Orhan:**

There isn't really anything more I can add to that already included in my written response. Schools are responsible for managing their own budgets and will take their own decisions on how funding is spent. The facts in relation to this case are set out in my written response.

**Question 26 (Delivery of Primary School Places) Councillor Hasan to Councillor Orhan, Cabinet Member for Education, Children's Services and Protection**

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Can the Cabinet Member advise if she will be writing to the new Secretary of State for Education, about the challenges facing Enfield in providing sufficient school places?

**Reply from Councillor Orhan:**

Please be assured that I will be writing to the new minister about the particular challenges faced in Enfield, particularly in light of the reduction in Government funding for education provision. I hope she will receive my letter with some sympathy and consider approving an increase in funding.

**Question 27 (Community & Custom Built Homes) Councillor Neville to Councillor Taylor, Leader of the Council**

What steps are the Council taking to market the community building scheme fund and make sure people know about it?

**Reply from Councillor Taylor:**

We are in the vanguard of councils on this scheme which the Department of Communities and Local Government has set up. The Government are due to consult later in the year on extending the scheme and the Council will engage with that consultation process.

**Question 28 (Commemoration of the First World War) Councillor Kepez to Councillor Taylor, Leader of the Council**

Can the Leader advise of the plans for commemoration activities, particularly around the 4 August 2014?

**Reply from Councillor Taylor:**

National ceremonies will be taking place to mark the centenary of the outbreak of World War I on 4 August 2014 including London and Belgium. In Enfield we will be holding a commemoration event in Broomfield Park on the same day.

National events are also being organised to commemorate the Battle of Jutland (as part of the war at sea), the Battle of the Somme and the Battle of Ypres.

On 11 November 2014 we will commemorate Armistice Day and will be looking, as a Council, to dovetail our activities with key dates.

There is already an exhibition in the Enfield Museum focussed around Enfield's involvement in the war and in the supply of armaments.

Key dates highlighted for members, on which further notice will be provided, are as follows:

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- Armistice Day 11 November 14
- Arctic Convoy Remembrance– 15 November 14
- Holocaust Memorial Day – 27 January 15
- Armed Forces Day – 27 June 15

**Question 29 (CCTV Camera Enforcement) Councillor Neville to Councillor Taylor, Leader of the Council**

Does the disagreement between Norman Baker MP (Transport Minister) and Eric Pickles, Secretary of State for Communities and Local Government, affect your view on the use of CCTV camera vehicles and fines for parking enforcement?

**Reply from Councillor Taylor:**

Whilst I'm not privy to debates in Cabinet, it's clear that Eric Pickles' views on this are not unanimously endorsed by motoring organisations or businesses. The results of the consultation show that some businesses feel CCTV is appropriately used and there is an economic need to enforce parking restrictions. Other organisations oppose the ban arguing that CCTV is vital to improve safety. 62% of respondents believed that local authority parking enforcement was reasonably applied in their area, which would suggest that Norman Baker's comments are more in line with these views than Eric Pickles.

At this stage the Mayor advised that the 30 minutes permitted for Councillor Questions had ended. As no extension in time was moved the meeting proceeded to the next item of business.

**36**

**CHANGE IN ORDER OF BUSINESS**

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

- Item 14.4: Motion in the name of Councillor B.Charalambous on refusal of application for a Primary School at Ashmole Academy.
- Item 14.3: Motion in the name of Councillor Stewart on Passport Office delays.
- Item 14.5: Motion in the name of Councillor Hamilton on Health & Social Care Act.
- Item 14.1: Motion in the name of Councillor Rye on review of scrutiny arrangements.

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- Item 14.2: Motion in the name of Councillor Neville on purchase of Chase Farm Hospital NHS Trust site.

The change in order of the agenda was put to the vote and agreed with the following result:

For: 36  
Against: 20  
Abstentions: 0

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

**37  
MOTIONS**

- 1.1 Councillor B. Charalambous moved and Councillor Orhan seconded the following motion:

“This Council notes the decision of the Department for Education to refuse to fund a primary school at Ashmole Academy and the impact this decision will have on school places in the borough of Enfield. This Council further notes the efforts of the Council to provide school places for the projected increase in population over the next decade and beyond and calls upon the Conservative led coalition Government to fully explain why it failed to fund Ashmole school, disappointing so many Enfield families with this decision.”

During the debate on this item, the Opposition Group highlighted what they felt to be the need for a direct mandate to be provided for the Cabinet Member for Education, Children’s Services and Protection to write to the Secretary of State for Education to express support for a new primary school on the Academy site. As a result Councillor Neville then formally moved and Councillor E.Hayward seconded the following amendment to the motion:

Delete all the words after the first sentence and replace with:

“The Council mandates the Cabinet Member for Education, Children’s Services and Protection to write to the Secretary of State for Education expressing support for a new primary school on the Ashmole Academy site.”

The amendment was subject to a period of debate, during which Councillor Charalambous (in exercising his right of reply as mover of the original motion) advised that the Council would be writing to the Secretary of State for Education asking for the decision to refuse the application for funding to be reconsidered. The amendment to the motion was then put to the vote and lost, with the following result:

For: 20  
Against: 36  
Abstentions: 0

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The debate then continued on the original (unamended) motion, during which Councillor B. Charalambous moved and Councillor Taylor seconded a further amendment, as follows:

To insert immediately after the word “explain” in the final sentence the words “and reconsider”.

Following a short debate the amendment was then put to the vote and agreed, with the following result:

For: 36  
Against: 0  
Abstentions: 20

The substantive motion (as amended and detailed below) was then put to the vote and agreed, with the following result:

“This Council notes the decision of the Department for Education to refuse to fund a primary school at Ashmole Academy and the impact this decision will have on school places in the borough of Enfield. This Council further notes the efforts of the Council to provide school places for the projected increase in population over the next decade and beyond and calls upon the Conservative led coalition Government to fully explain and reconsider why it failed to fund Ashmole school, disappointing so many Enfield families with this decision.”

For: 36  
Against: 0  
Abstentions: 20

**38  
DURATION OF COUNCIL MEETING**

The Mayor advised, at this stage of the meeting, that the time available to complete the agenda had now elapsed so Council Procedure Rule 8 would apply.

NOTED that in accordance with Council Procedure Rule 8 (page 4-8 – Part 4), the remaining items of business on the Council agenda were considered without debate.

**39  
MOTIONS**

The following motions listed on the agenda lapsed due to lack of time:

1.1 In the name of Councillor Rye:

“Enfield Council congratulates the officers supporting the scrutiny function over the past 10 years and achieving the CFPS award for excellence in 2010

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and the MJ award in 2012 and the Association of Public Services Award also in 2012. Enfield Council undertakes to review the effectiveness of any new Scrutiny arrangements by commissioning an independent peer review to report by June 2015.”

1.2 In the name of Councillor Neville:

“The Council welcomes the completion of the purchase of the Barnet and Chase Farm Hospitals NHS Trust by the Royal Free London NHS Foundation Trust. The Council notes that this is the first piece of potentially positive news in the chequered history of Chase Farm for a very long time!

The Council shares both, the Royal Free’s assessment that the site needs to be redeveloped and it’s acknowledgement that parts of the site are “no longer suitable for the delivery of modern health care”. The council is concerned however to see that the £100million of government investment in the site is actually delivered, and as quickly as possible. It looks forward to working with the Royal Free to secure this much needed and long overdue redevelopment, for the benefit of Enfield residents.”

1.3 In the name of Councillor Stewart:

“This Council recognises the distress and costs brought on to Enfield residents because of the Home Secretary’s crisis at the Passport Office. This Council calls on the Passport Office to refund all those residents who had to incur extra fees and costs because of the Home Secretary’s poor management of the agency. The Leader of the Council should write to the Home Secretary to pass on our view.”

1.4 In the name of Councillor Hamilton:

“This Council is calling on the three Enfield MPs to support the private members bill by MP Clive Efford to repeal the competition provisions in the coalition’s Health and Social Care Act. The bill will tackle Section 75 rules which force CCGs (Clinical Commissioning Groups) to put services out to market even if they do not want to.

This Council is dismayed by the fact that private providers have won the majority of tenders for services since the Health and Social Care Act came into force in April 2013, this shows that the Tory pledge that the NHS is not being privatised is untrue.

Therefore, we call on the three Enfield MPs to demand that the Tory led coalition government repeals the competitive tendering legislation in the Health and Social Care Act so that:

- CCGs are free to commission in the best interest of patients, as was promised before the passing of the Act and
- Scant NHS resources are used for front line patient services.”

**40**

**USE OF THE COUNCIL'S URGENCY PROCEDURES**

NOTED the details of the following decision taken under the Council's urgency procedure relating to the waiver of call-in and, where necessary, the notice required of a Key Decision along with the reasons for urgency. The decision had 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:

- Contract for external wall installation, roof replacement/insulation upgrade, window replacement, external structural repairs and associated works to the Exeter Road Estate & Welch House, Woolpack House.

**41**

**MEMBERSHIPS**

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

**(1) Councillor Conduct Committee**

The following be appointed as substitute members:

Labour Group: Councillor B Charalambous and Councillor Pite

Conservative Group: Councillor Lavender and Councillor AM Pearce

**(2) Conservation Advisory Group**

Councillor B Charalambous to be replaced by Councillor Pite

**(3) Health and Wellbeing Board**

Councillor Orhan and Councillor Taylor to fill vacancies.

**(4) Joint Consultative Group for Teachers and Staff Forum**

Councillor Kepez to fill the vacancy

**(5) Pension Fund Board**

Councillor Taylor to replace Councillor Keazor

**(6) Public Transport Consultative Group**

Councillor Chibah to fill Labour Group vacancy.

**(7) Schools Forum**

Councillor Keazor to fill the vacancy

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**(8) Secondary Tuition Centre**

To be removed from the Membership List

**(9) Staff Appeals Panel**

Councillor Jiagge to be appointed as Chair and Councillor Erbil as Vice Chair.

Councillor Abdullahi to fill vacancy.

**(10) Town Twinning and Tourism Working Group**

Councillor Erbil to replace Councillor Bakir

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**NOMINATIONS TO OUTSIDE BODIES**

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

**(1) Enfield Homes Board**

Councillor Fallart to replace Councillor Chamberlain.

**(2) LBE Enfield Racial Equality Council**

Councillor Jukes to replace Councillor Chamberlain.

**(3) London Councils – Greater London Employment Forum**

Councillor Taylor to be nominated as the main representative with Councillor Stafford as deputy.

**(4) North London Limited**

To delete from the list as the body is no longer in existence

**(5) Reserve Forces and Cadets Association for Greater London**

Councillor Jemal to fill vacancy

**(6) Safer and Stronger Communities Board**

Councillor Bond to be confirmed as Council representative.

**43**

**CALLED IN DECISIONS**

None received.



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**DATE OF NEXT MEETING**

NOTED that the next meeting of the Council would be held at 7.00pm on Wednesday 8 October 2014 at the Civic Centre.

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**MUNICIPAL YEAR 2014/2015 REPORT NO. 15A**

**MEETING TITLE AND DATE:**

Cabinet – 23<sup>rd</sup> July (KD 3943)  
Council – 8<sup>th</sup> October 14

**REPORT OF:**

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

<b>Agenda – Part: 1</b>	<b>Item: 7</b>
Subject: Strategy and Approach to delivering Pupil Places Wards: All	
Cabinet Members consulted: Cllr Ayfer Orhan and Cllr Andrew Stafford	

**Contact Officer:**

Michael Toyer, telephone: (020) 8379 5485  
e-mail: michael.toyer@enfield.gov.uk

**1. EXECUTIVE SUMMARY**

- 1.1 Since 2010 the Council has successfully managed delivery of 4,410 permanent Primary school places, in increasingly challenging conditions, with hundreds more secured through temporary and partner school arrangements where they have been needed. Enfield is now in the top quartile in London for being able to offer parents their first choice of Primary school through the admissions process.
- 1.2 This report sets the scene for the new administration's approach to the provision of school places for Enfield residents and updates the strategy for the provision of places. The update reflects:
- the 2014 annual review of the population projections about the expected demand for school places;
  - updated information on the current and planned supply of mainstream school places;
  - the increasing demand pressures on provision for children with Special Educational Needs; and
  - information from approved construction indexes and recent market activity on costs.
- 1.3 The overall demand for Primary school reception places up to September 2018 is projected to be broadly in line with the expectation reported last year. Throughout the year it became clear that there was less immediate demand pressure for most of the borough and delivery plans were adapted accordingly. The South West and North Central (Enfield Town) areas of the borough remain the most challenging in terms of demand for places but recent delivery has helped ease that pressure. Whilst there are some changes in supply in some pupil place planning areas, known Free / Academy Primary school provision does not meet all demand up to 2018.
- 1.4 There remains a need to deliver nine extra forms of entry between September 2015 and September 2018. Two of those extra forms are expected to be met by provision from Free/Academy Schools but the Council will need to plan to expand Local Authority maintained schools to ensure it continues to meet the statutory responsibility to provide sufficient school places in the borough.
- 1.5 Secondary school provision up to 2017/18 meets projected demand with extra provision expected to be delivered by Free/Academy Schools.

However, the position will need to be kept under review in case demand increases by more than expected or the extra provision does not materialise.

- 1.6 There is a pressing need to increase capacity in school and establishments that provide education services for some of the most acute special need categories. Autistic Spectrum Disorder is the highest priority in the short term.
- 1.7 Changes in market conditions for the construction sector have had a significant impact on costs. The indexes used for inflation and location have been updated but still lag behind real market conditions. This requires an update to the figures used to generate estimated costs for projects within the programme. An uplift of 26% is recommended.
- 1.8 Provision of free/academy school places in the North East area has removed the current need to expand and re-provide Brimsdown. This has been noted in a previous report about that secured agreement to rebuilding the kitchen and diner due to poor condition. There is the opportunity to re-allocate the remaining funding within the programme to minimise the increase to the indicative programme budget. Additionally where demand does not emerge as immediately as expected in some areas, project delivery and budgets will be re-profiled within the Capital Programme to minimise spend in the short term. Budgets and costs will continue to be monitored and adjusted through the quarterly Capital Monitor process.
- 1.9 For consistency of management arrangements the remainder of phase one PEP projects (Edmonton County, Worcesters and Prince of Wales), with their budgets, will be combined with phase two.
- 1.10 Delegated authority is already in place for a series of decisions to:
  - Establish the detailed programme and projects, including project level budgets within the programme; and
  - Agree procurement approaches, land transactions, place orders, submit planning applications and enter into contracts with required contractors.
- 1.11 This report was considered by Cabinet on 23 July 14, with the decisions made set out in section 3. The report has been referred on to Council, in order to approve the necessary changes to the Council's Capital Programme arising from adoption of the revised Strategy

## **2. RECOMMENDATIONS**

- 2.1 Having noted the decision taken by Cabinet on 23 July 14, Council is asked to approve the proposed changes to the Capital Programme, as detailed within the report.:

## **3. BACKGROUND**

- 3.1 Cabinet (23 July 14) considered this report and approved the following recommendations:

- 3.1.1 The updated strategy to provide the additional school places required up to 2018 and the continuation of the school expansion programme with an expanded scope to cover the expansion of capacity for special need provision up to 2018;
- 3.1.2 The project cost estimates generated for the 2013/14 Capital Programme are increased by 26% to take account of changes in construction market cost indexes and current market conditions;
- 3.1.3 That the overall programme allocation is increased from £63.4 million to £64.9 million to allow for changes in market conditions. This reflects the 26% increase on projects but has been minimised by re-allocating the remaining £10 million from the proposed Brimsdown rebuild that is currently not required to meet demand for places in the NE area. Project level budgets will be updated through the Capital Monitor process and given the pressures on the Council budget, as set out in the Medium Term Financial Strategy, the allocation for school expansions will be managed within the overall Capital Programme agreed in February 2014
- 3.1.4 Additional capacity be created to deliver educational services to pupils with special need, with the priority in the short term being Autism – subsequent reports will seek decisions on scheme and cost proposals;
- 3.1.5 Delegating authority to the Cabinet member for Education, Children's Services and Protection and the Cabinet Member for Finance in consultation with the Directors of Schools and Children's Services and Finance, Resources and Customer Services, or the Assistant Director of Strategic Property Services, to take relevant decisions on:
- The individual schools and sites that can be expanded, and decisions on statutory expansions, to meet the need for extra pupil places, both mainstream and special, up to 2018;
  - Entering in to contractual arrangements and placing orders for any capital works required for the projects;
  - Conducting any land appropriations as required for schemes to be developed; and
  - Conducting any necessary land transactions, including acquisitions by way of freehold or leasehold, as individual schemes are developed.
- 3.1.6 Delegating authority to the Directors of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on the:
- Programme management arrangements and operational resourcing, including procurement of any required support services;
  - Cost estimates, budgets and spend for projects in advance of updates to the Capital Programme;
  - Submission of planning applications; and
  - The appropriate procurement routes for individual schemes
- 3.1.7 To recommend this Council approval and adoption of the proposed changes to the Council's Capital Programme.

## **The Primary Expansion Programme**

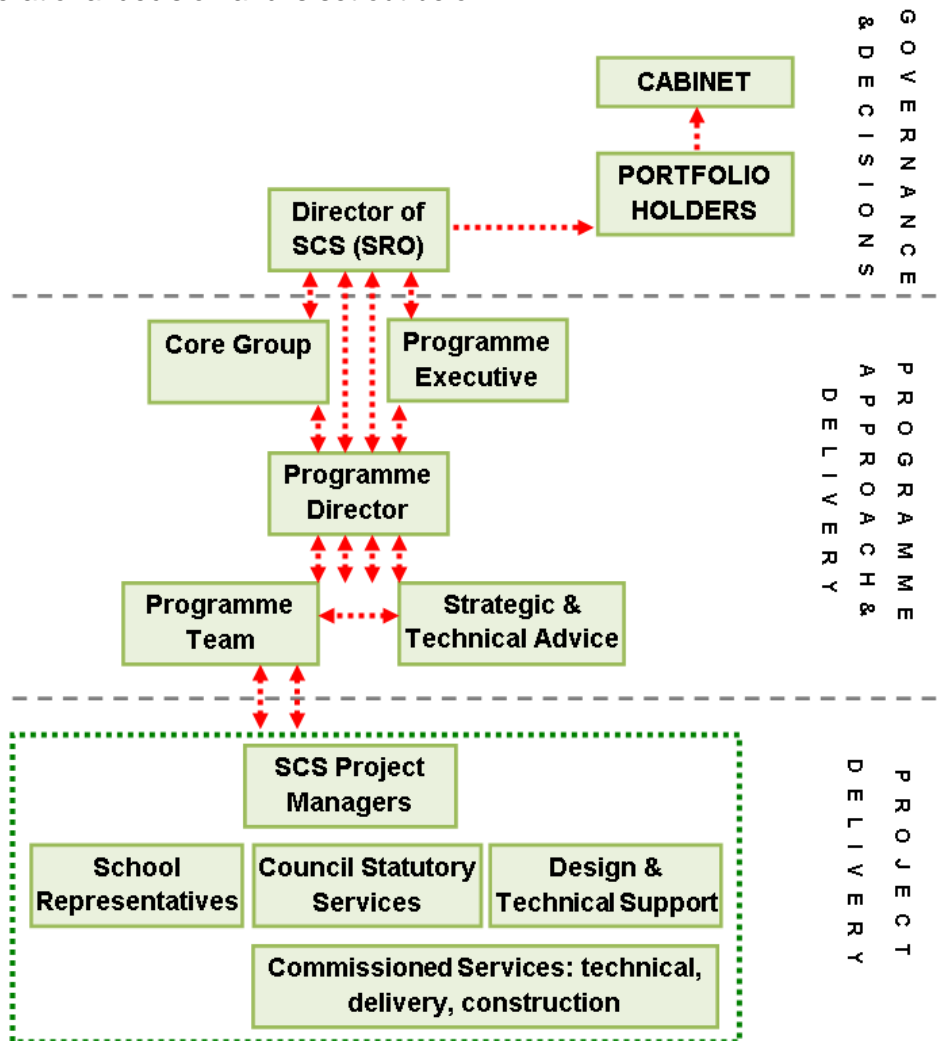
- 3.2 The Primary Expansion Programme (PEP) phase one was designed to provide an additional 1,890 permanent school places across all year groups, or nine forms of entry (FE), beginning in September 2013 across eight schools, including increased building capacity to support previous school expansions. This was supplemented and modified by creating a second phase of the programme.
- 3.3 Phase one delivered permanent expansions from September 2013 at Chesterfield, Highfield, George Spicer and Edmonton County schools. Works are ongoing at Edmonton County as it a large and complex scheme.
- 3.4 Last year's report moved the Grange Park expansion and Garfield rebuild projects into phase two. For consistency of management arrangements the following schemes from phase one are placed under the phase two programme management structure and overall budget allocation:
- 3.4.1 Worcesters Primary School  
Complete the accommodation requirements of the school's permanent expansion from 2 FE to 3 FE – extra space required by September 2015. Works have recently commenced.
- 3.4.2 Prince of Wales Primary School  
Complete the accommodation requirements of the school's permanent expansion from 2 FE to 3 FE – extra space required by September 2016. Design is complete but on-site conditions and the appropriate procurement approach are being assessed further.
- 3.5 Phase two schemes that are either being delivered or subject to feasibility work are:
- 3.5.1 Secondary Tuition Centre  
Secondary School Tuition Centre (Pupil Referral Unit) – New build modular accommodation to provide a consolidation, replacement Pupil Referral Unit that will have 150 pupils on the roll and can accommodate 100 at any one time on a new site in Bullsmoor Lane.
- 3.5.2 Garfield rebuild and expansion  
A full school rebuild and re-configuration of the site that includes a 1FE expansion and provision of sports facilities that can be shared with the community.
- 3.5.3 Grange Park  
Provide additional accommodation to complete the permanent 1FE expansion.
- 3.5.4 Bowes Edmonton  
Provide additional accommodation to support permanent 1FE capacity.
- 3.5.5 A school expansion at Grovelands  
A proposal to provide additional 2FE accommodation in new buildings.
- 3.5.6 A partner school at Broomfield Secondary  
Provide additional 1FE or 2FE accommodation as a pre-cursor to permanent capacity being made available through other expansion schemes.
- 3.5.7 Provision for the North Central area  
Feasibility for extra Primary provision is being investigated at:

- Chace Community (to create an all-age school with 2FE Primary intake);
- Chase Side (a 1FE expansion); and
- St John’s Primary (a 0.5FE expansion).

3.6 The management information currently available points to the need for some extra places in the North Central area to maintain an element of parental choice from September 2015. If there are feasibility or cost issues with any of the above three options being investigated then alternative options will need to be generated.

**Programme and Project Structure for the PEP**

3.7 The programme structure for phase two has been established through an operational decision and is set out below.



3.8 The new area-based Cabinet Associates will be involved through stakeholder and communication activity where there is a proposed expansion scheme in the area they cover.

**Procurement for the PEP**

3.9 The procurement approach for the programme was agreed by Strategic Procurement Board in November 2013.

- 3.10 In November 2013, Council's Strategic Procurement Board (SPB) agreed that construction procurement for phase two would be via the Framework route from the current shortlist of:
- Crown Commercial Service (formerly Government Procurement Service) -
  - Improvement and Efficiency Social Enterprise (IESE)
  - London Housing Consortium (LHC)
  - SMART East
  - Scape
- 3.11 In December 2013, SPB approved the use of Exor Framework for the procurement of external technical and professional services. SPB of December 2013 also approved the Longer Term Strategy that bespoke EU compliant framework agreements are procured to provide construction related professional services to augment CMCT to support delivery of PEP2 projects.
- 3.12 SPB has subsequently approved a transition from Exor to Construction Line in April 2014 and the use of this Framework will apply to PEP2 procurement of works and services.
- 3.13 As prices have significantly increased, and due to the increase in demand, in the construction sector it means the larger companies are stating that they do not have the capacity to deliver, therefore the approach to procurement will be kept under review. This would be routed back through Strategic Procurement Board for agreement.
- 3.14 The approach to procurement reflects Council's commitment to positively supporting the local economy through its sustainable procurement policy. Procurement activity will require contractors, where relevant and proportionate to the contract, to consider the use of apprentices, local supply chains, and local labour. This is implemented through use of the Community Benefit toolkit at the Invitation to Tender stage, the impact of which is reported back to SPB throughout each year.

### **Generating cost estimates for PEP projects and the programme**

- 3.15 It has been widely reported in the sector press that the construction sector has not only recovered since the economic downturn but has now in fact overheated. This has primarily been driven by the imbalance in the supply and demand in the housing market being exposed by the increase in demand in the last two years.
- 3.16 The situation is particularly acute in London where there is higher developer viability but also in the education construction sector due to the continuing demand for construction works to support higher demand for school places. Again this is doubly the case in London.
- 3.17 Since the school expansion programme, and projects within it, were established on the Capital Programme, there has been a significant change in market conditions. The Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) Tender Price Index and Outer London location factor used by the Corporate Maintenance and Construction Team has increased by 12.2% and 5.7% respectively, which when compounded gives an increase of 18.6%. BCIS base their figures on returns from the market and therefore lag behind real market conditions. Despite a rigorous tender process through established frameworks, this lag has been highlighted by a recent procurement for a modular building package where the average tender return was 26% higher, on a like for like basis, than the allowance for the project in the school expansion programme.



- 3.18 On that basis it is proposed that the cost estimates generated for last year's report are updated to reflect market conditions by 26%. Whilst all efforts will be made to produce the most cost-efficient design a balance needs to be sought between cost and quality. Additionally the most straightforward school expansions have already been identified and delivered. All the current projects in feasibility are more challenging due to site conditions or site context. Factors such as site size, or condition, and the context of as the surrounding environment, be it natural or urban, generally require design and construction solutions that are more costly. Many Councils are facing this problem and senior managers will continue to lobby the Education Funding Agency and the Department for Education on their unrealistic funding allocations for school place provision made through Basic Need.
- 3.19 It should be noted that that any cost estimates generated for projects at an early stage will always be subject to finalisation of requirements then the subsequent market testing. This may result in having to establish a budget for the construction works that requires adjustment to the Capital Programme, which will be managed through the quarterly Capital Monitor process.

#### **4. Confirming the need for the School Expansion Programme to deliver extra places between September 2014 and September 2018**

##### **The need for Primary School pupil places**

- 4.1 The assessment of need for the next four years is based on the Greater London Authority (GLA) school roll projections. The recommendations on reducing the number of school place planning areas and establishing an allowance to cover changes in the statistics from last year's independent review of pupil place projections by OpenBox Consulting have been accepted. The boundaries of the school place planning areas will be reviewed during the year to ensure they balance the statistical areas used to produce the projections and the reality of travel flows to schools.
- 4.2 The GLA school roll projections are increased by 5% for Primary and 3% for Secondary to allow for fluctuations in population projections. These increases have been validated by the Department for Education through the annual statutory returns via the School Capacity Collection to the Education Funding Agency. The basis for this increase is that the Primary school roll projections can change for any given year between each annual GLA statistical release. The range is from 1% to 2% at borough level, which is relatively stable, but for the place planning areas that change can be up to 10% in either direction for any given year.
- 4.3 Additionally, Department for Education Guidance published in September 2010 recommends a minimum provision of 5% surplus of Primary school places to allow for parental choice. Previous guidance suggested a range of between 5% and 10% surplus whilst the Audit Commission recommended a 10% surplus to achieve the best balance between use of resources and supporting parental choice. In May 2012 the average surplus of Primary provision was 10% nationally<sup>1</sup>.
- 4.4 In recognition of the Council's aspiration to provide an element of parental choice in school places, programme delivery aspires to provide a surplus of up to 5% of places in each pupil place area for both Primary and Secondary. Surpluses significantly more than 10% in an area should be avoided where possible as this could lead to over provision and negatively impact on the use of resources.
- 4.5 The April 2014 GLA School Roll Projections amend the 2013 release and create the following picture of demand over the period up to 2018:

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<sup>1</sup> National Audit Office, Capital Funding for New School Places, published March 2013

- Demand has not emerged as expected in the short term, including for September 2014, but is due to increase rapidly from 2017.
- The South West area of the borough remains the area in most need of extra places but there is less immediate pressure for September 2014.
- The North Central (broadly Enfield Town and Bush Hill Park) area also continues to need extra places but the immediate pressure for the short-term is less than previously projected.
- For other areas there is now extra capacity to support more parental choice and movements across planning areas. Extra capacity will be required from September 2017 or 2018 to maintain some degree of choice across each area.
- The numbers of in-year admission has been increasing in recent year, no doubt reflecting the change in migration patterns across London. This impact on demand outside the standard assessment of the projection reception age children.
- For September 2014 provision, existing and planned capacity meets demand on a borough basis<sup>2</sup> and for each of the six pupil place planning areas including allowances for recent school expansions that service more than one area<sup>3</sup>.
- At the borough level surplus places, or spare capacity ranges between 2% and 4% up to 2018 which is acceptable. However surpluses vary across areas ranging from low levels of 1% to 8% in any given year. However, increasing demand across all areas, apart from Hadley Wood, erodes all surpluses by 2018.

4.6 It should be noted that there are two factors that the GLA school roll projections do not take account of:

- Significant housing developments which will have a direct impact on the demand for school places locally. Housing development data is used to allocate population across geographic areas. Therefore the pipeline of significant housing developments will need to be monitored separately and any extra provision planned for as individual developments come forward.
- Cross-borough movements of pupils. The numbers of children that go to school in other boroughs fluctuates annually but in recent years there has been increase in the net outflow of reception age pupils. This needs to be monitored and addressed and there is a separate activity to make residents more aware of the success of local schools.

4.7 The number of in-year admissions, particularly at Primary school age, has been rising in recent years. Information for the Council's Admissions Services is that the Borough now experiences high demand for primary school places from parents who are new to the area. There is particular pressure on Year 1 and Year 2. The situation is monitored regularly at a senior level and options are being explored to provide additional classes within Key Stage 1 if they are required.

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<sup>2</sup> Based on the GLA school roll projections which cannot take account of cross-borough application and movements.

<sup>3</sup> Applies to Edmonton County (Little Bury St) and Worcesters where extra capacity provided through recent school expansion serves more than one pupil place planning area. This is partly due to each of these schools being on the border of two pupil place planning areas.

4.8 The table below outlines the need for Primary School places for September 2015 and beyond. It should be noted that in all Primary school expansions the reception class is required initially, followed by extra classes for school years one to six to accommodate the increased number of pupils as they move up each year. Following a school expansion decision it takes seven years for the school to reach full capacity.

<b>Enfield Primary Areas</b>	<b>Recent delivery to meet demand for Sept 2014</b>	<b>Delivery required to meet demand for Sept 2015</b>	<b>Delivery required to meet demand beyond Sept 2015</b>
North East Enfield	ARK John Keats provided one extra class (30 extra places). Area surplus capacity is expected to be around 1% which is low and reduces parental choice	One extra form of entry is required to meet demand and is expected to create surplus capacity of 4% to support parental choice	Extra capacity required from 2019 as the surplus capacity is expected to drop to 2.6%. Subject to annual review of GLA projections
South East Enfield	Bowes Edmonton will provide one extra class (30 places) to meet demand. Area surplus capacity is expected to be 2%.	None required to meet demand. Surplus capacity is expected to be around 3% to support parental choice.	One extra form of entry is required from 2016 then another by 2017 to meet demand. Surplus capacity is expected to drop to 1% by 2018 requiring a further form of entry. Subject to annual review of GLA projections
North Central Enfield	George Spicer completed to allow one extra class, in addition to the one extra class in Sept 2013 (30 extra places). Area surplus capacity is expected to be 3%	One form of entry is required to maintain an element of surplus capacity to support parental choice which is expected to be 4%.	Extra capacity required from 2018 where the surplus capacity is expected to drop to 3%. Subject to annual review of GLA projections
South West Enfield	Edmonton County will provide one extra class (30 places) in addition to the one class in Jan 2014. A partner school located at Broomfield secondary will provide one extra class (30 places). Area surplus capacity is expected to be around 6%.	No extra capacity required if partner school continues to provide one form of entry. Surplus capacity is expected to be around 3% to support parental choice.	Two permanent extra forms of entry required from 2016 <sup>4</sup> where the surplus capacity is expected to drop to 2%. Surplus capacity is expected to drop to 0% by 2018 requiring a further two forms of entry. Subject to annual review of GLA projections
West Central Enfield	No extra classes required but Wolfson Hillel (a faith based school) delivered an extra 15 places. Area surplus capacity is expected to be 4%	None required to meet demand. Surplus capacity is expected to be around 3% to support parental choice.	Extra capacity required from 2019 where the surplus capacity is expected to drop to less than 1%. Subject to annual review of GLA projections
Hadley Wood	No extra capacity required	No extra capacity required	No extra capacity required

<sup>4</sup> Permanent provision required to replace partner school delivered in Sept 2014

## Meeting the demand for Primary School Reception Classes and Places from September 2015

4.9 The list of options for provision of extra Primary capacity was generated for last year's Cabinet report and the establishment of phase two of the School Expansion Programme. The current position on those options in terms of the required timescale for provision is summarised in the table below. Requirements are to meet demand and to create a degree for surplus capacity to support parental choice.

Primary Area	Schools/sites	Comments (need)	Comments (delivery)
North East Enfield	A primary school expansion (+1FE at Oasis Hadley)	Required from 2015	Subject to planning, procurement and delivery. Secondary space can be used for the short-term if necessary. No contingency required.
South East Enfield	A new free school (+ 1FE in new 2FE school at Meridian Water)	Required from 2016	Subject to consultation, feasibility and funding – would not be Council funded. May need to investigate option of providing a 3FE school on this site if other options to meet demand from 2017 and 2018 cannot be sourced
	A potential primary school expansion (+1FE)	Required from 2017	Options to be investigated and developed for 2017 and 2018 following a review of the pupil flows to Oasis Hadley, which is in another place planning area but in close proximity to the border
North Central Enfield	A potential primary school expansion (+1FE at Chase Side)	An option to meet demand from 2017	Further options to be investigated in relation to securing required extra land. Subject to consultation, feasibility and funding.
	A potential primary school expansion (+0.5FE at St John's)	An option to help meet demand from 2017	Subject to feasibility, consultation and availability of funding
	A potential expansion to create an all-age school (+2FE at Chace Community)	An option to meet demand from 2017	Subject to feasibility, consultation and availability of funding
	Potential temporary provision or partner school as a pre-cursor to permanent provision	An option to meet demand from 2015	A contingency option to be developed to allow the above schemes to be investigated and delivered.
	A potential expansion of an academy to become an all-age school (+2FE at Kingsmead)	An option to help meet demand from 2016 or later	Information from school consultation. Subject to a successful application to the Department for Education, then feasibility, planning and availability of funding – would not be Council funded
South West Enfield	A partner school expansion (+1 FE)	Required from 2014	Managed by Bowes Learning Alliance on the Broomfield Secondary school site. Required until permanent provision secured
	A potential primary school expansion (+2 FE at Grovelands)	Required from 2016	This could include the +1FE from the partner school above. Subject to feasibility, consultation and availability of funding

Primary Area	Schools/sites	Comments (need)	Comments (delivery)
	A potential expansion to create an all-age school (+2FE at Broomfield)	An option to meet demand from 2018	A longer term option and subject to further discussion with the school, consultation, feasibility and funding.
	A primary school expansion (+1FE)	An option to meet demand from 2018	A longer term option that is being investigated, which has been carried forward from phase one and will be subject to further consultation, feasibility and funding.
	A potential expansion of an academy to become an all-age school (+2FE at Ashmole in Barnet)	An option to help meet demand from 2015	Ashmole Academy is proposing an expansion and its proximity to the Enfield border is such that it could make a noticeable contribution to meeting borough demand if the Head Teacher's suggestion that the catchment area may cover some of Enfield is implemented. Subject to then feasibility, planning and availability of funding
West Central Enfield	No extra reception capacity required until 2019		Options to be investigated and developed.
Hadley Wood	No extra reception capacity needed		Options not required.

- 4.10 As a result of the increase in in-year admissions, there may be a need to provide extra year one or year two classes from September 2014 or at any point through the academic year. The situation is monitored and assessed by the Council's Admissions Service and contingency plans will be implemented if the need for extra places warrants intervention.

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

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

<b>Primary Provision</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL (FE)</b>	<b>TOTAL (places)</b>
Projected Demand	+2FE	+3FE	+1FE	+3FE	+9FE	+1,890
Free/Academy school supply	+1FE	+1FE <sup>5</sup>	0	0	+2FE	+420
Requirement for Council funded supply	+1FE	+2FE <sup>6</sup>	+1FE	+3FE	+7FE	+1,470

4.12 Overall the demand for places is the same as projected last year but the requirement for Council funded provision is 1FE or 210 places lower on account of the changes provision from academies and free schools, and lower demand than expected, in the North East area. The proposed project at Brimsdown has subsequently been removed from the programme.

4.13 The current delivery activity to increase the supply of placed through the second phase of the School Expansion Programme can be summarised as:

- Deliver one extra form of entry by September 2014 in the South West of the Borough – this will be a partner school in advance of permanent provision;
- Investigate options and deliver an extra two forms of entry by September 2016 in the South West area of the Borough – this is subject to feasibility, planning, funding and annual review of population projections;
- Investigate options and deliver an extra two forms of entry by September 2018 in the South West area of the Borough – this is subject to feasibility, planning, funding and annual review of population projections;
- Investigate and deliver options to deliver an extra one form of entry by September 2015 in the North Central area of the Borough – this is subject to feasibility, planning and funding: temporary provision may be required if current options are not feasible for delivery;
- Investigate and deliver options to deliver an extra one form of entry by September 2017 and another one by September 2018 in the South East area of the Borough – this is subject to feasibility, planning and funding and annual review of population projections; and
- Monitor the progress of Free/Academy Schools that are seeking to provide places that affect provision in the Borough, particularly:
  - Oasis Hadley – due to deliver +1FE in the NE area from Sept 2015;
  - Meridian Water – due to deliver +2FE in the SE area from Sept 2016 (with 1FE transferring from current provision at Dyson's Road);
  - Kingsmead – if accepted by the EFA could deliver +2FE in the North Central area
  - Ashmole – if there is an Enfield specific element to the catchment area then it could deliver +1FE for Enfield children in the South West area; and

<sup>5</sup> This will be one extra form but in a new two form of entry school taking one from existing provision at Dysons Road

<sup>6</sup> Funding for permanent provision to replace partner school delivered in Sept 2014

- St Mary's in Broxbourne – this could potentially attract parents from the North East of the borough and perhaps the North Central area but access is not easy. The impact is expected to be minimal but it should be monitored.

### **The need for Secondary School places**

- 4.14 The assessment of need for the next four years is based on the Greater London Authority (GLA) school roll projections. The independent review by OpenBox proposed three pupil place planning areas for Secondary provision whilst the Council currently has four in place for the GLA projections. However, two important factors point to the need to actually consider Secondary school place planning at a borough level. These factors are:
- Half of the Borough's Secondary schools are in close proximity to at least one of the Secondary place planning boundaries; and
  - Secondary age children are likely to travel further to a school of their choice.
- 4.15 The GLA school roll projections for Secondary are increased by 3% to allow for fluctuations in population projections. These increases have been validated by the Department for Education through there is in the annual statutory returns via the School Capacity Collection to the Education Funding Agency. It should be noted that the Secondary roll projections have fluctuated much more in the last release, up to 12% for some years at borough level, with the south of the borough seeing larger differences of up to 17%.
- 4.16 The Department for Education and Audit Commission guidance is the same for Secondary as it is for Primary so there is an aspiration to provide a surplus of up to 5% across the borough to allow for parental choice.
- 4.17 The April 2014 GLA School Roll Projections amend the 2013 release and create the following picture of demand over the period up to 2018:
- On a borough-wide basis there is spare capacity until 2017 but from September 2018 extra places are likely to be required. This will need to be monitored annually.
  - Demand in 2014 is an anomaly as it both lower than previously estimated and lower than 2013. By September 2015 it will have returned to higher than 2013 levels and will be on an increasing trend line.
  - Surplus capacity is high in 2015, due to the drop in demand, and will have been completely eroded by 2018 where there will be a shortage of places.
  - There is more spare capacity in the East of the borough due to the recent provision from academies and free schools. However, the area is well served by bus routes allowing easy access from other areas of the borough.
- 4.18 It should be noted that there are two factors that the GLA school roll projections do not take account of:
- The GLA projections do not include an allowance for significant housing developments which will have a direct impact on the demand for school places locally. Housing development data is used to allocate population across geographic areas. Therefore the pipeline of significant housing developments will need to be monitored and any extra provision planned for as individual developments come forward.
  - Cross-borough movements of pupils. The numbers of children that go to school in other boroughs fluctuates annually and is generally higher at Secondary age due to pupils travelling further to school. However, in recent years there has been increase in the net outflow of Year 7 age pupils. This needs to be monitored and

addressed and there is a separate activity to make residents more aware of the success of local schools

### **Meeting the demand for Secondary School Year 7 Classes and Places from September 2015**

- 4.19 Plans already in place for ARK John Keats have ensured delivery of an extra six forms of Year 7 classes (180 places) for September 2014. Additionally Heron Hall academy is expected to increase its provision from three forms (90 places) of Year 7 classes to eight forms over the coming years, subject to feasibility and planning consent. The current assumption is that eight forms of year 7 classes will be available from September 2016.
- 4.20 Due to the change in projected demand for 2014 there is expected to be surplus capacity of around 15% for one year only. However that surplus falls significantly from 2015 onwards.
- 4.21 With the provision of extra capacity at ARK John Keats and Heron Hall there will be sufficient Secondary capacity until September 2017 when the surplus will have fallen to 4% and will be beginning to limit parental choice. Ideally extra Secondary provision should be made available from September 2017 but will definitely be required from September 2018.
- 4.22 Currently ARK North Enfield has been confirmed by the Department for Education as a new school and the Education Funding Agency are in the process of planning delivery of the buildings required for proposed six form entry school in the East of the borough. The extra capacity from this school should ideally be delivered by September 2018 to help meet borough demand.

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

- 4.23 It is proposed that for the provision of extra Secondary Year 7 places the Local Authority:
- Continues to monitor the progress of Free/ Academy Schools that are seeking to provide places in the Borough, particularly:
    - Heron Hall academy which is due to provide an extra five forms of entry (on top of the current three) in the East of the borough from September 2016 in the East of the borough; and
    - ARK North Enfield which is due to provide an extra six forms of entry in the East of the borough. Ideally provision should commence in September 2018 and scale up in subsequent years.
  - Continues to annually review the Secondary school pupil place projections alongside Free / Academy school applications then updates the strategy for providing places accordingly.

### **Special school places**

- 4.24 The Council is currently working with practitioners to update the Special Educational Needs (SEN) Strategy to account for the increase in demand for provision and the appropriate approach to address to different categories of need. There have been a number of discussions with practitioners about demand, one example being the Schools Forum in December 2013 where it was agreed that extra provision to support autistic children was required.
- 4.25 Whilst numerically the overall number of school-age pupils with a SEN is broadly the same as in 2010 there has been a disproportionate and significant increases in some of the categories where specialist provision outside of maintained schools is the appropriate delivery solution. Primarily this is Autistic Spectrum Disorder and Severe



and Complex Learning Difficulty, where there is now a pressing need to increase capacity.

4.26 Some of the key demand factors are:

- The numbers of pupils with high level autism needs and Severe Learning Difficulty has risen disproportionately. Between 2010 and 2014 the proportion of SEN in these categories rose by 36% and 43% respectively.
- The numbers of Additionally Resourced Provision (ARP) in mainstream have increased. These take children who would have gone to special schools in the past.
- There is an increase in demand for special school places particularly as pupils move from primary to secondary mainstream provision.
- It has become apparent that a number of Reception age to Year Two pupils have need that far exceeds the support that can be provided in a mainstream setting, this has created a lower picture of demand and the impact will need to be assessed.
- There is a worrying rise in young teenagers/adults, including those with SEND, who have been in mainstream and who are struggling with increasing levels of mental health/emotional difficulties as the numbers move through from primary schools.
- Where the LA cannot meet the demand for special school places parents are requesting out of borough provision and applying to the SEND tribunal if refused. Where out-of-borough provision for autism has to be utilised then significant costs per pupil are incurred at between £50k to £80k (day provision) depending on the level of need and institution. This excludes the cost of transport which raises the overall cost significantly.

4.27 On the supply side whilst the Council has increased special school places over recent years and they are now at capacity and cannot fully address demand for Enfield children. Whilst there was a successful growth bid in 2013/14 for extra special school places more needs to be done to increase capacity to address the main demand factors listed above. Three out of the six special schools have been asked to take temporary/ bulge classes for September 2014 and in addition to the temporary classes the LA is having to request for between 5-10 additional specialist out of borough place for September 2014.

4.28 With existing capacity that has been increased on a temporary basis already stretched it is now time to develop permanent extra capacity of Special Educational Needs provision. Options are being developed to achieve that which includes any land acquisitions or capital building works required alongside service changes and revenue implications. These will be brought forward in separate reports to secure agreement to the approach and funding, including where necessary inclusion of projects on the Capital Programme. Any capital build projects will be managed through the school expansion programme structures and governance.

#### **Pupil Referral Unit places**

4.29 Recent legislation (April 2013) requires that all Pupil Referral Units are managed and funded in the same way as maintained schools. As part of the implementation of this change in legislation the Council has confirmed the need to increase places and this will be achieved through relocation and expansion of provision at the new Enfield Secondary Tuition Centre.

4.30 The demand for PRU places will continue to be monitored and any requirements for extra provision will be the subject of further reports.

### **Programme and project management**

- 4.31 The programme and project management arrangements from phase one were modified as part of last years' report that established phase two of the programme. A programme document has been put in place that established:
- The governance structure and strategic decision-making protocols;
  - Delivery governance, structures and key delivery roles;
  - A consistent approach to delivery activity for phase two projects that is aligned to industry standards, corporate ways of working and corporate systems;
  - Information requirements to support decision-making and consistent reporting; and
  - Mechanisms to manage the flow of accessible accurate information for each project and the programme overall to internal and external stakeholders.
- 4.32 Those arrangements are being implemented in parallel with the modernization agenda and the leaner programme. During this period of wider Council transformation the risk that programme operations could be hindered by changes to systems or staff unfamiliarity with systems is being managed through regular meetings with staff working in the Transformation and Leaner Teams.

### **Stakeholder engagement**

- 4.33 Alongside the programme management arrangements a Stakeholder Engagement Strategy has been put in place for the programme. This is to ensure that the pro-active approach to consultation and communications is maintained. The programme objectives for stakeholder engagement are:
- To Achieve wider Council commitments about communication and consultation;
  - Stakeholders are identified, appropriately informed and consulted in the right way at the right time;
  - Communication and engagement to stakeholders is pro-active and clear to ensure there is clarity amongst stakeholders about the Council's plans; and
  - Opportunities for dialogue are provided to ensure that stakeholders understand how and when they can contribute their views;

## **5. ALTERNATIVE OPTIONS CONSIDERED**

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

## 6. REASONS FOR RECOMMENDATIONS

- 6.1 The Council has an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. This report sets out the proposed strategy and delivery arrangements to oversee delivery arrangements for schools with funding secured for expansion, to further develop options for expansion by conducting feasibility studies and consultation with the schools identified and to secure funding through opportunities that become available.
- 6.2 This strategy and delivery arrangements will deliver the additional reception places required in the areas of highest demand up to 2018. The expanded capacity aims to provide a higher level of flexibility built in to counter sudden increases in demand.

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

### 7.1 Financial Implications

- 7.1.1 The previously approved 2013/14 to 2016/17 capital programme as reported in March for the Q3 monitor included a total of £63.4m for the phase two programme, including the Secondary Tuition Centre. The new 2014/15 to 2017/18 capital programme approved by cabinet as part of the budget report in February 2014 also included a provision of £8.7m in 2017/18 for future provision from Basic Need grant that has not been allocated to specific schemes. This brings the revised budget to a total of £72.1m which is profiled below, takes account of slippage in spend which will be reported with the 2014/15 Q1 monitor.
- 7.1.2 The re-phased programme, including the proposed 26% uplift, totals £64.9m and can be met within the existing programme budget, both for the existing year and for the overall programme. This is achieved partly due to the removal of Brimsdown school from the programme as described in para 4.11. The slippage of the programme into 2017/18 also means that the provision of £8.7m that had been allocated in that year against possible future provision has now been allocated against the PEP 2 programme. The phasing of the revised programme and the latest approved programme are set out below.

	2013/14 000s	2014/15 000s	2015/16 000s	2016/17 000s	2017/18 000s	TOTAL 000s
Approved allowance on Capital Programme (Feb 2014)	£1,372	£18,298	£15,406	£28,333	£8,700	£72,109
Re-profiled allowance Capital Programme	£1,372	£15,254	£16,958	£20,901	£10,402	£64,887

- 7.1.3 The revised forecasts include an uplift of 26% recommended as a representation of market conditions and the construction sector indices. However this is indicative and as each project is developed through the stages of feasibility, planning and delivery value for money tests will be applied. As design and procurement progresses individual project budgets

and funding will be established and subject to further agreement. At that stage, relevant comparisons with industry benchmarks will be made.

- 7.1.4 The availability of funding for the programme will depend upon future allocation of government grants such as Basic Need Grant. If such grant funding is not forthcoming, decisions on individual schemes will need to be taken in the context of affordability, taking account of the impact that prudential borrowing would have on revenue budgets. For every £1 million of borrowing, an additional pressure of £85k will need to be added to the annual revenue budget. The programme is partly funded from Targeted Basic Needs grant and expenditure is being closely monitored to ensure that grant conditions will be met to avoid any clawback of funding. Where there are other relevant opportunities in the future to bid for capital funding then these will be taken to contribute to the programme budget and minimise prudential borrowing.
- 7.1.5 In respect of proposals around the provision of surplus places as set out in this report the risk that this could pose to schools revenue budgets should be noted. This could arise if a school has an excessive number of surplus places as schools are funded on pupil numbers and not on places provided. Where a large number of empty places occur the school will lose funding which could compromise their ability to set a balanced budget.
- 7.1.6 Project costs and budgets will be managed through the programme structure under the Director of Schools and Children's Services with decision-making linked to the quarterly Capital Monitor process.

## 7.2 Legal Implications

- 7.2.1 Section 14 of the Education Act 1996 requires that an authority ensures that sufficient school places are available within its area for children of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to actively plan to remedy any shortfall. Section 111 of the Local Government Act 1972, includes the power to do anything ancillary to, incidental to or conducive to the discharge of any of its statutory functions. The recommendations within this report are in accordance with these powers.
- 7.2.2 Each school expansion will be subject to the statutory consultation process prescribed by Section 19 of the Education and Inspections Act 2006, The School Organisation and Governance (Amendment)(England) Regulations 2009, and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 . There is also statutory and non-statutory guidance (School Organisation – Maintained Schools) issued by The Department for Education in January 2014. The decision on each statutory expansion will be made by the Cabinet Member for Children and Young People.
- 7.2.3 Where Planning Permission is required in respect of any school expansion that proceeds beyond feasibility considerations and initial consultation with schools such will be accordance with the Town and Country Planning Act 1990 (as amended). This will require statutory and public consultation. Pursuant to the Council's constitution such will be required to be considered at planning committee. Works should not commence until such time as approval is given and any pre-commencement conditions (if required) by the planning permissions are discharged.
- 7.2.4 All procurements of goods/services/works will be in accordance with the Councils Constitution, in particular Contract Procedure Rules ("CPRs"). In

particular, the Council is able to utilise a range of EU compliant frameworks to engage the services of construction contractors or technical support staff such as architects or quantity surveyors in full compliance with the CPRs. Any use of a framework must be in accordance with the framework terms.

- 7.2.5 All legal agreements will need to be in a form approved by the Assistant Director of Legal Services.
- 7.2.6 Any acquisition or disposal of land will need to be in accordance with the Council's Property Procedure Rules.

### **7.3 Property Implications**

- 7.3.1 The Strategy set out in this report will provide additional primary places in local areas of need.
- 7.3.2 Where there is a requirement for expansion, existing Council assets will be reviewed in the first instance. Where an acquisition may present itself, in order assist in the School Expansion Programme, these opportunities will be need to be assessed in more detail with feasibility and due diligence studies.
- 7.3.3 Stamp Duty Land Tax (SDLT), transactional costs (legal, surveyors and disbursements), potential VAT, holding costs including security and vacant premises rates will need to be considered when acquiring a property and a suitable strategy will need to be enabled to limit the Council's exposure to these cost items
- 7.3.4 The site values will depend upon the prevailing market conditions at the time, and external valuations may be required to support the acquisition of land.
- 7.3.5 The land acquisition strategy will be challenging. Several internal and external approvals will be required and the Council will need to ensure appropriate consents are obtained or in place.
- 7.3.6 If existing Council assets are to be brought in to assemble land for an expansion then Appropriation to the correct holding department will be required. If Appropriation from the Housing Revenue Account to the General Fund is required then all transactions will be undertaken at current existing use value.
- 7.3.7 Initial consultations regarding acquisitions should require the Assistant Director of Strategic Property Services to be either present or informed.
- 7.3.8 Relevant stakeholder consultation will be required from the outset to support either acquisition or disposal of land and gaining planning permissions. Depending on the site and land-use designation, consultees could include English Heritage, the Greater London Authority (GLA), Sports England and the appropriate Secretary of State.
- 7.3.9 The use of modular construction will assist with speeding up the construction process, but requires significant investment upfront in the design process. Additionally it has the potential to lower costs as compared with the traditional build routes but this requires assessment given recent market conditions and tender returns on modular packages. Modular construction also significantly improves a buildings environmental performance and overall sustainability.
- 7.3.10 To meet statutory requirements it is vital to ensure that the Council's financial accounts do not include buildings (or parts of buildings) that have been demolished. To ensure we have high quality records and meet our

statutory obligations Education Asset Managers will complete a demolition notification form and return to Property Services.

- 7.3.11 An inventory list of any material procured and produced will need to be kept. In the event of failure, appropriate arrangements will need to be made for these supplies to be retained and secured for the Council until a decision is made on how best to dispose of them.
- 7.3.12 Property Services will need to be aware and sent the new data being generated for the expansion of these schools. These include floor plans with room data for the purposes of the Asset Management System, Atrium.
- 7.3.13 Property Services is involved in the programme management structure and is able to advise on acquisition, disposal and other land development issues.
- 7.3.14 Once planning permission is gained Building Regulations will need to be adhered to as part of the enabling and construction works.

## **8. KEY RISKS**

### **Additional capacity and contingency**

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

### **Concerns about school expansions**

- 8.4 Experience to date suggests that the three most significant factors likely to cause concern to some stakeholders are car parking, increased traffic flows and the exterior treatments of outward facing structures. The programme and project team members will work closely with schools and Governing Bodies to ensure that designs are of high quality and that issues of concern are addressed in the design proposals, including traffic management once technical information is available.
- 8.5 Both the informal and statutory rounds of consultation will be managed in a way that makes them accessible to stakeholders, including residents, to maximise opportunities for input.

### **Basic Need Funding**

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

### **Delivery Timescales**

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

### **Planning Consent**

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

### **Costs**

- 8.9 The estimated cost of expansion as outlined in the body of the report could well place additional strain on the Council's finances. If Government grant funding is not forthcoming then prudential borrowing might have to be a route to funding school expansion but this would have a significant impact on revenue budgets. For every £1 million of borrowing, an additional pressure of £85k will need to be added to the annual revenue budget.
- 8.10 The overall programme cost and the amount included on the Capital Programme will be reviewed as part of an annual programme review in April that will consider the updated statistics on pupil places; levels of school provision, particularly planned Academy or Free School provision; construction market inflation and the progress of individual projects.
- 8.11 Costs for each established project will be managed through the project and programme management governance arrangements already put in place and be subject to the Council's usual due diligence and value for money tests. Changes in estimated costs, established budgets and the spend profile will be managed through the Capital Programme via the quarterly Capital Monitor updates.
- 8.12 Wider economic and market conditions are likely to be a major factor in terms of contract costs. As previously stated, the construction index lags behind real market conditions suggesting it will increase again next year. Statutory requirements around the provision of places and guidance around teaching space sizes limit options on reducing the quantity of provision. Reducing the quality of provision will not be able to counter balance a buoyant construction market and in addition to increasing the risk of higher maintenance costs it could have a negative impact on school Head Teachers' and Governors' willingness to support expansions in the first place. Additionally they may even form a negative view of the Council as a stakeholder.

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

### **Fairness for All**

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

### **Growth and Sustainability**

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

### **Strong Communities**

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

## **10. EQUALITIES IMPACT IMPLICATIONS**

- 10.1 An equality impact assessment was completed for approval of the overall strategy in June 2012. The strategy was developed to ensure that there are sufficient places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to high quality education. The delivery of the strategy is updated annually following a review of pupil place projections. In accordance with the publication of statutory notices, full consultation with residents and parents on each proposed school expansion will be conducted.

## **11. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 11.1 The provision of additional places at the schools identified in this report will enable the Authority to meet its statutory duty to ensure the availability of sufficient pupil places to meet demand. The programme management arrangements are established and this provides the mechanism for both programme and project monitoring to ensure objectives are met.
- 11.2 The strategy presented in this report is consistent with the national agenda for expanding popular and successful schools.

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

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

## **13. PUBLIC HEALTH IMPLICATIONS**

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



**MUNICIPAL YEAR 2014/2015 REPORT NO. 25A**

**MEETING TITLE AND DATE:**

Cabinet - 23 July 14  
Council – 8 October 14

**REPORT OF:**

Director for Regeneration and Environment

Contact officer and telephone number:  
Jeff Laidler, 0208 379 3410

<b>Agenda - Part: 1</b>	<b>Item: 8</b>
<b>Subject: Lee Valley Heat Network Business Plan</b>	
<b>Key Decision No: 3706</b> <b>Wards: All</b>	
<b>Cabinet Member consulted:</b> Cllr Alan Sitkin, Lead Member for Economic Development	

**1. EXECUTIVE SUMMARY****1.1 What is the Lee Valley Heat Network?**

1.1.1 The Lee Valley Heat Network (LVHN) is a capital infrastructure scheme linked to the regeneration of the Lee Valley, which aims to:

- Become the first city-scale heat network in London;
- Provide heating & hot water to thousands of homes & businesses in the Lee Valley, as shown in the Vision Map (Appendix 1);
- Ultimately connect to similar networks serving the rest of London;
- Grow the heat network by drawing on a variety of heat sources, and connecting additional heat demand;
- Be ambitious whilst covering the cost of installing the heat network and charging customers a fair price for heat.

1.1.2 Importantly for customers, LVHN Ltd is being set up as an 'ethical operator' in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.

1.1.3 LVHN is set to capture waste heat from the Edmonton energy from waste facility and other dedicated Combined Heat and Power plants, using it to provide heating and hot water to thousands of homes and businesses in the Lee Valley.

1.1.4 With a clear case for public sector investment to de-risk the scheme and bring it to the point of being commercially viable, the Lee Valley Heat Network already enjoys strong interest from industry and early potential for hundreds of new jobs in the Lee Valley.

1.1.5 Over time the network has the potential to deliver heat across a range of sites in the Lee Valley. These sites will initially focus on new developments that are likely to be built in the coming years and where there are higher building densities. In the future,

there is potential to expand the network to include customers in existing buildings.

1.1.6 Cabinet (23 July 14) approved the LVHN Business Plan (included as Appendix 2 with the accompanying Part 2 report and appendices) and Summary Programme (Appendix 3). The initial LVHN network comprises:

- 3 local gas-fired Combined Heat and Power satellite schemes at Ladderswood, Alma Road and New Avenue, with the opportunity to use renewable energy in the future (Tranche 1);
- A strategic heat network at Meridian Water, using waste heat from the Edmonton energy from waste facility (Tranche 2).

Both Tranche 1 and 2 are viable in their own right.

1.1.7 LVHN has the opportunity to deliver significant economic, environmental and social benefits for the Lee Valley, which include:

1. Community energy;
2. Fair price;
3. An ambition to provide a lower cost of heat for residential customers, as compared to heat from fossil fuels;
4. Security of supply;
5. The creation of up to 1,700 local jobs over time;
6. Support for regeneration and inward investment;
7. The reduction in the carbon footprint of a home due to heating will be at least 50% compared to conventional fuel;
8. Reducing London's carbon footprint by around 200,000 tonnes of carbon dioxide;
9. A route to market for low carbon and zero carbon suppliers of heat.

1.1.8 As with any large capital infrastructure project, there are some risks to be managed, which for LVHN primarily relate to:

- Certainty of supply (to be secured through a legal contract with the North London Waste Authority for waste heat);
- Demand from Enfield's Meridian Water, Ladderswood, Alma Road and New Avenue developments, each of which are at varying stages of development;
- The possible imbalance between supply and demand, which is common with all types of network.

1.1.9 As the founding member of LVHN Ltd the Council is also exposed to the risk associated with committing resources to establish the company and network, including exposing the Council to liability (under the guarantees) during Phase 1 financial close.

With this in mind, Cabinet have recommended to Council the approval of additional capital funding of £1.285m within the Capital Programme to fund development costs for Tranche 1 and 2 through to financial close in September 2015.

## 2. RECOMMENDATIONS

That Council approve (as recommended by Cabinet) an addition to the Capital Programme, of £1.285m to fund development costs for the Business Plan through to financial close in September 2015.

## 3. BACKGROUND

3.1 Having considered the report at its meeting on 23 July 14, Cabinet approved the following in support of the recommendation to Council:

3.1.1 To approve the Phase 1 Business Plan and Summary Programme for Tranche 1 (Ladderswood, Alma Road and New Avenue Satellite Schemes) and Tranche 2 (Meridian Water Phase, as the first stage of the strategic heat network)

3.1.2 To approve, for recommendation to Full Council an addition to the Capital Programme, capital funding of £1.285m to fund development costs through to financial close in September 2015, noting that:

- The Summary Programme shows financial close in September 2015, in order to supply heat to the first phases of homes at Meridian Water;
- £1.285m is the Council's total 'at risk' investment at this stage;
- The Council had recently submitted an application for match-funding to the Department of Energy and Climate Change's Heat Network Delivery Unit (HNDU), to recover as much as possible of these development costs. HNDU grant funding could meet up to 67% of the estimated eligible external costs of heat mapping, energy master planning, feasibility studies and detailed project development work such as technical design, financial modelling, exploration of commercial models and contracts. Local authorities are required to secure the remaining proportion of match funding which cannot be provided 'in-kind,' such as staff time, office space and catering.

3.1.3 To approve the estimated £85k revenue cost related to borrowing £1.189m, to cover interest payments and repayment of principal, with the remaining investment coming from existing budgets

3.1.4 To authorise the Directors of Regeneration & Environment, and Finance, Resources & Customer Services, to procure and appoint legal advisors to support the construction of Tranche 1 and 2 of the network by 2018. [This is estimated to cost up to £300k to September 2015 and with a positive investment decision by Cabinet, an additional £450k to maintain this legal contract to 2018.]

- 3.1.5 To agree an “in principle” commitment to invest approximately £24 million in the strategic network located in Enfield in Tranche 2, including a loan of around £12 million plus £2 million contingency. Exact values will be confirmed at financial close, noting that:
- The final investment decision isn’t required until summer 2015, since the capital investment isn’t required until demand has been confirmed and the various procurement exercises have been completed. The recommendation from Cabinet is seeking commitment to £1.285m development costs, with a further year available to reflect on the full investment;
  - The loan is indicatively able to be financed by a range of lenders, including the Public Works Loan Board, the London Energy Efficiency Fund (LEEF), the European Investment Bank (EIB) and the Green Investment Bank (GIB);
  - With the provision of £1.285m development costs for Tranche 1 & 2, the 3 satellite schemes require no further upfront CAPEX investment by the Borough. The investment in the energy systems will instead be covered by the appointed development partner under requirements set-out in the Development Agreements for the respective sites. LVHN Ltd is forgoing the connection charges and paying for the assets out of cash flow, according to a formula validated by the GLA and to be agreed with Council (HRA), which calculates their commercial value.
- 3.1.6 To authorise the Leader of the Council and the Chief Executive to approve the governance arrangements for the LVHN Ltd Board, the borough specific Portfolio Energy Agreement (Appendix A.2.1, LVHN Business Plan containing exempt information) and the Shareholders Agreement for all participating boroughs (Appendix A.1.3, LVHN Business Plan containing exempt information), noting that the Council will bring forward a separate Cabinet report to seek authority to enter into the Portfolio Energy Agreement on behalf of the Council (HRA), in due course.
- 3.1.7 To adopt and include the following principles within the Shareholders Agreement:
- For other boroughs to realise the benefits of joining an expanded network, and not simply funding the extension to it, a proportionate financial contribution will be required to cover the cost and risk of Enfield developing, building, operating and maintaining the kick-start Lee Valley Heat Network;
  - To develop an incentive to encourage other boroughs early and active participation in expanding the heat network, by accepting the associated risks and benefits of joining LVHN Ltd’s newly established Board.
- 3.1.8 To delegate agreement for the staff appointments within LVHN Ltd to the Director for Regeneration and Environment

3.1.9 To agree to the tender for the legal work being progressed and delegates authority to the Director for Regeneration & Environment to award the final contract.

### 3.2 What is the Lee Valley Heat Network?

3.2.1 The Lee Valley Heat Network (LVHN) is a capital infrastructure scheme linked to the regeneration of the Lee Valley, which aims to:

- Become the first city-scale heat network in London;
- Provide heating & hot water to thousands of homes & businesses in the Lee Valley, as shown in the Vision Map (Appendix 1);
- Ultimately connect to similar networks serving the rest of London;
- Grow the heat network by drawing on a variety of heat sources, and connecting additional heat demand;
- Be ambitious whilst covering the cost of installing the heat network and charging customers a fair price for heat.

3.2.2 Importantly for customers, LVHN Ltd is being set up as an ‘ethical operator’ in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.

3.2.3 Part of the long-term vision for LVHN is to offer residential customers low-carbon, low-cost electricity as well as heat. Integrated energy supply will reinforce the benefits in terms of fuel poverty reduction and should have a sustainable economic advantage.

3.2.4 To date, the practical and regulatory constraints on a district heating network supplying electricity to residential customers over the public grid have not been overcome. Delivery of electricity over private wire works is feasible for large commercial customers, such as shopping centres, but is not permitted for large residential developments. Work is underway elsewhere through Licence Lite to overcome the regulatory constraints on the retailing of electricity by district heating networks. So, while retail electricity sales are not included in the business plan, they do form part of the vision.

3.2.5 LVHN Phase 1 will evolve through 2 initial tranches:

**Tranche 1** LVHN adopting energy assets at 3 satellite development schemes in Enfield that create an economy of scale: Ladderswood (around 500 homes, hotel and school), Alma Estate (around 1,000 homes) and New Avenue (around 300 homes);

**Tranche 2** The first section of the strategic heat network from the Edmonton EcoPark via Advent Way to Meridian Water (5,000 homes, IKEA retrofit opportunity, Segro hotel development & Eley Industrial Estate), taking waste heat

from the existing Edmonton EcoPark Energy from Waste facility (termed the Meridian Water Phase).

3.2.6 There is an opportunity to ultimately link the satellite schemes into the strategic network, although due to distance from the Meridian Water Phase, this is unlikely for Ladderswood and New Avenue. Saying this, there is an opportunity for:

- Ladderswood to become a strategic network in its own right;
- With enough demand along the route, the strategic network could extend northwards to join the Alma Estate in Phase 1, although more likely as part of Phase 2.

3.2.7 LVHN provides the energy infrastructure to complement the transport infrastructure set to catalyse the regeneration of the Lee Valley through the £80 million Stratford-Tottenham-Angel Road third rail track 'Turn Up and Go' train service, the new Meridian Water train station and the £30 million Mini-Holland cycling project.

### 3.3 What are the benefits?

3.3.1 The Lee Valley Heat Network represents a significant opportunity, delivering significant economic, environmental and social benefits for the Lee Valley and north London, which include:

1. *Community Energy* - for the first time we will provide local communities with low carbon energy from local heat sources.
2. *Fair price* - LVHN Ltd is being set up as an 'ethical operator' in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.
3. *Lower Cost of Heat* - ambition to provide lower cost heat for residential customers, as compared to heat from fossil fuels.
4. *Security of Supply* –
  - a. The network is future proofed with a focus on use of waste heat, with the opportunity to switch fuel source(s) at a later stage if required.
  - b. It reduces dependency on imported fuel and international energy markets.
5. *Local jobs* – the creation of an estimated 1,700 local jobs.
6. *Route to Market* – the network provides a commercial outlet for low carbon heat suppliers, such as energy from waste and energy intensive industries.
7. *Supports Regeneration & Inward Investment*:
  - Creates a new energy infrastructure to complement the new rail and cycling facilities, creating a competitive advantage for the Lee Valley.
  - Helps deliver the Greater London Authority's and local authority's heat network planning aspirations.

- Helps developers meet the Greater London Authority's and local authority environmental requirements, which could make land more attractive to developers and increase land values.
- The opportunity to provide a steam network for industrial and commercial uses.

#### 8. *Carbon Reduction* –

- The carbon footprint of a home due to heating will be reduced at least 50% compared to conventional fuel.
- Reducing London's carbon footprint by around 200,000 tonnes of carbon dioxide, helping deliver the Mayor of London's climate change and decentralised energy targets.

### 3.4 Who is directly involved?

The following parties are directly involved in the LVHN:

- London Borough of Enfield
- Greater London Authority
- North London Waste Authority
- Developers

### 3.5 Why are we doing it?

3.5.1 The role of a local authority in developing LVHN and de-risking the project for future private-sector investment is justified because:

- Public sector intervention is required to enable future private-sector investment in LVHN;
- The prospective return on investment, whilst it exceeds the cost of capital, is less than would be demanded by a private investor, or an Energy Service Company (ESCo), who generally require an IRR > 12%;
- The local authorities, having accepted the associated investment risk, should be in a position to benefit from the expected returns;
- Local authorities are best able to manage the risks inherent in establishing an open-ended public heat utility focussed on serving their local area, for example through their role as the Local Planning Authority;
- The prospective return on investment, whilst it exceeds the cost of capital, is less than would be demanded by a private investor, or an ESCo;
- It is a suitable structure for engagement by multiple local authorities with a common but varied interest, and can be flexible to allow other public sector partners to join in future;
- The local authorities can direct LVHN to respond appropriately to inward investment opportunities, significant industrial and commercial customers, and to developers;
- The local authorities can access low-cost finance, or provide guarantees for LVHN to do so (subject to EU rules);

- The structure has the flexibility to allow all or part of the business to become a mutual or co-operative if it is so desired at some future date;
- Importantly for customers, LVHN Ltd is being set up as an 'ethical operator' in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.

3.5.2 Decentralised energy generation is supported by national, regional and local planning policies. Planning Policy is a key driver for new build developments to connect to LVHN. All of Tranche 1 and 2 of LVHN related to new build regeneration opportunities, with the exception of IKEA which relates to the planning application for an extended store.

3.5.3 There is considerable policy support at the regional and local level for the implementation of the LVHN. Decentralised energy generation is supported by national and regional planning policy as a means of meeting the requirements of the Climate Change Act to reduce carbon emissions by 80% on 1990 levels by 2050. The Mayor of London has set a target that 25% of heat and power used in London is to be generated through the use of localised decentralised energy systems by 2025.

3.5.4 Decentralised production and district heating is a central part of the government's Energy Strategy, the Mayor's London Plan (2011) and his Climate Change Mitigation and Energy Strategy (2011). The Council's Local Plan supports proposals for decentralised energy networks and requires that all major new developments should connect to or contribute towards existing or planned networks supplied by low or zero carbon energy (Development Management Policy DMD 52 (2014)).

3.5.5 Last year (July 2013) the Mayor published the Upper Lee Valley Opportunity Area Planning Framework recognising the unique opportunity that exists within the area to deliver a sustainable heat network. This would put the Upper Lee Valley at the forefront of sustainable energy supply in London and give it a clear competitive advantage over other areas with the longer term potential for interconnection to a London-wide network.

3.5.6 Supported by national, regional & local planning policies, the LVHN project is also part of something bigger - [www.enfield.gov.uk/enfield2020](http://www.enfield.gov.uk/enfield2020). Over £500 million is being invested to improve the sustainability of the Lee Valley, reduce its carbon emissions by 40% by 2020 and deliver significant economic, environmental and social benefits across the borough. The Enfield 2020 Action Plan contains over 50 large-scale sustainability projects, which include:

- The Lee Valley Heat Network
- The flagship Meridian Water development
- Estate renewal schemes at Ladderswood, Alma Road and New Avenue
- The £80 million investment in a 4 train per hour 'turn up and go' train service at Meridian Water, including a new train station



- The £30 million investment in Cycle Enfield

3.5.7 Construction of the strategic heat network will involve a range of apparatus including pipe work, heat exchange equipment and plant, along with the construction of energy centres. It is intended that these will be located on land in a variety of ownerships secured through appropriate agreements with individual landowners.

3.5.8 LVHN has already generated significant interest:

- LVHN is a key element of the Council's Business Plan;
- LVHN is actively supported by the Greater London Authority, as shown by their letter of support in Appendix 5 of this report. To date this support has included funded consultancy support through the GLA's Decentralised Programme Delivery Unit, as well ongoing technical support to the Waste Authority to help reach an agreed position;
- The North London Waste Authority (NLWA) officers are 'in principle' keen to strike a commercial deal, subject to agreeing Heads of Terms. NLWA Members confirmed their support for this process and the LVHN launch event on 26 June 2014;
- Both the London Energy Efficiency Fund (LEEF), European Investment Bank (EIB) and Green Investment Bank (GIB) have all expressed a willingness to lend in principle to LVHN, subject to their own due diligence of the Business Plan;
- IKEA is interested in principle in buying heat from LVHN, with initial discussions underway to progress a commercial deal;
- Other heat sources and heat loads are regularly coming forward to express an interest in joining LVHN, either as a provider of heat or customer.

### 3.6 When will it happen?

3.6.1 Development of the LVHN Business Plan is the culmination of several years of partnership working with the GLA and the North London Waste Authority (NLWA). Development of this detailed plan to deliver a city-scale decentralised energy network in the Lee Valley is summarised through 5 distinct stages:



1. Heat Mapping - <http://www.londonheatmap.org.uk/Mapping/>
2. Pre-feasibility and energy master planning: a pre-feasibility study for LVHN was undertaken by Parsons Brinckerhoff in July 2011, with a subsequent network feasibility study in April 2012;
3. More detailed feasibility studies – these have been undertaken as part of the LVHN Business Plan for both the strategic heat network; the Meridian

water Phase; the Alma Road, Ladderswood and New Avenue satellite schemes; and a potential steam connection from Kedco to Coca-Cola bottlers.

In December 2012 Enfield's Cabinet agreed to establish LVHN Ltd as a local authority controlled not for profit 'shell' company, which is future proofed to enable other boroughs to join the scheme as the network expands.

In June 2013, as an existing Council owned company that was dormant, 'New River Trading Services' Board voted to change its name to 'LVHN Ltd.'

£35k funding was secured from the Housing Revenue Account in 2013/14 for consultancy advice relating to the Alma and New Avenue regeneration projects.

4. Procurement of delivery mechanism – subject to release of additional development costs for 2014/15 and 2015/16 by Cabinet in July 2014, LVHN Ltd will be set up to procure the Design, Build and Operate (DBO) and Operations and Maintenance (O&M) contracts required to deliver heat to customers through LVHN, as well as full technical, commercial and financial due diligence required for financial close.
5. Commercial development – the operational phase of LVHN is scheduled to start in 2015, with the first 'Heat on' at Ladderswood in autumn 2015, Alma Road in autumn 2016 and Meridian Water in autumn 2017.

### **3.7 How will it happen?**

- 3.7.1 LVHN aims to provide the UK's first city-scale decentralised energy network to provide security of energy supply, reduce carbon emissions and provide a route to market for low and zero carbon suppliers (industrial undertakings such as energy from waste, electricity generation plant and energy intensive industry). Connection to the strategic heat network will also enable a use to be found for many types of waste heat. Importantly, LVHN also has an ambition to lower the cost of heat as compared to conventional fossil fuels.
- 3.7.2 This large-scale infrastructure project will capture affordable low carbon heat (hot water and steam) from Energy from Waste facilities and dedicated Combined Heat and Power (CHP) plants, supplying it to buildings and industry across the Lee Valley for use in space heating and hot water production.
- 3.7.3 In parallel, a number of satellite schemes will be developed across the Lee Valley, with their own dedicated CHP plants or biomass generating plants providing low carbon on-site heat.
- 3.7.4 LVHN represents a significant opportunity for the Lee Valley and north London, bringing low cost heat and jobs to Enfield. With an ambition to provide cheaper low-carbon low-cost heat for residents and communities, this will

typically beat the commercial offer provided by Energy Service Companies (ESCOs). Part of the long-term aim of LVHN is an ambition to offer residential customers low-carbon, low-cost electricity as well as heat.

- 3.7.5 LVHN is a long-term project. The business strategy is to identify and aggregate demand for heat in the whole of the area that can potentially be served and then gradually to extend the network in all directions at a pace that enables the identified demand to be served with low-carbon heat in a way that is commercially viable. As Phase 1 is developed, LVHN will provide low-cost heat to an estimated 8,100 homes.
- 3.7.6 While common in Europe, such a strategic heat network has yet to be completed in this country. Those few wide area networks that have been built in the UK – for example in Nottingham and Sheffield – rely on a single main heat source, which is typically owned or controlled by the network.
- 3.7.7 The LVHN Phase 1 Business Plan (circulated as Appendix 2 with the accompanying Part 2 report and appendices pack) describes in detail how LVHN will happen and has now been finalised. The LVHN Business Plan is an extensive document, which includes an Executive Summary, the main report and over 50 appendices. To keep this Cabinet report to a manageable size, the Business Plan appendices are available on request, as Part 2 documents.
- 3.7.8 The Business Plan sets out a vision and strategy for the heat network, demonstrates that the strategy is commercially viable and shows how LVHN will implement the first phase development of the heat network. It is complemented by a Summary Programme (Appendix 3).
- 3.7.9 Key conclusions from the LVHN Business Plan relate to Viability, Demand, Supply, Finance and Governance:

**i) Viability & Demand**

With funding from LEEF, PWLB, EIB or GIB, the overall cost of capital for Phase 1 of LVHN is not more than 6%. For all scenarios the prospective Investment Rate of Return (IRR) is in excess of the cost of capital, so all are viable:

- Tranche 1 only – the satellites by themselves have an IRR of 12% after taking into account payments to Enfield HRA for the energy assets;
- Tranche 1 & 2 only - the prospective IRR for the satellite schemes plus Meridian Water Phase is 7.6%;
- Tranche 2 only - the IRR for the Meridian Water Phase falls to 7%. This demonstrates the fundamental importance of the satellite schemes to overall scheme viability, as the IRR is only marginally higher than the cost of capital.

Although Tranche 1 has the highest IRR, it's necessary to also invest in Tranche 2 to deliver a strategic heat network and secure long-term project viability.

The Ladderswood, Alma Estate and New Avenue Satellite Schemes in Tranche 1 (all located in Enfield) are strategically important to the development of LVHN's business as well as improving its cash flow in the early years. Satellite schemes are an essential element in delivering the strategic heat network because:

- The strategic heat network, being expensive to build, can only be extended to meet large heat demands. Satellite schemes will usually be the best way of aggregating demand to the point where connection becomes feasible. So, the Alma Estate satellite scheme once built is expected in due course to justify the northward extension of the strategic heat network;
- Satellite schemes - in particular Ladderswood - improve overall project financial viability. For example, Ladderswood has an IRR of 12%, net of the cost of taking over the energy assets, with retained earnings of around £0.5 million during Phase 1. The income stream from Year 2 onwards helps cover LVHN's total project costs;
- Each satellite scheme enables LVHN Ltd's operational costs to be shared, including a single contract with the Housing Revenue Account, unified procurement for operations and maintenance, and a single billing and customer care system for the entire network;
- Satellite schemes enable the business to achieve operational economies of scale more quickly. A critical mass of the equivalent of 4,700 residential customers is an essential business objective;
- Satellite schemes enable LVHN to take strategic advantage of Ladderswood, Alma Road and New Avenue, which are already happening, demonstrating early delivery and giving the overall project credibility at a city-scale;
- In addition, LVHN taking on all viable district heating schemes in the boroughs as an ethical operator will help protect local consumers by ensuring fair price and customer service terms to residential customers. This is not always the case elsewhere, as district heating is an unregulated sector of the energy market.

Construction of the strategic heat network In Enfield (Tranche 2) depends on a significant scale of demand being confirmed before funds are committed:

- The 'Meridian Water Phase' feasibility study confirms that if the developments in Haringey are not confirmed, the strategic heat network at Meridian Water is viable. This is on the basis that the Council is confident of building between 2,000 to 3,000 homes at Meridian Water to realise viability before it commits capital expenditure. Any increase in that scale would improve viability.
- The exact timing of the capital expenditure will depend on confirmation of the development programmes for Meridian Water, with 'heat on' and first occupation currently assumed as autumn 2017;
- If the Meridian Water Phase is pursued without extension, the loan period increases from 10 years to up to 20 years. Since the payback period goes beyond 10 years, the loan period has to extend. A 20 year

loan is what's available. It is possible that LVHN could obtain a combination of 10 year and 20 year loans.

The Shareholders Agreement (Appendix A.1.3, LVHN Business Plan containing exempt information) will be further developed to include the principles for other boroughs being able to join and share relevant objectives, costs and benefits;

The Meridian Water Phase has been deliberately designed and future proofed to be able to expand the network, for example going north to the Alma Estate and/or south. The provision of a larger pipe is what makes LVHN a strategic heat network, fitting in with LVHN's vision of anticipating future demand, wherever it may arise. Building a smaller pipe to solely cater for Meridian Water is not considered in the base case, as it does not enable future extension of the network;

The network from the Eco Park to Meridian Water in Tranche 2 is oversized in the base case to allow for Tranche 3 and/or Phase 2. The extra capacity in the pipe allows for extension northwards towards in Phase 2 towards Edmonton Green and Brimsdown, as well as south into neighbouring boroughs if required. Should neighbouring boroughs wish to take advantage of some of this capacity, a proportionate contribution to start-up costs will be required.

The pipe work in the heat network typically lasts for 40 to 50 years, so it makes business sense to only lay pipes in the ground once. It would be false economy to size a network now that only lasts 10 - 20 years in capacity terms. Already additional customers are coming forward, prior to construction even starting. The network is oversized to ensure such future capacity can be accommodated.

Future proofing for Enfield, with the opportunity for neighbouring boroughs to utilise some of this capacity in line with the principles of the Shareholder's Agreement, makes business sense.

Whilst a steam connection from Kedco to Coca-Cola bottlers is currently unviable, steam remains an attractive proposition for inward investment, with LVHN able to respond to demand for steam as it arises.

## **ii) Supply**

It is a key design principle that the strategic heat network can expand its heat sources to keep pace with prospective energy demand.

Although the availability of waste heat from NLWA needs to be confirmed through detailed contract negotiations, NLWA officers are keen to strike a commercial deal. This approach was supported by NLWA Members on 26 June.

Should a commercial deal not be possible, the strategic heat network would have to be re-designed, and the main pipe could not be installed until

alternative heat sources with similar capacity had been identified and contracted with;

The practical alternatives to the Eco Park as a source of heat are Kedco and a large CHP at Meridian Water. Nothing else would be ready in time.

Kedco's plant, which may/may not be built, does not offer sufficient heat on its own to be a complete substitute for the Edmonton EcoPark's Energy from Waste plant.

#### **iv) Governance**

Following an Enfield Cabinet decision in December 2012, 'LVHN Ltd' was established as the company to lead delivery of the Lee Valley Heat Network. This local authority controlled company will become a reality during 2014/15, with its own Board and staff.

Work is underway to turn the 'LVHN Ltd' shell company into the operational company to deliver the LVHN Business Plan. This work will be prioritised following LVHN Business Plan approval.

LVHN will be set up conventionally as a company limited by shares so that the legal constraints on it are minimised and in order to sustain the confidence of funders, private sector partners and customers. To protect LVHN's ability to evolve towards a city-scale heat network, and simplify its contracting arrangements, LVHN will be an arm's length local authority controlled company.

LVHN's Executive Board of Directors will include elected Members, senior council managers and non-executives with relevant decentralised energy experience. Exact details will be developed prior to the formal formation of LVHN Ltd.

Other Boroughs will be able to join LVHN, based on the following principles in the Shareholder's Agreement:

- For other boroughs to realise the benefits of joining an expanded network, and not simply funding the extension to it, a proportionate financial contribution is required to cover the cost and risk of Enfield developing, building, operating and maintaining the kick-start Lee Valley Heat Network;
- To develop an incentive to encourage other boroughs early and active participation in expanding the heat network, by accepting the associated risks and benefits of joining LVHN Ltd's newly established Board.

LVHN Ltd will focus its activities on the development and finance of heat projects, and on customer services.

To separate the risk of Tranche 2 from Tranche 1, consideration will be given to creating a company solely to cover Tranche 1, with the larger company (LVHN Ltd) the 100% owner of this smaller company. Tranche 1 profits will still be able to be recycled within LVHN Ltd.

With a cost of just a few thousand pounds per year, the advantages of a wholly owned Tranche 1 subsidiary are as follows:

- The survival of the satellite schemes is no longer dependent on the speed with which the strategic network is implemented
- Good accountancy reasons, improving transparency with the Housing revenue Account that they're not being overloaded with additional operating costs
- Clear exit strategy for satellite schemes, which no longer depend on the strategic network

3.7.10 LVHN's Procurement Strategy is key to implementing the Business Plan and is summarised in Table 10 below and set out in detail at Appendix A9.1 of the Business Plan. The contract structure is provided in Appendix 5 of this report.

**Table 10, Procurement Strategy**

<b>Activity</b>	<b>Form of procurement</b>
<b>Primary Heat Supply</b> – Modifying the incinerator plant at the Edmonton Eco Park to provide a primary heat supply to LVHN's energy centre.	<b>DBO (single tender)</b> NLWA at Edmonton Eco Park will be responsible for the design and construction of the modifications to their facility, including O&M, to provide a heat supply from their plant to the Strategic Heat Network's Energy Centre.
<b>Strategic Heat Network:</b> Design, construction, operation & maintenance (O&M) including network management and connection of developments, and the O&M of secondary networks for connected residential developments only.	<b>DBO (term contract)</b> The services of a principal contractor will be procured as a subcontractor to LVHN.
<b>Satellite Schemes:</b> Operation & maintenance of the Energy Centre and the primary heat network, including network management and customer connections, and the OM of secondary networks for connected residential developments only.	<b>O&amp;M (framework agreement)</b> A Framework Agreement tender to be set up, followed by a mini tender by the successful framework contractors (except Ladderswood).
<b>Customer Services:</b> Providing a complete metering, billing and meter maintenance service, including handling complaints, managing the connection and disconnection of residential customers, and replacing meters at the end of their life or when	<b>Service Provider (term contract)</b> A specialist service provider will be procured as a subcontractor to LVHN to provide a meter & billing and meter maintenance service for a period of five years.

deemed inaccurate.	
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#### 4. ALTERNATIVE OPTIONS CONSIDERED

Two delivery options have been considered for Phase 1 LVHN:

- A) Do nothing
- B) Meridian Water Phase with GLA and NLWA support

- 4.1 **Do nothing:** this would lose the significant economic, environmental and social benefits forecast to be delivered by LVHN.
- 4.2 **Meridian Water Phase with GLA and NLWA support:** this forms the most pragmatic solution at this stage and forms the basis of this report. As an economically viable solution and a vision to create a much larger city-scale heat network, the Meridian Water Phase can hopefully forms the important precursor to network expansion.

Meridian Water forms the “anchor” heat demand. This requires the Council to be confident of building between 2,000 to 3,000 homes at Meridian Water to realise viability before it commits capital expenditure. Any increase in that scale would improve viability.

#### 5. REASONS FOR RECOMMENDATIONS

- 5.1 Enfield and the GLA have already invested significant resource and revenue funding to develop the LVHN Business Plan.
- 5.2 Without Enfield Council’s investment in the strategic network and satellite schemes, it will not be possible to develop the strategic and satellite schemes in Tranches 1 and 2, which are critical to catalysing the heat network and subsequently delivering the significant economic, environmental and social benefits forecast for the city-scale heat network.

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

##### 6.1 Financial Implications

- 6.1.1 The total funds required to support the project to financial close (the point at which a decision is made to invest in the construction of the Strategic Network) is £1.285m. Of this £96k has already been approved and forms part of the 2014/15 Sustainability Service’s revenue budget. This report seeks approval for the balance of £1.189m. This will fund the cost of developing the project and will include items such as external technical and legal fees, and the staffing costs of LVHN to the point that the investment decision is approved.
- 6.1.2 A separate report will be submitted in the summer of 2015 to obtain the required approval to invest in the construction of the Strategic Network. The



project will be considered alongside other schemes in the 2015/16 Medium Term Financial Planning process which will be agreed by the Council in February 2015. A decision to proceed with this project now will mean that it is given priority over other proposals being put forward for consideration as part of that process

- 6.1.3 It is assumed at this stage that all the development costs will be capitalised from the point of Cabinet and Council approval and therefore be added to the existing Capital Programme. As there is no existing provision within Capital for this project, the costs would need to be met from borrowing. The revenue cost of borrowing £1.189m and covering associated interest payments, would be circa £85k and would need to be covered by the Council.
- 6.1.4 Should the project not come to fruition, the costs will all be considered as revenue and this will impact on the current 2014/15 revenue outturn. Likewise should any costs not be classified as eligible capital spend, they will present as a pressure to the revenue budget.

## **6.2 Legal Implications**

- 6.2.1 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. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, section 111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. In addition to the Localism Act 2011, the Council has power under section 95 of the Local Government Act 2003 to trade in function related activities through the company. Section 1 of the Local Government Act 2003 permits the Council to borrow and to comply with the Prudential Code for Finance in Local Authorities. The recommendations detailed in this report are in accordance with these powers.
- 6.2.2 The intention is to utilise the current company limited by shares which is initially wholly owned by the Council. It will be an arm's length local authority controlled company, set up in accordance with the Companies Act 2006. The company structure will be similar to that created in current existing trading companies with agreed Articles/Memorandum of Association, Shareholders Agreements, etc., designed so that additional local authorities can join (subject to satisfy themselves with regards procurement) while preserving professional management of operations. It is intended to operate as a commercial entity charging customers a fair price for the retail supply of heat and making a return on investment. It will adopt, maintain and operate various energy assets made available by the Council. It will provide heating & hot water to homes, businesses and public bodies in the Lee Valley sub-region (and ultimately connect to similar networks serving the rest of London).
- 6.2.9 All legal agreements will need to be in a form approved by the Assistant Director of Legal Services.

6.2.10 Legal Services will continue to advise on State Aid, Tax, Commercial and Procurement legal issues as the company develops and issues arise.

### **6.3 Property Implications**

6.3.1 The LVHN Business Plan will consider land ownerships, negotiating access rights easements and network use rights, which may require internal resource allocation. The timescale for completing these negotiations is factored into project delivery through the Summary Programme.

6.3.2 Otherwise LVHN will operate mainly on land that is not owned or leased by the Council and therefore there are no consequential liabilities or Corporate Landlord matters to consider.

6.3.3 However, where land has to be acquired, it is suggested that property implications are considered at that time and are site specific.

## **7. KEY RISKS**

7.1 A detailed Risk Register is provided as A-10-2 in the Business Plan, with the top 10 risks identified as:

1. The vision for creation of a truly strategic heat network, including expansion into other boroughs, has not been tested.
2. Demand – insufficient heat demand is contracted for Phase 1 to be viable.
3. Imbalance between heat demand and supply.
4. Connection to the network may be uneconomic for some commercial customers.
5. Preferred pipe route is found to be impractical or it's not possible to negotiate way-leaves and easements, in which case a CPO would provide appropriate mitigation.
6. Capital costs turn out to be higher than expected – Enfield's consultants have worked on dozens of district heating schemes, so have a good grasp of costs and price. While the UK market is small and the number of established players in it is also small, our advisers know the key players well.
7. Supply - the NLWA Members decide not to sign the heat supply agreement.
8. Electricity prices rise, increasing the cost of heat from NLWA.
9. Operating costs are higher than expected.
10. The project loan is unable to be secured.

7.2 If these risks aren't appropriately mitigated, there is a reputational risk for the borough(s). Conversely, if they're appropriately mitigated and the project is successfully delivered, this will deliver significant benefits and provide a high profile example of an Enabling Council.

7.3 For Enfield Council there are also immediate risks around resourcing of the

project management team, which will be addressed through approval of the final phase of development costs for Phase 1 of the network. This in turn will mitigate associated risks around delays in design, construction, operation and 'heat on' for contracted customers.

7.4 As the founding member of LVHN Ltd the Council is also exposed to the risk associated with committing resources to establish the company and network, including exposing the Council to liability (under the guarantees) during Phase 1 financial close. The key risks associated with this commitment centre upon the network failing in a way that means:

a) The resources expended on establishing the Network and Special Purpose Vehicle (SPV) are wasted in that there is no on-going network;  
b) The guarantees offered in respect of the SPV's financial obligations are called upon so that the Councils' have to pay out on their obligations under the guarantees;  
c) Any loans provided by the Councils have to be written off;  
d) All of the SPV forms being considered will offer limited liability meaning that the direct liability of the Council's for the operation of the SPV will be limited to the extent of any guarantees (including the guarantee for the LEEF loan) or contractual obligations. The principal consideration in terms of the form of SPV is therefore ensuring that the form chosen is the most suitable for facilitating a successful network. LVHN Ltd is purposefully set up to:

- Facilitate buy-in and approval from the respective Councils;
- Allow for the proposed contractual arrangements between the Councils and the SPV to establish the Network;
- Be flexible for future transfer out of public sector ownership;
- Facilitate future inward investment from the private sector;
- Be in a form well known to the private sector.

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

### **8.1 Fairness for All**

LVHN aims to charge all of its customers a fair price for heat. Importantly for customers, LVHN Ltd is being set up as an 'ethical operator' in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.

### **8.2 Growth and Sustainability**

8.2.1 LVHN is one of over 50 key large-scale sustainability projects in the Enfield 2020 Action Plan, helping to deliver the Sustainability programme's 'Managing your Energy' and 'Regenerating the Borough' themes. It will also deliver significant carbon reduction, helping to meet Enfield 2020's 40% carbon reduction target for the Borough by 2020, as compared to a 2005 baseline.

8.2.3 To find out more and how this project is part of something bigger please visit [www.enfield.gov.uk/enfield2020](http://www.enfield.gov.uk/enfield2020)

### **8.3 Strong Communities**

Not applicable.

## **9. EQUALITIES IMPACT IMPLICATIONS**

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is required for the approval of this report, which has been prepared.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The performance of the LVHN project will be managed through the new governance arrangements, utilising a combination of Local Authority Client Group and LVHN Ltd's Executive Board to manage both the Detailed Work Programme and the Risk Matrix.

## **11. HEALTH AND SAFETY IMPLICATIONS**

- 11.1 Section E of the corporate Pre-Qualification Questionnaire addresses issues of Health and Safety management by any contractor being considered for invitation to tender for a qualifying council contract. LVHN Ltd will be required to use this procurement process through its Partnership Agreement with the council.
- 11.2 Originally intended to meet the requirements of Regulation 4 of the Construction (Design and Management) Regulations 2007 (CDM), which requires those appointing contractors to ensure their competence to undertake the works they are being contracted to perform; and Appendix 4 of the accompanying Approved Code of Practice to the CDM Regulations which introduced the Stage 1 Core Criteria for assessing health and safety competence of contractors and consultants working in the construction industry. This section has been extended to cover all tendered contracts.
- 11.3 The section requires the contractor to present relevant information and examples of their health and safety management system, mandatory reporting and notification systems and systems for ensuring competence of staff and any sub-contractors that may be employed.
- 11.4 Exemption from this requirement is given to contractors who can prove accreditation with a Health and Safety Accreditation scheme or organisation which has membership of the Safety Schemes in Procurement scheme.
- 11.5 In recent times the council has made use of the web based London Tenders Procurement Portal to facilitate this process and adhere to the council's policy on the reduction of paper based documentation.
- 11.6 The questionnaire is evaluated by a member of the Corporate Health and Safety Unit.

## **12. HR IMPLICATIONS**

The staffing and recruitment for LVHN Ltd will be fully assessed as part of the governance arrangements, which includes Member engagement and further approval.

## **13. PUBLIC HEALTH IMPLICATIONS**

13.1 LVHN will deliver significant economic, environmental and social benefits

13.2 Climate change is a major threat to public health. The Lee Valley Heat Network will help to reduce its impact:

- The carbon footprint of a home due to heating will be reduced at least 50% compared to conventional fuel
- London's carbon dioxide emissions will be reduced by around 200,000 tonnes

13.3 LVHN will deliver competitively priced heat to new homes, and possibly, at a later stage of development to existing homes. Well heated homes help to promote the general health of the people that live in them.

## **Background Papers**

None

**APPENDICES (circulated and available to download via the Council's website as a separate pack to accompany the Part 1 report)**

- 1) Vision Map
- 3) Summary Programme
- 4) GLA's letter of support
- 5) LVHN contract structure

LVHN Phase 1 Business Plan (Please note this has been circulated as Appendix 2 with the accompanying Part 2 report and appendices pack)

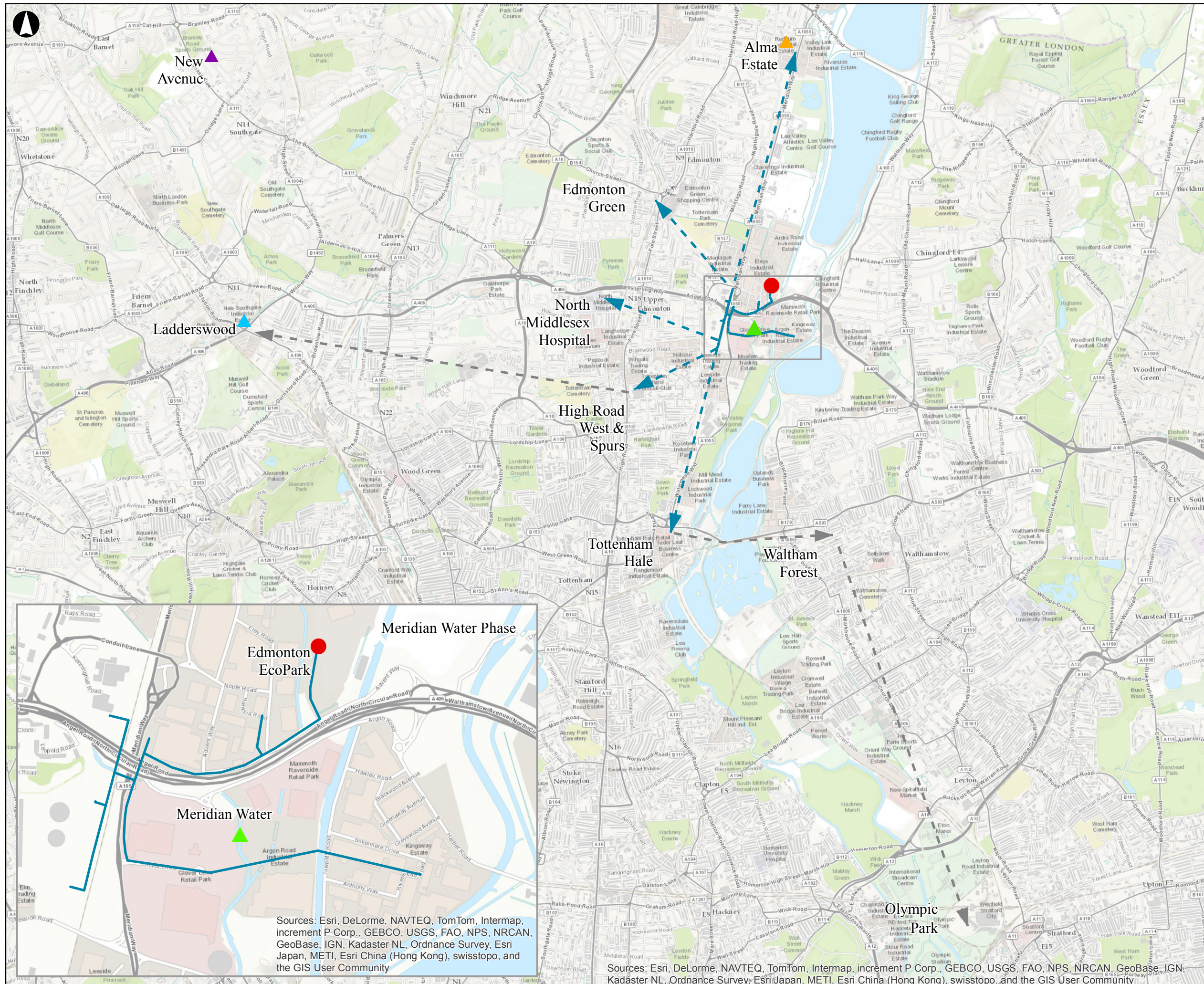
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## **Appendix 1**

### **LVHN Vision Map**

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Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

**Legend**

- Phase 1
- Potential Phase 2
- Potential Future

**Anchor Loads and demand clusters**

- Meridian Water Phase
- Alma Estate
- Ladderswood
- New Avenue

**Heat Source**

- Edmonton EcoPark

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Revision	Date	By	Chkd	Appd

0 600 1200 2400 Metres

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Client  
**London Borough of Enfield**

Job Title  
**LVHN Enfield Phase**

Drawing Title  
**North London Decentralised Energy Vision Map**

Scale at A3  
**1:44,600**

Job No <b>232401</b>	Drawing Status <b>Issue 1.0</b>
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Drawing No <b>Figure 7</b>	Revision <b>1.0</b>
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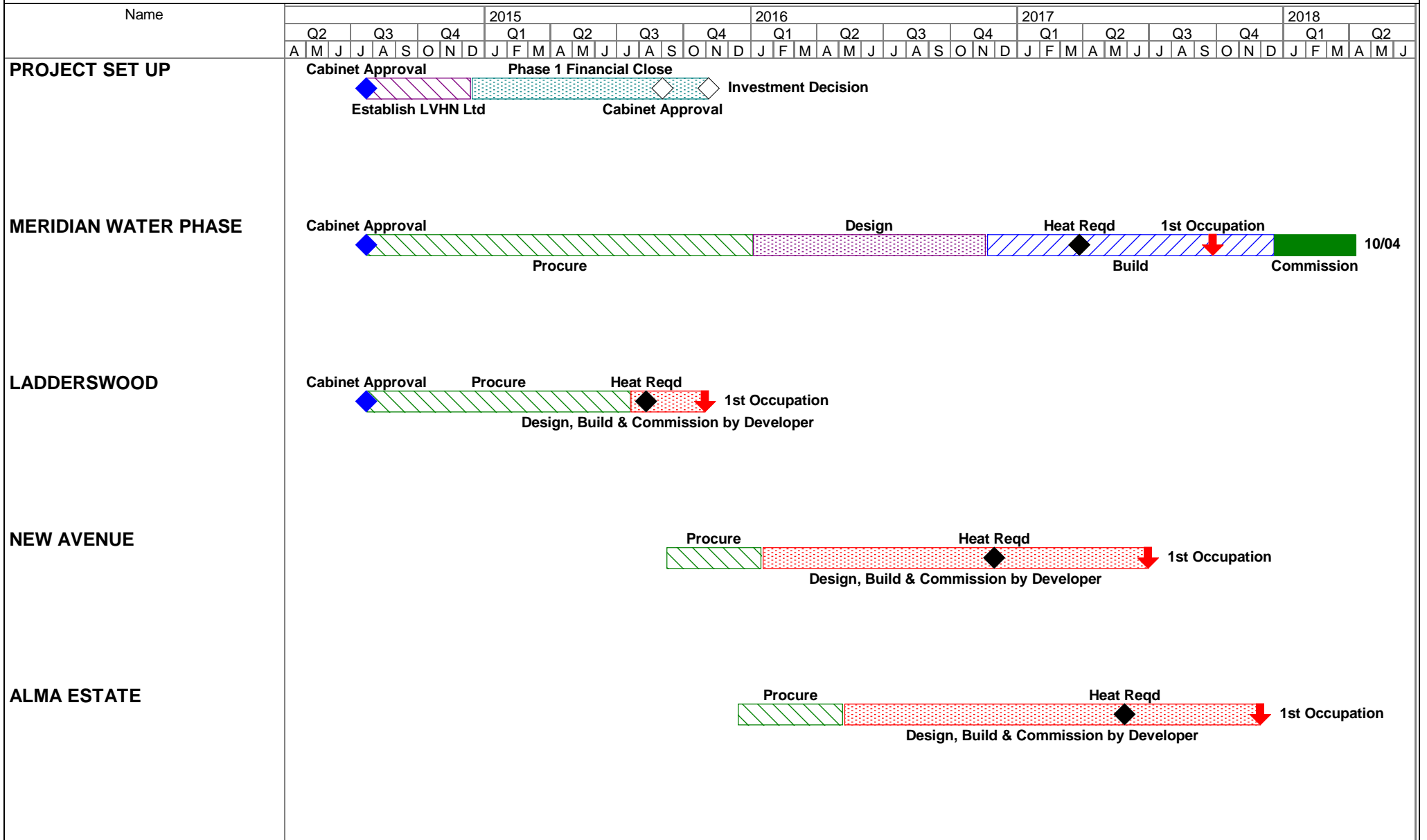
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## **Appendix 3**

### **LVHN Summary Programme**

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# Lee Valley Heat Network



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## **Appendix 4**

### **GLA Letter of Support**

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**GREATER LONDON AUTHORITY**

**Development, Enterprise and Environment**

City Hall  
The Queen's Walk  
More London  
London SE1 2AA  
Switchboard: 020 7983 4000  
Minicom: 020 7983 4458  
Web: [www.london.gov.uk](http://www.london.gov.uk)

**Mr Rob Leak**

Chief Executive  
London Borough of Enfield  
Civic Centre  
B Block North  
Silver Street  
Enfield EN1 3XY

**Date:** 25 October 2013

**Ref:** leak2510

Dear Rob,

I am writing this letter in support of the Lee Valley Heat Network, the decentralised energy heat network project you are leading in conjunction with the London boroughs of Haringey and Waltham Forest. We are lending our support during the project's development phase.

This landmark project will make an important contribution towards the Mayor's climate change targets and will be an exemplar of a public-led initiative that will deliver affordable, low carbon heat throughout the Upper Lee Valley.

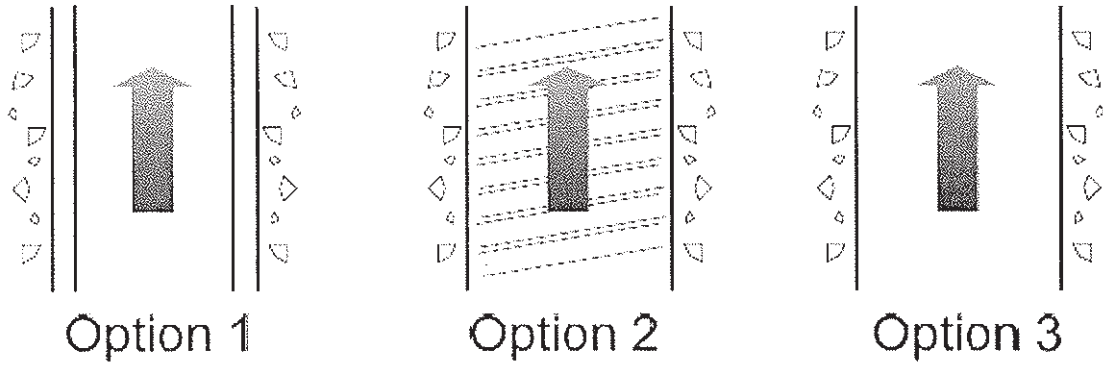
Please be assured of the GLA's continued support and I look forward to being kept informed of progress.

Yours sincerely,



**Fiona Fletcher-Smith**

Executive Director – Development Enterprise & Environment



To utilise heat from these sources for use in district heating a heat pump is used to elevate the supply temperature to that of the district heating operating temperature. The commercial viability of this arrangement improves with lower temperature uplift. This can be in part achieved through decreasing the operating temperatures of the district heating and this is being investigated separately.

The table below provides an indication of the LU contribution towards the heat balance for the Buhill project. The balance of the heat requirements will be supplied from the newly built CHP energy centre and heat-only boilers

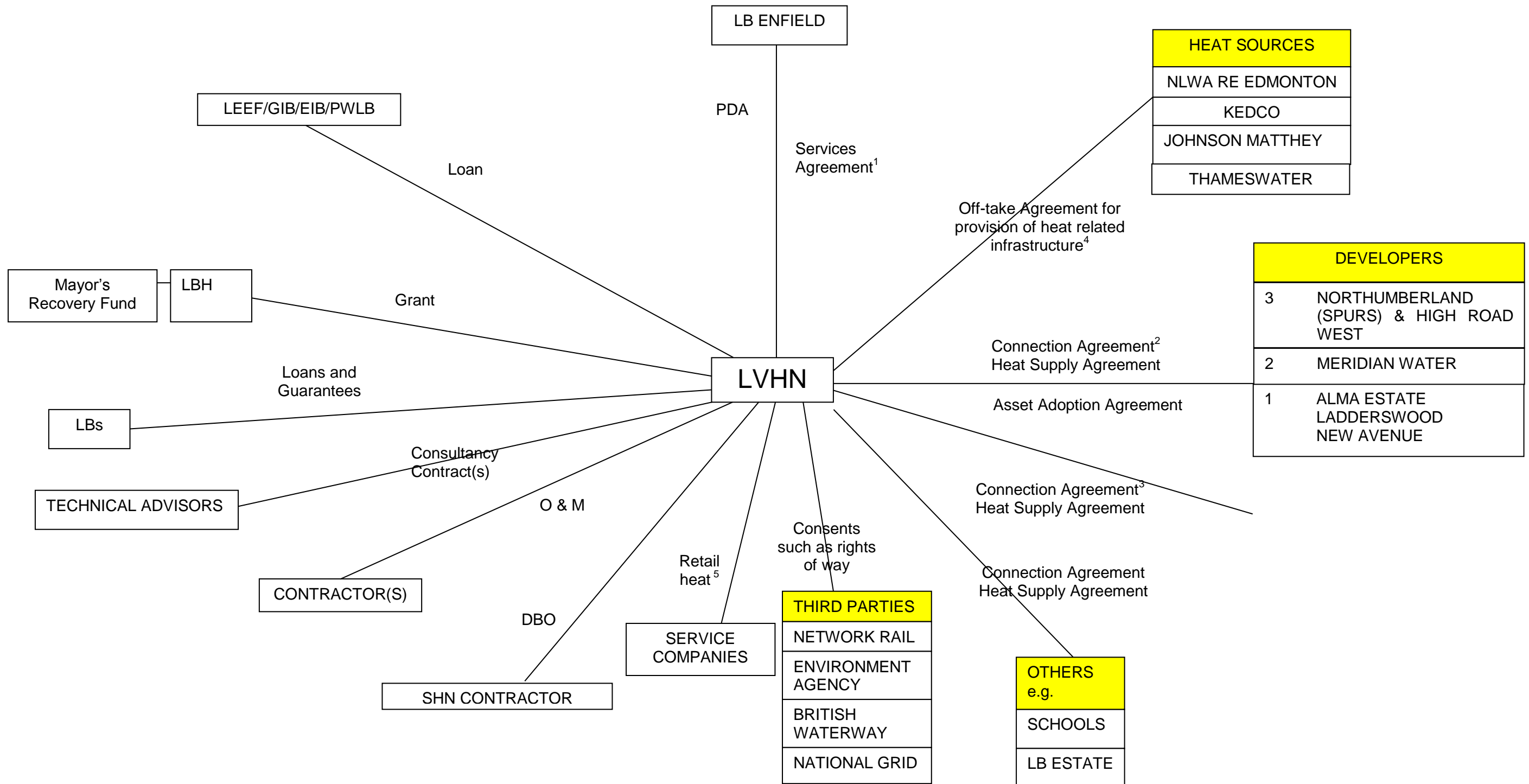
	Annual heat [GWh/yr]	Peak heat [kW]
Demand for whole site	30.4	10,600
Transformer heat supply	3.6	620
LU vent heat supply	3.3	540

## **Appendix 5**

### **LVHN Contract Structure**

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LVHN CONTRACT STRUCTURE



<sup>1</sup> Service Agreement for heat retail supply and others

<sup>2</sup> This could include 3 types of service offer: Basic wholesale heat supply agreement  
O&M  
Retail heat supply and potentially the sale of electricity

<sup>3</sup> As for <sup>2</sup> above but to include CHP units

<sup>4</sup> To include obligations to finance installation and connection. At Edmonton for an energy centre as an alternative to a new incinerator. To include an option to purchase electricity generated

<sup>5</sup> For example, meter reading, billing, revenue collection, customer services, demand aggregation

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**MUNICIPAL YEAR 2014/2015 REPORT NO. 40A**

**MEETING TITLE AND DATE:**

Cabinet – 12 August 2014

Council - 8 October 2014

**REPORT OF:**Director - Regeneration &  
Environment**Contact officer and telephone no:**Neeru Kareer; Tel: 0208 379 1634;  
email: [neeru.kareer@enfield.gov.uk](mailto:neeru.kareer@enfield.gov.uk)

Agenda – Part: 1

Item: 9

**Subject:**Adoption of North Circular Area Action Plan  
part of Enfield's Local Plan**Wards: Bowes, Palmers Green &  
Southgate Green  
KD 3918****Cabinet Members Consulted: Cllrs. Sitkin &  
Oykener & Cllr Charalambous (Associate  
Cabinet Member)****1. EXECUTIVE SUMMARY**

- 1.1 The North Circular Area Action Plan (NCAAP) will form part of Enfield's Local Plan and will specifically deliver the spatial vision and land use strategy for the area around the North Circular Road between New Southgate in the west and the Great Cambridge Road to the east.
- 1.2 The Council submitted the North Circular Area Action Plan to the Secretary of State for public examination in August 2013. Inspector Patrick Whitehead DipTP MRTPI was appointed to conduct an independent examination into the Plan. Public hearing sessions took place on the 10<sup>th</sup> December 2013.
- 1.3 The Inspector formally delivered his report into the soundness of the Plan to the Council on the 7<sup>th</sup> April 2014 and concluded that NCAAP meets the criteria of soundness set out in the National Planning Framework and is an appropriate basis for planning in the south west of the borough along this section of the North Circular Corridor.
- 1.4 Once adopted the Area Action Plan will form part of Enfield's Local Plan and policies within the document will be used alongside policies contained in the London Plan and adopted Core Strategy to determine planning applications in the area.
- 1.5 Cabinet (12 August 14) endorsed the North Circular Area Action Plan and recommended it on to Council for formal adoption.

**2. RECOMMENDATIONS**

- 2.1 That Council notes receipt of the Planning Inspector's final report, attached as Appendix 1, that concludes the North Circular Area Action Plan is 'sound' and legally compliant.
- 2.2 That Council formal adopt (as recommended by Cabinet) the North Circular Area Action Plan to form part of Enfield's Local Plan. Copies of the Adoption version are available as a separate attachment on the Democracy page of the Council's website and in the Group Offices and Members' Library.

### 3. BACKGROUND

- 3.1 The Council's policies and guidance for spatial planning and development management is set out in a portfolio of documents that together make up Enfield's Local Plan. The approved Local Development Scheme<sup>1</sup> sets out the suite of Local Plan documents programmed to come forward over the next three years. Collectively these documents will provide the planning framework to deliver Council strategies and plans to support the delivery of corporate priorities such as sustainable growth, regeneration, and creating successful sustainable communities, particularly in Enfield's regeneration areas.
- 3.2 The North Circular Area Action Plan (NCAAP) has been a longstanding Council commitment as confirmed in the adopted Enfield Core Strategy 2010. Enfield's Core Strategy identifies the North Circular area as a strategic growth and regeneration area, having suffered from decades of blight and uncertainty over the historical safeguarding of land for various road improvement schemes along this section of the A406 that have failed to come forward.
- 3.3 The NCAAP is an area specific local plan document that responds to the challenges as well as opportunities presented along this section of one of north London's strategic road corridors. Once adopted, the NCAAP will form part of Enfield's Local Plan and will sit alongside the adopted Core Strategy, emerging Development Management Document and other Area Action plans being prepared. New development proposals coming forward in the area will be expected to accord with the policies and proposals contained within the NCAAP, the adopted Core Strategy, the emerging Development Management Document and the Mayor's adopted London Plan.
- 3.4 The North Circular Area Action Plan provides a comprehensive planning framework and identifies opportunity sites for redevelopment in the area, covering the wards of Bowes, Palmers Green and Southgate Green. It will guide local investment, particularly current redevelopment proposals coming forward from Notting Hill Housing Trust (NHHT) on land acquired from Transport for London (TfL), Mulalley and One Housing Group in connection with the estate renewal project at Ladderswood, and the secured future for the former Southgate Town Hall building from Hollybrook Homes.
- 3.5 Preparation of the Area Action Plan has involved a number of stages and has included extensive and ongoing dialogue with key stakeholders such as the South West Enfield Partnership, TfL, local community representation; and the adjoining boroughs of Haringey and Barnet. All of this work has helped to shape the final version of the Plan. The NCAAP provides a critical planning tool for delivery; it sets out a clear vision and spatial strategy for the area for the next 12 -15 years, and reflects a shared consensus between the Council, partners, the Mayor of London, and other agencies and investors.
- 3.6 The Council approved the Proposed Submission Plan at its meeting in February 2013 after which it was formally 'published' for a final stage of public consultation. The publication period of the Proposed Submission Area Action

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<sup>1</sup> Enfield's Local Development Scheme 2013-2016



Plan ran throughout April and May 2013. Approximately 1500 specific and general consultees were invited to make representations.

- 3.7 In total, 64 representations (comments) were received on various aspects of the Action Plan from 23 respondents, including receipt of the Mayor's confirmation that the North Circular Area Action Plan is in general conformity with the London Plan.
- 3.8 The Council formally submitted the NCAAP for independent examination in August 2013. The Secretary of State appointed Inspector Patrick Whitehead DipTP MRTPI to examine the Plan. The Planning Inspector held public hearing sessions on the 10th December 2013.
- 3.9 The Council received the Planning Inspector's final report on the examination into the soundness of North Circular Area Action Plan on the 7<sup>th</sup> April 2014. The Planning Inspector has concluded that the NCAAP meets the criteria of soundness set out in the National Planning Framework and is an appropriate basis for planning in the south west of the borough and along the North Circular Corridor.
- 3.10 The Council is now in a position to adopt the North Circular Area Action Plan to form part of Enfield's Local Plan.

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

None considered as having an adopted and comprehensive planning framework for the area provides a basis for setting the area specific planning policies by which decisions on development will be guided. This is essential to support the Council's regeneration programme, particularly in light of on-going as well as future investment opportunities.

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

These are as set out in paragraph 4.1 above.

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

##### **6.1 FINANCIAL IMPLICATIONS**

- 6.1.1 Provision for the cost of the preparation, consultation and examination of the North Circular AAP is included in the Strategic Planning and Design budget.
- 6.1.2 The report does not commit the Council to additional expenditure. Any future proposals arising with cost implications would need to be subject to separate reports and full financial appraisal.

##### **6.2 LEGAL IMPLICATIONS**

- 6.2.1 The Planning and Compulsory Purchase Act 2004 (the Act) as amended and the Town and Country Planning (Local Planning) (England) Regulations 2012

(the Regulations) require local authorities to prepare the local plan, which consists of the local development documents (LDDs).

6.2.2 The recommendations contained in this report are in accordance with the Council's powers.

### **6.3 PROPERTY IMPLICATIONS**

The independent Planning Inspector's report, confirming the soundness of the NCAAP, is welcomed. The adopted Area Action Plan and associated initiatives will help resolve the issue of 'blight' that has adversely impacted on the area over many years. The NCAAP will provide confidence and greater certainty in property investment in the A406 corridor, and the south west of the Borough generally. It provides for a significant increase in the housing stock and supports other Council initiatives, such as the disposal of part of the Southgate Town Hall site and major investment in Palmers Green Library.

### **7. KEY RISKS**

An up to date statutory development plan for the North Circular significantly reduces the risk to the Council in regards to the planning and development of the area over the next 15-years. Failure to produce up to date, robust policies through the preparation of the Area Action Plan document would result in a gap in policy for the area. This could lead to poor quality development and/or development in inappropriate locations and would significantly harm the Council's ability to meet its wider regeneration objectives.

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

The NCAAP will be fundamental in achieving sustainable development along an historically neglected stretch of the North Circular Road corridor. Policies throughout the document seek to achieve fairness for all, sustainable growth within the context of providing the appropriate level of supporting infrastructure, and the development of strong and sustainable communities.

### **9. EQUALITY IMPACT IMPLICATIONS**

Previous draft versions of the NCAAP have been subject to an initial Equalities Impact Assessment (EqIA) to ensure that consultation promotes equal opportunities. A final EqIA (including an assessment of policies) was undertaken and forms part of the supporting documentation to the Plan.

### **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The NCAAP will provide clear policies for the assessing development and regeneration opportunities within the area and will bring performance management improvements to the delivery of the Council's five year housing supply targets, including the appropriate mix of private and affordable housing. The NCAAP will provide clarity to the planning application process and potentially lead to less debate and time savings at the appeal stage.

## **11. PUBLIC HEALTH IMPLICATIONS**

The NCAAP contains policies covering a wide range of topics, all of which may have implications for public health, such as housing, community facilities, environmental improvements and green infrastructure. Strategic Objective 5 of the adopted Core Strategy (2010) promotes Education, Health and Wellbeing. The NCAAP provides the more detailed policies on how to achieve these policy objectives in the assessment of individual planning applications as well as within the wider context of the area's regeneration.

### **Background Papers**

None.

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The Planning Inspectorate

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# Report to the London Borough of Enfield Council

by **Patrick T Whitehead DipTP(Nott) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 7 April 2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO ENFIELD COUNCIL NORTH CIRCULAR  
AREA ACTION PLAN**

**LOCAL PLAN**

Document submitted for examination on 30 August 2013

Examination hearing held on 10 December 2013

File Ref: PINS/Q5300/429

## Abbreviations Used in this Report

AA	Appropriate Assessment
CS	Core Strategy
LDS	Local Development Scheme
LP	London Plan
LSIS	Locally Significant Industrial Site
MM	Main Modification
NCAAP	North Circular Area Action Plan
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document
TfL	Transport for London

### **Non-Technical Summary**

This report concludes that the North Circular Area Action Plan provides an appropriate basis for the planning of the North Circular Area over the next 12 years, providing a number of modifications are made to the plan. The London Borough of Enfield Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- The inclusion of a paragraph reflecting the national presumption in favour of sustainable development;
- The insertion of altered text to Policy 4 Local Education together with supporting text to provide clarity and ensure proper consideration is given to the necessary infrastructure to support residential growth;
- An amendment to the supporting text under Policy 13 Ladderswood Estate to reflect the current position with regard to development proposals.

## Introduction

1. This report contains my assessment of the Enfield Council's North Circular Area Action Plan Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (August 2013) which is the same as the document published for consultation in February 2013, together with the Schedule of Post Publication Minor Changes (August 2013) contained in doc NCAAP-07. Those Minor Changes form part of the submitted draft plan.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council formally requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted (letter dated 10 January 2014). These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report. References in square brackets [ ] are to documents forming the supporting information to the submitted draft plan.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. In the Statement on the Duty to Co-operate for the NCAAP [NCAAP-05] and elsewhere, the Council has provided evidence of its engagement with all those main bodies prescribed under Section 33 of the 2004 Act, where appropriate, and the relevant public bodies having planning and related responsibilities in the area during the plan preparation process.
7. There is an unresolved issue with the London Borough of Barnet regarding the removal of the safeguarding allocation of land along the A406 North Circular Road between Bounds Green Road and Green Lanes [NCAAP-05, para 4.4]. NCAAP (Section 3.5) indicates that it is considered no longer necessary to carry forward the historic local safeguarding of land as illustrated in the adopted CS Proposals Map and referred to in Core Policy 24. The Council's detailed response to questions on this matter [doc ED-012] provides justification for the removal of the safeguarding which TfL agrees does not prejudice the potential for future road capacity improvement schemes, whilst



resolving the issue of 'planning blight' that has adversely impacted on the area.

8. A second concern raised by Barnet Council relates to the pressure on Barnet schools, and in particular primary school places, resulting from the proposed increase in housing. The matter of school provision in relation to the NCAAP proposals is explored below (para 18) and Barnet Council's concerns are addressed through the proposed modification **(MM2)**. Notwithstanding the issues with Barnet Council I have concluded that the duty to co-operate in respect of the preparation and progress of the NCAAP has been satisfied.
9. In summary, and in the light of all the evidence and in the absence of any indication to the contrary, I am satisfied that the NCAAP has been prepared in accordance with the duty to co-operate. I am also satisfied that the Council will continue to undertake its obligation to co-operate on strategic planning issues through a coherent framework with its neighbours as outlined in the CS, section 10.2 Delivery Mechanisms, and the partnership working with adjoining local authorities and the North London Strategic Alliance referred to in para 10.12.

## Assessment of Soundness

### Preamble

10. The NCAAP forms part of the statutory Local Plan for Enfield and is intended to co-ordinate a period of significant change. It is intended to be read alongside the Core Strategy, and in particular policies 44: North Circular Area and 45: New Southgate. Suggestions that the NCAAP is fundamentally wrong since the North Circular Road forms a boundary rather than a focus, and that the amount of housing development proposed is too much for the area to absorb are not supported by the evidence. Both the NCAAP plan area, and its potential capacity are derived from the CS policies which provide a context consistent with the LP.
11. Questions have been raised regarding the Council's consideration of submitted planning applications and permissions granted in respect of proposals within the NCAAP plan area. This Examination considers only the soundness and legal compliance of the submitted Plan. Issues relating to the development control process are outside the scope of the Examination and it is neither appropriate nor possible to comment on individual proposals, or the Council's interpretation of policies in arriving at decisions.

### Main Issues

12. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearing I have identified 3 main issues upon which the soundness of the Plan depends.

#### **Issue 1 – Whether the Plan provides an appropriate delivery mechanism for the Council's Spatial Strategy.**

13. The Spatial Strategy contained in the adopted CS seeks to focus large scale growth and regeneration in four broad areas, one of which is the area around the North Circular Road at New Southgate [EBD-03, section 4]. The Strategy

indicates that, following agreement on a safety and environmental improvement scheme for the road, opportunities will be sought to improve living conditions for residents, visitors and businesses. In particular it concludes that the area has a capacity to accommodate up to 2,000 new homes, largely on land no longer needed for road improvements and through the renewal of the Ladderswood Estate and New Southgate area.

14. Core Policy 44 confirms the indicative housing delivery target of up to 2,000 within the NCAAP area, whilst CP 45 provides a specific framework for the Regeneration Priority Area of New Southgate. A Masterplan SPD for New Southgate [EBD-05] has been adopted setting out plans for the improvement and opportunities for development in that area. In the context of those adopted policies, and the supporting evidence provided through, *inter alia*, the Infrastructure Delivery Plan [EBD-09] and the SA Report [NCAAP-03], I have concluded that the NCAAP does provide an appropriate delivery mechanism for the Spatial Strategy and, in this respect is sound.
15. Para 15 of the NPPF indicates that all Local Plans should be based on and reflect the presumption in favour of sustainable development. The Council has recognised that the Plan should follow this approach and has proposed a Main Modification which would insert a new explanatory paragraph in Section 1.2 (MM1). This ensures the section is sound.

**Issue 2 – Whether the Plan's proposals for building sustainable neighbourhoods have been positively prepared, are justified by the evidence and are consistent with national policy.**

16. NCAAP Policy 2 identifies specific sites having the potential to deliver approximately 1,300 new homes within the plan period. Some representors have expressed concern that the NCAAP proposes too much development resulting in a disproportionate increase in population, and that local services will be placed under strain. Whilst, as indicated above (para 14) the argument that too much development is proposed is not supported by the evidence, the ability of local services to cope with the amount of additional development is a consideration of importance.
17. In this respect, the policy stance on Broomfield Secondary School contained in Policy 4 in the NCAAP appears ambivalent, referring to support for additional pupil places at Broomfield Secondary School and contrasting with p69 which simply states that permanent expansion to admit more pupils "*..is being considered*". The issue clearly is one of concern to local residents. It was also raised in my preliminary queries to the Council and a proposed modification to the supporting text was submitted to the Examination on 4 December 2012. This did not, in my view, go far enough in addressing the issue. As a result representatives from the education service attended the hearing session and there was agreement that the two services should work together to provide an amended Main Modification which includes a revised Policy 4, together with new supporting text (MM2). The agreed text results in a sound Policy.
18. So far as other policies relating to the building of sustainable neighbourhoods is concerned, issues raised regarding health services are addressed through Policy 5 which indicates that appropriate sites have been identified and confirms the continuing partnership with health care services. The Policy is

sound and no further modifications are identified or necessary.

19. Policy 6 requiring a high quality design for new developments, and Policy 7 relating to building heights and development densities, have also been criticised. However, in some respects the criticisms are founded on perceptions of the application of those policies to development proposals. The Council's defence of the policies is robust and justified. In particular, it has advised that the NCAAP applies the density ranges as set out in the LP. It has also indicated that a site specific PTAL assessment has been carried out of Opportunity Sites, but this is not the only consideration determining a site's appropriate density. Taking all of the evidence into consideration the proposals for building sustainable communities have been positively prepared, justified by the evidence and consistent with national policy. No further modifications are necessary.

### **Issue 3 – Whether the proposals for the Three Neighbourhood Places are appropriate and address the identified key priorities.**

20. There has been no criticism of the Council's general approach to identifying three broad character areas using natural walkable catchments as well as architectural detailing. This assessment provides the basis for the three neighbourhood places which have key priorities, set out in Policy 11. There are more detailed concerns about policies regarding the height and density of developments. However, those that relate to extant permissions are beyond the scope of this Examination and, as indicated at para 19, above, the policies contained in NCAAP have been properly justified and are sound. No modifications are necessary.
21. Concern has been raised that the NCAAP does not pay due regard to the Council's resolution to grant planning permission for development at the Ladderswood Estate. This was coupled to a further concern that it is not appropriate for the New Southgate Industrial Estate at Alexander Place, a site with little industrial space available, to be protected as a Locally Significant Industrial Site (LSIS). The representation proposed a new Policy 13A for the New Southgate Industrial Estate (Site 1A) indicating a residential-led sustainable mixed community, together with an amended NCAAP Map.
22. The Council considers LSISs fulfil an important role providing local employment and business opportunities and the designation has the Mayor of London's support. The Council acknowledges that the Enfield Employment Land Review 2012, para 7.19 [EBD-11] concluded that "*..in reality, there is very little industrial space*" at Alexander Place and that "*as an employment site the area is probably too small and lacks profile to have a long term future*" (para 7.21). Nevertheless the Review recommended that the site be retained and potentially expanded. Consequentially, the Council's preference is to retain the site to allow for businesses to move in as sites become available. It argues there is evidence to support the need for employment land in the area, whilst Policy 4.3 in the emerging Development Management Document [EBD-01] provides for alternative uses provided it can be demonstrated that the site is no longer suitable or viable for its existing or alternative industrial use. It provides criteria to be met for change of use involving the loss of industrial uses to be acceptable.

23. The matters were discussed fully at the hearing and consequently a Statement of Common Ground between the Council and the representors was submitted to the Examination. The Statement indicated agreement to additional supporting text under Policy 13, reflecting the Council's resolution to grant planning permission for a mixed-use residential-led scheme at Ladderswood Estate. It was not possible for the parties to extend the agreement to include revisions to the wording of Policy 13, or to the inclusion of the suggested Policy 13A which would allow for residential-led development, since the Council considers the New Southgate Industrial Estate should remain a LSIS. Having given full consideration to the matters raised I have concluded that the Council's reasons for not revising the Policy are convincing. Notwithstanding the lack of agreement between parties on some aspects, I consider that, with the agreed Main Modification **(MM3)**, the Policy is sound. More generally, I have concluded that the proposals for the Three Neighbourhood Places are appropriate and do address the identified key priorities.

## Assessment of Legal Compliance

24. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The NCAAP is identified within the approved LDS September 2013 [EBD-07] which sets out an expected adoption date of June 2014. The NCAAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI [EBD-04] was adopted in June 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (May 2013) [NCAAP-06] sets out why AA is not necessary.
National Policy	The NCAAP complies with national policy except where indicated and modifications are recommended.
The London Plan	The NCAAP is in general conformity with the LP.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS [EBD-15].
2004 Act (as amended) and 2012 Regulations.	The NCAAP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

25. **The Plan has a number of deficiencies in relation to soundness and for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out**

above.

- 26. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the North Circular Area Action Plan local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Patrick T Whitehead*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	11	End of sub-section: National Planning Policy Framework (NPPF)	<p>Insert New paragraph at the end of sub-section</p> <p><u><b>“When considering development proposals within the North Circular AAP area the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area”.</b></u></p>
MM2	31 & 32	Policy 4 Local Education and supporting paragraphs	<p>Insert altered text to Policy 4 Local Education and supporting paragraphs.</p> <p><b>Policy 4 Local education</b></p> <p><b>The development of new homes within the NCAAP area will be expected to contribute towards the provision of primary and secondary school places commensurate with the expected additional demand, <u>as identified in the annual update of the Council's School Places Strategy, and</u> as set out in the Council's S106 Supplementary Planning Document.</b></p> <p><del>The creation of additional pupil places at Garfield Primary School and Broomfield Secondary School will be supported. The Council will continue to coordinate the provision of school places with neighbouring boroughs and the potential to increase capacity in other nearby schools will be explored as the need arises. The Council will keep under review its Primary and Secondary School strategies.</del></p> <p><u><b>In the primary sector there is an identified demand for 2 additional forms of entry from September 2014 in the south west of the borough which includes the NCAAP area. Demand for additional pupil places for reception aged children is specifically being met within the NCAAP area through an approved additional form of entry at</b></u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>Garfield School. In order to secure sufficient provision for both September 2014 and 2017 for the south west as a whole, options are also being considered beyond the area covered by the Action Plan including proposals to increase the capacity of other nearby schools to help meet the demand.</u></b></p> <p><b><u>In the secondary school sector local capacity will be needed from September 2017. The expansion of Broomfield Secondary School will be considered as part of the Council's on-going pupil places review. The Council continues to monitor the provision of school places alongside the progress of Free/Academy Schools, cross border pupil movement and the provision of additional places in neighbouring boroughs.</u></b></p> <p>Supporting paragraphs:</p> <p><b><u>For the purposes of planning for school places Enfield is divided into six pupil places planning areas. The area covered by the Action Plan is within the wider south west pupil places planning area.</u></b> Ensuring appropriate provision is made for additional school places required to meet increased demand as sites are developed and families move in is a top priority for the NCAAP. A great deal of concern has been expressed about this and similar issues and it is therefore essential that developers work closely with the Council to ensure appropriate provision is made in this regard.</p> <p><del>Recent studies have confirmed that Garfield Primary School has capacity for additional forms of entry and the Council is in the process of exploring the feasibility of this in more detail. Other nearby schools may also play a role in ensuring increased demand is met. Similarly, the Council will continue to work closely with its neighbouring authorities to keep this critical issue continually under review.</del></p> <p><b><u>In addition to the expansion of Garfield Primary School, other nearby schools will also play a role in ensuring increased demand in the primary school sector is met in both the short and medium term. The provision of a new primary school to help meet the capacity required for 2017 is still being explored at Grovelands Park. The Council will continue to work closely with its neighbouring authorities to keep this critical issue continually under review.</u></b></p> <p><b><u>In the secondary school sector, new provision is being created in the borough through the approval of Heron Hall Free School, which opened in September 2013, and 2 new Academies, both due to open in September 2014. Secondary school provision in the west of the borough is within capacity up to 2017/18. The Council continues to monitor the progress of free school/academy provision</u></b></p>



Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>alongside the latest pupil number projections annually and adapt its Strategy for providing places according. If the expansion of existing schools is necessary in addition to the approved free school/academy provision, then options for Broomfield Secondary School will be explored.</u></b></p> <p>Core Policy 8 outlines Council's position on meeting the future education requirements across the borough over the next 15 years. Further detail is provided in the Council's S106 SPD.</p>
MM3	57	Supporting paragraph under Policy 13 Ladderswood Estate	<p>Text amendment to supporting paragraph as follows:</p> <p>The redevelopment of the Ladderswood Estate is the centrepiece of the Council's proposals for the New Southgate Regeneration Priority Area. <b><u>In February 2014 the Council granted planning permission for a mixed use residential led scheme including six B1(b)/B1(c) commercial units that will provide high quality, flexible employment premises offering new work spaces for start-up and other small businesses. The permitted scheme also includes employment development in the form of a hotel.</u></b> Having prepared the New Southgate Masterplan in consultation with local residents, the Council and its housing and development partners will continue to work in partnership with the local community to deliver the phased redevelopment of the estate and with it a programme of public realm and other improvements. This includes delivering a coordinated programme of improvements to open spaces in the area under the 'Take the High Road' initiative.</p>



## MUNICIPAL YEAR 2014/2015 REPORT NO. **51A**

**MEETING TITLE AND DATE:**

Cabinet: 17<sup>th</sup> September 2014  
Council: 8<sup>th</sup> October 2014

**REPORT OF:**

Director of Regeneration and Environment

Contact officer and telephone number:

Head of Strategic Planning & Design  
Joanne Woodward 020 8379 3881

<b>Agenda – part one</b>	<b>Item: 10</b>
<b>Subject:</b> Community Infrastructure Levy	
<b>Wards: all</b>	
<b>Key Decision No: 3844</b>	
<b>Cabinet Member consulted:</b> Cllr Alan Sitkin	

**See Annexes 1-6**

### **1. EXECUTIVE SUMMARY**

- 1.1 This report summarises work undertaken to date towards the introduction of a Community Infrastructure Levy (CIL) for Enfield. The report was considered by Cabinet on 17 September 14 who have recommended approval of the CIL Draft Charging Schedule to Council for public consultation and thereafter, submission to the Secretary of State for independent Examination. The proposed charging rates are detailed in the Schedule attached in Annex 1.
- 1.2 Before introducing a CIL, the Council is required to undertake two stages of consultation on its proposed CIL Charging Schedule before it is subject to independent examination. At its meeting on the 16<sup>th</sup> May last year, the Local Plan Cabinet Sub-Committee approved the Preliminary Draft CIL Charging Schedule for consultation along with the draft Infrastructure Delivery Plan.
- 1.3 The consultation period lasted for 6 weeks, ending on the 19<sup>th</sup> July 2013. A total of 23 responses were received concerning the draft Charging Schedule and an additional 10 comments related to the draft Infrastructure Delivery Plan. This report summarises the responses received to this earlier consultation and details the further viability work undertaken to address the representations received.
- 1.4 This additional viability work also looked at the potential for the Council to set a levy for a range of commercial uses, including new hot food takeaways and betting shops in the borough. This report sets out the additional planning powers available to the Council to control such uses.
- 1.5 Government regulations which will restrict the Council's ability to collect funds received through S106 Agreements are due to come into effect from April 2015. From this date the pooling of S106 Agreements will be limited to five developments and CIL will replace such agreements as the main source of securing developer contributions for infrastructure to support planned growth in the borough. However affordable housing and other site specific mitigation measures will continue to be required through Section 106 agreements.

## **2. RECOMMENDATIONS**

Council is asked to approve the Enfield Community Infrastructure Levy Draft Charging Schedule, for consultation and submission to the Secretary of State for public examination, as set out in Appendix 1 of the report.

## **3. BACKGROUND**

- 3.1 In recommending the CIL Draft Charging Schedule to Council for formal approval, Council is asked to note that Cabinet also agreed:
- 3.1.1 That the Cabinet Member for Economic Development be authorised to agree the publication of the CIL Supporting Information Document to provide further guidance to applicants for planning permission on the justification and operation of Enfield's CIL.
  - 3.1.2 To note the publication of the revised Infrastructure Delivery Plan (2014) following consultation.
  - 3.1.3 That delegated authority be given to the Director of Regeneration and Environment, in consultation with the Cabinet Member for Economic Development, to agree appropriate changes to the Draft Charging Schedule and undertake any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning Inspector and any emerging evidence, guidance or legal advice with changes of a substantive nature being considered, where necessary, by the Local Plan Cabinet Sub-Committee.
- 3.2 The Community Infrastructure Levy (CIL) was introduced under the Planning Act (2008) as a tariff based approach to raising funds for new infrastructure. Funds can be pooled from CIL liable developments across the borough to contribute to essential infrastructure such as roads, rail, schools and flood defences. Once adopted CIL would largely replace contributions for infrastructure arising from Section 106 Agreements associated with specific planning consents.
- 3.3 Pooling restrictions for Section 106 Agreements set out in the Government's CIL Regulations (2010) (as amended) are due to come into effect from April 2015. From this date the pooling of Section 106 Agreements will be limited to five developments and CIL will replace such agreements as the main source of securing developer contributions for infrastructure to support planned growth in the borough.
- 3.4 Before introducing a CIL, the Council is required to undertake two stages of public consultation on a draft CIL Charging Schedule before the Schedule is submitted for independent Examination.
- 3.5 Following Local Plan Cabinet Sub-Committee approval on the 16<sup>th</sup> May 2013, the CIL Preliminary Draft Charging Schedule was published for public

consultation for six weeks alongside the Council's Draft Infrastructure Delivery Plan. The consultation ran from the 7<sup>th</sup> June – 19<sup>th</sup> July 2013.

- 3.6 In total 23 comments were received concerning CIL, these are summarised in Annex 2. The list of organisations which made representations is contained in Annex 3. The Consultation Statement (copy is available in the Members' library) sets out in detail the comments received together with the Council's response.
- 3.7 10 comments were received regarding the Council's Draft Infrastructure Delivery Plan and these have been considered in finalising the document. A copy of the final version of the Infrastructure Delivery Plan (2014 Review) is available in the Members' library.
- 3.8 Further viability work was undertaken in light of the representations received on the Preliminary Draft Charging Schedule. This is summarised in Annex 4 and a copy of the CIL Supplementary Viability Report prepared by specialist consultants the Dixon Searle Partnership is available in the Members' Library.
- 3.9 Comments received on the Preliminary Draft Charging Schedule, together with the recommendations from the further viability work were considered and used to inform the proposed levy rates in the CIL Draft Charging Schedule

#### **4. PROPOSED CIL LEVY RATES IN THE DRAFT CHARGING SCHEDULE**

- 4.1 The recommended CIL charging rates for inclusion within the Draft Charging Schedule are set out in Tables 1 & 2 overleaf. The figures are in addition to the Mayoral CIL which is set at £20 per square metre for Enfield. The proposed levy rates and formulae that will be used to calculate CIL on CIL liable developments are provided in the Schedule attached in Annex 1.

Table 1: Residential CIL Rates (Comprising all the C3 <sup>1</sup> Residential Use Class <sup>2</sup> )	
Zone	Rate
<b>Meridian Water Masterplan area</b>	Nil rate
<b>Lower rate</b> Eastern corridor (to include the following Wards: Turkey Street, Enfield Lock, Enfield Highway, Southbury, Ponders End, Jubilee, Lower Edmonton, Upper Edmonton, Edmonton Green, Haselbury and parts of the Bush Hill Park and Chase Wards).	£40 per square metre.
<b>Intermediate rate</b> Area south of the A406 and A110 Bowes Road, Bowes Ward and part Southgate Green. Enfield Town (with parts of adjacent Chase and Highlands Wards).	£60 per square metre.
<b>Higher rate</b> Remainder of the Borough.	£120 per square metre.

- 4.2 The proposed boundaries of the above residential charging zones are illustrated on the map attached at Annex 5.

Table 2 : Non Residential and Commercial CIL Rates	
<b>Retail (A1), financial and professional services including betting shops (A2), restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5).</b>	A borough wide rate of <b>£60</b> per square metre.
<b>All other uses –</b> (including offices, industrial, hotels, leisure facilities, community and other uses).	<b>£0</b> per square metre.

<sup>1</sup> CLASS C3 Dwelling Houses - Use as a dwelling house (whether or not as a sole or main residence): -  
a) by a single person or by people living together as a family, or b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

<sup>2</sup> The Use Classes Order for England 1987 (With amendments; 2005, 2006 & 2010) puts uses of land and buildings into various categories known as 'Use Classes'.<sup>3</sup> CLASS C3 Dwelling Houses - Use as a dwelling house (whether or not as a sole or main residence): -

- 4.3 Although there is no prescribed life for a Charging Schedule, a Charging Schedule is usually expected to run for approximately 2- 3 years post adoption; as for longer periods the evidence base and or changing circumstances such as the introduction of changes to the Building Regulations may deem the Schedule out of date.
- 4.4 Government guidance is clear that CIL rates must be supported by viability evidence. To set rates at variance with the evidence presents a risk of the Charging Schedule being found unsound at the CIL Examination. Delays in the adoption of the CIL Charging Schedule could impact on revenue from developer contributions this is discussed further in Section 7 below.
- 4.5 The Preliminary Draft Charging Schedule published for consultation last year proposed higher charging rates (£85 per square metre) for hot food takeaways and betting shops to that now proposed at £60 per square metre. However in their response to this consultation, officers from the GLA highlighted the lack of viability evidence to support such a charge. The consultants in undertaking further viability work to support the Draft Charging Schedule reconfirm in their Supplementary Viability Report (June 2014) that there is no viability evidence to support a higher charge for betting shops and hot food takeaways and that these uses should be incorporated within the general retail rate as illustrated in Table 2 above.
- 4.6 The rates in the Charging Schedule must be based on the viability evidence and the Schedule cannot be used as a policy tool to deter new development even in those cases where this might be considered desirable. However the Council, as Local Planning Authority, does have a range of other tools and powers available to it in order to restrict certain type of development where appropriate.
- 4.7 The Development Management Document sets out the Council's approach for the consideration of planning applications for new development in the borough. It contains detailed planning policies by which planning applications will be determined, including those for commercial developments such as hot food takeaways and betting shops. The DMD was subject to an independent examination by a Planning Inspector earlier this year and following its successful conclusion it is programmed to be formally adopted by the Council in the Autumn as part of the statutory local plan.
- 4.8 DMD policies 32 and 33 set out the Council's approach to managing the impact of food and drink establishments and betting shops. For applications for new food and drink establishments, Policy 32 sets out criteria against which such applications will be determined. This includes restricting them to town centre locations, protecting the amenity of neighbouring residents, preventing the clustering of such uses and requiring conditions to control issues such as hours operation, noise and fumes. Developments involving hot food takeaways are not permitted within 400m of an existing or proposed secondary school entrance.

- 4.9 It is recognised that food and drink establishments provide an important and valued service in the borough, generating employment and supporting the vibrancy and vitality of town centres. However the policy addresses the potential negative impacts, particularly associated with hot food takeaways, which must be considered. There is increasing concern over the rising levels of obesity in the borough, especially among young people. The proliferation of takeaway outlets in the borough in recent years, frequently selling fried and fatty foods, has increased the availability of such food. Restricting new hot food takeaways in close proximity to secondary schools is designed to reduce the opportunities for consumption, in accordance with Enfield's Childhood Healthy Weight Strategy (2011).
- 4.10 DMD Policy 33 seeks to control the negative aspects associated with betting shops in a similar way. It includes criteria against which new proposals will be judged and prevents the clustering of uses to ensure there is no harm to the vitality and viability of town centres, or harm caused by anti social behaviour.
- 4.11 However the majority of betting shops in the borough arise from the conversion of a building previously in use as a bank, building society, restaurant or pub, and do not require planning permission under current planning legislation. In 2011, the Portas Review recommended the creation of separate use class for betting shops and earlier this year the Government announced it was considering creating a "much wider 'retail' use class, excluding betting shops and payday loan shops" and would consult during the summer. This consultation is still awaited.

## **5. REGULATION 123 LIST**

- 5.1 Regulation 123 of the CIL Regulations provides for charging authorities (Enfield Council) to set out a list of projects or types of infrastructure that it intends to fund through the levy. The intention of the list is to provide transparency and prevent developers being charged twice through CIL and s106 for the same item of infrastructure. A Draft Regulation 123 infrastructure list must be prepared for the Examination of the Draft Charging Schedule. A copy of the Draft Regulation 123 List is attached in Annex 6.
- 5.2 The infrastructure list can be changed at any time, but Government guidance indicates that any such changes have to be clearly explained and subject to appropriate local consultation.
- 5.3 On the introduction of the CIL Charging Schedule, or from April 2015, s106 requirements are to be scaled back. From this date, pooled S106 Agreements will be limited to five developments for planning obligations entered into since April 2010; and CIL will replace such agreements as the main source for securing developer contributions for infrastructure to support planned growth in the borough.

- 5.4 A planning obligation can only be taken into account when determining a planning application for a development, if the obligation meets all of the following legal tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 5.5 Whilst it is the Government's intention to replace planning obligations with CIL for general types of community infrastructure, planning obligations will still be used for site specific mitigation measures that are required to make a development acceptable in planning terms.
- 5.6 At the CIL examination the Council will have to set out how its s106 policy will be amended to take account of the introduction of CIL for the area. The Council's s106 Planning Obligations Supplementary Planning Document (SPD) (adopted November 2011) will be amended and is expected to cover the following matters:
- Affordable housing
  - Employment skills and training
  - Transport infrastructure specific to the development required to make the development acceptable in planning terms.
  - Sustainable transport (Travel plans, etc.)
  - Carbon fund
  - Decentralised Energy Network (DEN) (on site DEN ready works)
  - Public art
  - Community safety
  - On site open space and recreation provision
  - Biodiversity
- 5.7 A draft revised Section 106 Planning Obligations SPD will be the subject of a future report to the Local Plan Cabinet Sub Committee. Subject to the Committee's approval it is anticipated that this draft document will be published for public consultation along with the CIL Draft Charging Schedule later this year.

## **6. NEXT STEPS**

- 6.1 The current production timetable is summarised below:
- Local Plan Sub Committee - 15th July 2014
  - Cabinet - August/September 2014
  - Full Council - October 2014
  - Publish for 6 week consultation final Draft Charging Schedule week commencing end Oct to mid December 2014
  - Independent examination February/March 2015
  - Adoption Spring 2015

- 6.2 Once introduced, the Council is required to monitor and review how CIL operates in the borough taking account of changing circumstances in build costs, the economic climate and other policy changes that may affect viability. The Council is required to produce an annual report detailing the monies accrued for the previous year, CIL spend and the priorities for CIL spend in the forthcoming year.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The intention to prepare a CIL Charging Schedule is set out in the Council's Local Development Scheme and adopted Core Strategy. To solely continue with section 106 Agreements as the main source of developer contribution after the imposition of section 106 pooling restrictions, in April 2015, will significantly reduce the revenues that can be raised to help deliver the growth and regeneration objectives proposed in the Borough, as contained within the Local Plan
- 7.2 The option of delaying publication of the Draft Charging Schedule has been considered. Further delay would mean that s106 pooling restrictions as described in paragraph 5.4 would have a significant impact on S106 revenue. It would also mean that the base evidence contained in the viability study to support a CIL charge would become dated and would need to be revised to support the examination of the Charging Schedule.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 Significant investment in infrastructure is needed to support the regeneration and growth planned in the Council's Local Plan (Core Strategy). With the introduction of restrictions on the pooling of contributions collected via Section 106 agreements in April 2015, CIL will become the main source of securing developer contributions for significant infrastructure improvements. Publication of the Draft Charging Schedule is crucial to advancing CIL and maintaining developer contributions. The proposed CIL rates have been developed with appropriate regard to planning policy and the need to ensure the continued viability of development in the borough.

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

### **9.1.1 Financial Implications**

- 9.1.1 The proposed charging rates have been informed by an independent assessment of development viability undertaken by specialist consultants Dixon Searle Partnership. The recommended rates differ according to land use, and in the case of residential development, also by location.



- 9.1.2 The charging rates in Tables 1 and 2 above have been amended to take account of the further viability work undertaken by Dixon Searle Partnership. (Please note that the CIL rates expressed in the tables exclude the Mayor's CIL of £20 per square metre.)
- 9.1.3 The Table in Annex 6 includes a draft list of the type of infrastructure and projects that the Council intends will be partly or wholly funded through Community Infrastructure Levy. Under the CIL Regulations the role of S106 agreements will be scaled back to those matters that directly relate to a specific site and are not set out on the infrastructure list, this will apply on the introduction of CIL or by April 2015.
- 9.1.4 S106 pooling restrictions will also impact on the level of developer contributions that the council receives so the revenue raised from S106 will be significantly reduced from April 2015. CIL will replace most S106 agreements in funding infrastructure associated with new development and CIL will be the main mechanism for collecting funds to support new infrastructure.
- 9.1.5 It should be noted that the estimated amounts of CIL is dependent on the planning applications submitted and these can vary for a number of factors such as the economic climate.

## **9.2 Legal Implications**

- 9.2.1 The legislative framework for CIL is contained in sections 205-225 of the Planning Act 2008, following which the Secretary of State published the CIL Regulations 2010 (as amended), which came in to force 6 April 2010.
- 9.2.2 Regulation 13(1) authorises the Council (being a 'charging authority') to set differential rates (a) for different zones in which development would be situated; (b) by reference to different intended uses of development.
- 9.2.3 Regulation 13(2) provides that a charging authority may set supplementary charges, nil rates, increased rates or reductions.
- 9.2.4 Regulation 12(2)(c) requires a charging authority (LBE), where it sets differential rates to provide a map identifying the location and boundaries of the zones and an explanation of how the chargeable amount will be calculated. The recommendations in this report accord with the Council's powers and duties.
- 9.2.5 Regulation 16 sets out the obligations on the authority with regards the publication of the draft charging schedule following the consultation and consideration of the Preliminary Draft Charging Schedule. Where consultation is undertaken the Council is under a duty to give conscientious consideration to any representations received.
- 9.2.6 Regulations 122 and 123 place limitations on the use of s.106 contributions after the CIL charging schedule is adopted or in any event after April 2015 as set out in the body of the report.

9.2.7 The recommendations contained in this report are in accordance with the Council's powers and duties.

### **9.3 Property Implications**

9.3.1 Property Services was consulted on the originally drafted geographical boundaries for the proposed charging bands, and agreed that the suggested boundaries reflect three broad categories of property value across the Borough.

9.3.2 CIL enhances transparency in viability assessment and in the provision of future infrastructure requirements, and is welcomed. The inflationary effect of CIL charges on property transactions is potentially cancelled out, as it is a substitute for an existing instrument. Whilst it will be a factor in the location for new development, it will be one of many other factors and the CIL rates are not expected to distort market activity.

9.3.3 As stated above, the revised Government Guidance on CIL, issued in February 2014, recommends a sharper focus on strategic sites on which the local plan relies, where the impact of the levy is likely to be most significant. As a result of further viability work undertaken by consultants, it is apparent that residential development proposals within the Meridian Water Masterplan (MWM) area are constrained by the significant site preparation and infrastructure costs, and the intention to provide affordable housing at levels compliant with the Core Strategy policy.

9.3.4 Consequently, the intention to include the whole of the MWM area as a nil band for CIL contributions is justified in terms of viability, and will act as a stimulus to help bring forward development. However, it should be recognised that many of the infrastructure costs and other expenditure for Meridian Water set out in the Regulation 123 list, will need to be borne by development elsewhere in the Borough through the wider application of CIL payments. The Mayor's CIL of £20 per square metre will still be paid on new market housing within the Meridian Water Masterplan area.

9.3.5 Government guidance makes it clear that planning obligations (under Section 106) cannot be sought for infrastructure intended to be funded by the levy, and that closer scrutiny to such obligations will apply to ensure that they are fairly and directly related to the development proposed. Similar scrutiny will apply to Section 278 agreements, dealing with highway improvements, to ensure there is no 'double counting'.

9.3.6 The decision not to impose CIL on industrial and office development is welcome, given the importance of business premises to the local economy. The absence of CIL also reflects the relatively limited section 106 contributions paid by new business development through current arrangements.

9.3.7 The non-residential CIL for retail (A1) and other uses appropriate to a shopping centre will only apply to new development in excess of 100 square metres. In view of the contraction of retail uses generally, it is anticipated that

this will not yield substantial CIL payments for the foreseeable future. The retail units that are Council owned, are generally small units, proposals generally relate to changes of use (not liable for CIL) rather than re-development and expansion. This is a pattern that is reflected in respect of small shop units throughout the Borough. Government amendments to the Permitted Development regulations in April 2014 enable more flexible changes of use without the need for planning permission.

## 10. KEY RISKS

- 10.1 Risk:** Under the CIL Regulations the pooling of Section 106 developer contributions will be restricted to five developments on the establishment of CIL or by April 2015 (whichever is earlier). Contributions for infrastructure currently collected as part of Section 106 agreements will be significantly reduced under this regime. The timetable in paragraph 6.1 may be difficult to achieve due to pressures on the Planning Inspectorate nationwide to approve charging schedules by this deadline.

**Mitigation:** Timely completion and adoption of the CIL charging schedule prior to April 2015 is therefore critical to the pooling of funds to help deliver the infrastructure required to support the growth proposed in the Borough as detailed in the Local Plan. Transitional arrangements will need to be put in place for the operation of s106 post April 2015, if the delays in adopting an Enfield CIL are deemed likely to impact on revenue from developer contributions.

- 10.2 Risk:** In setting CIL charging rates there is a need to strike an appropriate balance between contributing to local infrastructure funding needs and development viability.

**Mitigation:** The wider costs of development, ongoing uncertain market conditions, affordable housing implications and variable land value levels require that very careful consideration is given to the setting of the CIL charging levels. The Council has engaged expert viability consultants to advise on the appropriate CIL charging rates for the borough.

- 10.3 Risk:** Although under the CIL regulations affordable housing is not liable for CIL charging, if CIL rates were to be set too high there would be a danger that in order for schemes to remain economically viable the affordable housing component will be squeezed and the number of affordable homes delivered could fall.

**Mitigation:** The proposed CIL rates have been set to take into account the need for development to provide affordable housing to comply with the adopted Core Strategy and Development Management Document. This will ensure that the affordable housing target is met, reducing the risk to the delivery of affordable housing in the borough.

## **11. IMPACT ON COUNCIL PRIORITIES**

### **11.1 Fairness for All**

CIL as a charging regime will be fairer to more in the Borough. The Charging Schedule will ensure fairness for all as from the outset a person applying for planning permission for a CIL liable development will know how much that they are expected to pay in developer contributions.

### **11.2 Growth and Sustainability**

The levy will be instrumental in achieving sustainable growth in the Borough through pooling developer contributions and spending monies accrued on the Borough's regeneration infrastructure priorities.

### **11.3 Strong Communities**

The CIL Amendment Regulations (2013) propose that a proportion of CIL monies be passed to neighbourhoods this is set at 25% uncapped of CIL receipts in an area with a Neighbourhood Plan, and 15% capped at £100 per existing dwelling in an area where there is no Neighbourhood Plan in place. For local authorities without Parish Councils such as Enfield, the spending of this proportion will be in consultation with the community, aiding the development of stronger communities. Communities concerned will not have direct control of the money.

## **12. EQUALITY IMPACT IMPLICATIONS**

- 12.1 An initial Equalities Impact Assessment (EQIA) was carried out for the Preliminary Draft CIL Charging Schedule to ensure that equal opportunities were promoted in all aspects of consultation and production of the schedule. Representations received to the Preliminary Draft Charging Schedule have been used to inform the Draft Charging Schedule. The impact of any changes made will be evaluated in the EqIA which will be published and made available alongside the Draft CIL Charging Schedule as supporting documentation.

## **13. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 13.1 The CIL Charging Schedule will provide clear guidance on the levy to be paid on CIL liable developments on the implementation of planning permission. Preparation of the CIL and its collection will help to deliver the Council's Infrastructure Delivery Plan and contribute towards the achievement of the following priorities in the Council's Business Plan (2012 – 2015): Serve the whole borough fairly and tackle inequality, a clean, green and sustainable environment, bring growth, jobs and opportunity to the borough, listen to the needs of local people and be open and accountable, encourage active citizenship and work in partnership with others to ensure Enfield is a safe and healthy place to live.

## **14. PUBLIC HEALTH IMPLICATIONS**

14.1 Public health care facilities are identified on the draft Regulation 123 Infrastructure List. The Infrastructure Delivery Plan Review 2014 also sets out the local commissioning priorities that are proposed to be delivered in partnership with the Council and NHS to support growth within the Borough to 2026; this includes new health care facilities at Meridian Water.

### **Annexes**

Annex 1: Draft Charging Schedule.

Annex 2: Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule  
Summary of Consultation Responses.

Annex 3: Responses Received to the Preliminary Draft Charging Schedule.

Annex 4: Summary Further Viability Work Undertaken by Dixon Searle Partnership.

Annex 5: Community Infrastructure Levy Residential Charging Zones.

Annex 6: Draft Regulation 123 Infrastructure List.

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**Enfield Council  
Community Infrastructure Levy  
Draft Charging Schedule**

**Enfield Council Community Infrastructure Levy:  
Draft Charging Schedule, October 2014**

## ENFIELD'S PROPOSED DRAFT CIL CHARGING SCHEDULE

Enfield Council is the charging authority for the Community Infrastructure Levy for the purposes of Part 11 of the Planning Act 2008 (as amended).

### Schedule of Rates

Taking into account the economic viability study findings and the Government guidance on charge setting, Enfield Council proposes to charge CIL in respect of development across the Borough at the following rates (expressed as pounds per square metre net additional floorspace, gross internal area):

Table 1: Residential CIL Rates (Comprising all the C3 <sup>3</sup> Residential Use Class <sup>4</sup> )	
Zone	Rate
<b>Meridian Water Masterplan area</b>	Nil rate
<b>Lower rate</b> Eastern corridor (to include the following Wards: Turkey Street, Enfield Lock, Enfield Highway, Southbury, Ponders End, Jubilee, Lower Edmonton, Upper Edmonton, Edmonton Green, Haselbury and parts of the Bush Hill Park and Chase Wards).	£40 per square metre.
<b>Intermediate rate</b> Area south of the A406 and A110 Bowes Road, Bowes Ward and part Southgate Green. Enfield Town (with parts of adjacent Chase and Highlands Wards).	£60 per square metre.
<b>Higher rate</b> Remainder of the Borough.	£120 per square metre.

The boundaries of the proposed charging zones are illustrated on the map below in Figure 1.

<sup>3</sup> CLASS C3 Dwelling Houses - Use as a dwelling house (whether or not as a sole or main residence): -  
 a) by a single person or by people living together as a family, or b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

<sup>4</sup> The Use Classes Order for England 1987 (With amendments; 2005, 2006 & **2010**) puts uses of land and buildings into various categories known as 'Use Classes'.



<b>Table 2 : Non Residential and Commercial CIL Rates</b>	
<b>Retail (A1), financial and professional services including betting shops (A2), restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5).</b>	A borough wide rate of <b>£60</b> per square metre.
<b>All other uses</b> – (including offices, industrial, hotels, leisure facilities, community and other uses).	<b>£0</b> per square metre.

### **Mayoral CIL**

In accordance with Regulation 10 of the Community Infrastructure Levy Regulations 2010 (as amended), Enfield Council is a collecting authority for the Mayoral CIL. This is currently set at a level of £20 per square metre (as adjusted for inflation) and will be levied in addition to the Enfield Council CIL rates expressed above.

### **Calculation of the CIL Charge**

The amount to be charged for each development will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended). For the purposes of the formulae in Regulation 40 (set out in Annex A), the relevant rate (R) is the rate for each charging zone shown in Tables 1 and 2.

### **Inflation and Indexation**

As set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended), the above CIL rates shall be tied to the Royal Institution of Chartered Surveyors "All In Tender Price Index"; the rate of CIL charged will therefore alter depending on the year planning permission for the chargeable development is first granted.

### **Scope of CIL**

CIL will be chargeable on the net additional floorspace (gross internal area) of all new development apart from those exempt under Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended). Those exempt from the charge are as follows:

- Developments where the gross internal area of new build on the relevant land will be less than 100 square metres (does not apply where development will comprise one or more dwellings);

- Buildings into which people do not normally go, or go into only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
- Residential annexes or residential extensions\*;
- Self-build housing or self-build communal development\*;
- Buildings owned by charities and used wholly or mainly for a charitable purpose\*;
- Those parts of a development used for social housing\*.
- Part of a building which has been in continuous lawful use for at least six months within the three years prior to the granting of planning permission would exempt an entire building.

Applications for charitable, self-build, residential annexes or extensions, or social housing relief must be submitted to the Council in accordance with Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended).

### **Payment Instalments**

In accordance with Regulation 70 of the Community Infrastructure Levy Regulations 2010 (as amended), payment of the Enfield and Mayoral CIL should be made in full at the end of a period of 60 days from the end of the intended date of commencement, or in accordance with any instalment policy which is applied by the Mayor.

### **Discretionary relief**

Although the Community Infrastructure Levy Regulations 2010 (as amended) provides for discretionary relief from CIL for exceptional circumstances, the Council does not propose to offer any other discretionary or exceptional relief from CIL. However, this matter will be kept under review through regular monitoring of the operation of CIL.

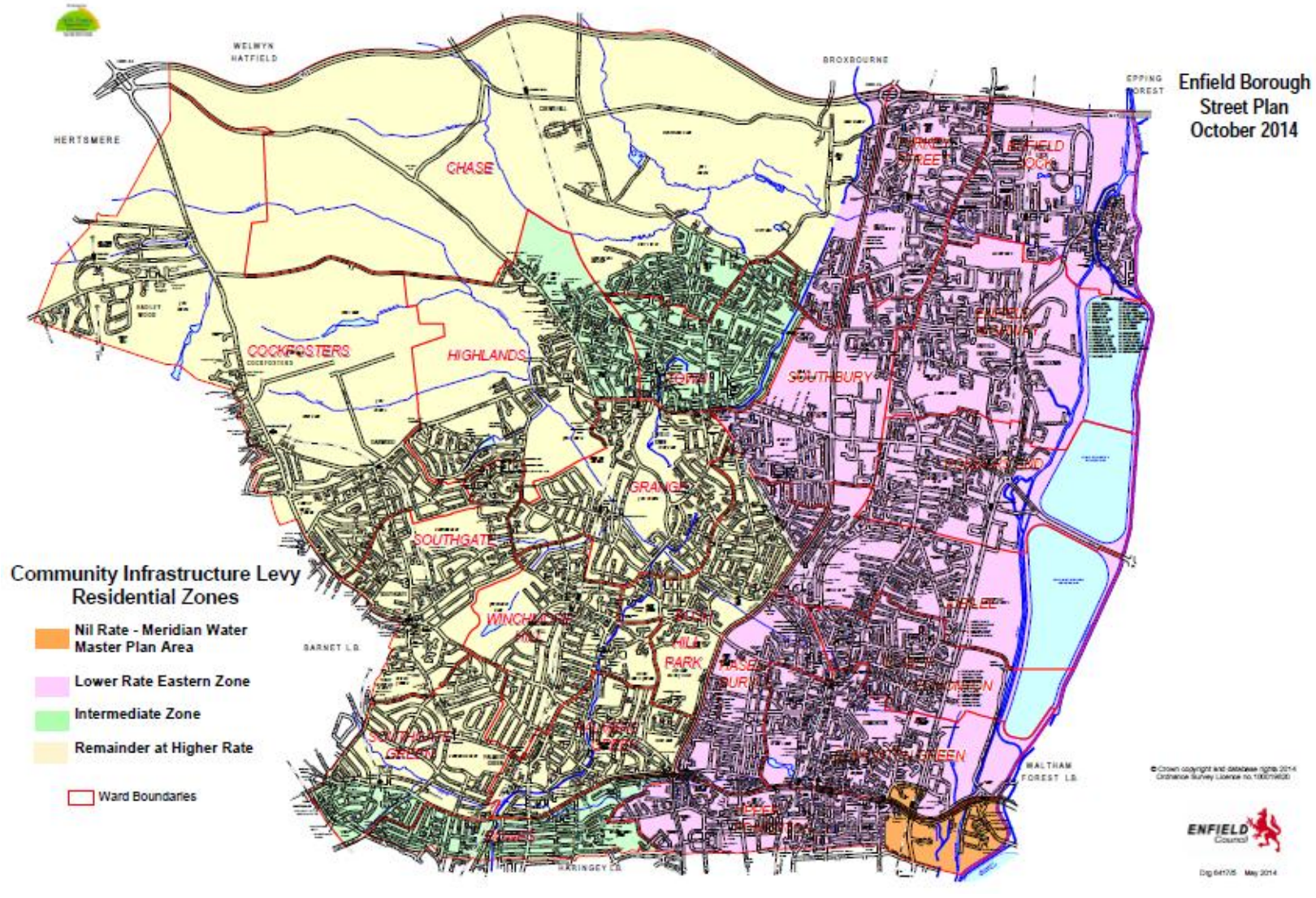
### **Statutory Compliance**

This Charging Schedule has been issued, approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008.

This Schedule was approved by Enfield Council at a meeting of the full Council held on .....2015

This Schedule takes effect on .....2015

Figure 1 Proposed CIL Residential



**Annex A****Extract from the Community Infrastructure Levy Regulations 2010 (as amended)****40. Calculation of chargeable amount**

(1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(4) The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.

(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$\frac{R \times A \times I_p}{I_c}$$

Where —

A = the deemed net area chargeable at rate R, calculated in accordance with paragraph (7);

I<sub>p</sub> = the index figure for the year in which planning permission was granted; and

I<sub>c</sub> = the index figure for the year in which the charging schedule containing rate R took effect.

(6) In this regulation the index figure for a given year is—

(a) the figure for 1st November for the preceding year in the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; or

b) If the All-in Tender Price Index ceases to be published, the figure for 1st November for the preceding year in the retail prices index.

(7) The value of A must be calculated by applying the following formula—

$$GR - KR \frac{(GR \times E)}{G}$$

Where—

G = the gross internal area of the chargeable development;

GR = the gross internal area of the part of the chargeable development chargeable at rate R;

KR = the aggregate of the gross internal areas of the following—

(i) retained parts of in-use buildings, and

(ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following—

(i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and

(ii) for the second and subsequent phases of a phased planning permission, the value  $E_x$  (as determined under paragraph (8)), unless  $E_x$  is negative, provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

(8) The value  $E_x$  must be calculated by applying the following formula—

$$E_x = EP - (GP - KPR)$$

where—

EP = the value of E for the previously commenced phase of the planning permission;

GP = the value of G for the previously commenced phase of the planning permission;  
and

KPR = the total of the values of KR for the previously commenced phase of the planning permission.

(9) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(10) Where a collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

(a) whether part of a building falls within a description in the definitions of KR and E in paragraph (7); or

(b) the gross internal area of any part of a building falling within such a description, it may deem the gross internal area of the part in question to be zero.

(11) In this regulation—

“building” does not include—

(i) a building into which people do not normally go,

(ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery, or

(iii) a building for which planning permission was granted for a limited period;

“in-use building” means a building which—

(i) is a relevant building, and

(ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings;

“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

“relevant charging schedules” means the charging schedules which are in effect—

(i) at the time planning permission first permits the chargeable development, and

(ii) in the area in which the chargeable development will be situated;

“retained part” means part of a building which will be—

(i) on the relevant land on completion of the chargeable development (excluding new build),

(ii) part of the chargeable development on completion, and

(iii) chargeable at rate R.

## COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE SUMMARY OF CONSULTATION RESPONSES

### Consultation Response

A.1.1 The six week consultation period on the CIL Preliminary Draft Charging Schedule and draft Infrastructure Delivery Plan (IDP) ended on the 19<sup>th</sup> July 2013. 33 responses were received, 23 comments were received on CIL; 18 of these were substantive comments; the remaining comments solely related the IDP or had no comments. A list of organisations making representations to the Preliminary Draft Charging Schedule is attached in Annex 3.

### Issues Raised

A1.2. The key matters raised that require further consideration are:

#### i) **Discretionary Relief**

Claims requesting that discretionary relief from payment of CIL be allowed in exceptional circumstances were made by:

- English Heritage and relate to the impact of CIL on the viability of regenerating heritage assets on the Heritage at Risk register;
- National Grid – comment that abnormal costs and the additional cost burden of CIL could jeopardise the delivery of these strategic sites within the Meridian Water master plan area;
- Enfield Disability Action - disability access features should be deducted from CIL liable floorspace.
- RPS – comment that for major retail developments involving major on and off site highway improvements and transport infrastructure improvements. S106 may in such instances be a more appropriate mechanism than the levy for this.
- Fairview Homes - discretionary relief on financial grounds should be an option based as a series of tests.
- CCIF comment that relief to address unique site costs should be made available.

#### ii) **Strategic Sites**

The GLA indicate that the CIL Guidance now requires evidence to be presented on strategic sites on which the Local Plan relies.

iii) **S106 & Affordable Housing Delivery out-turn figures for recent years**

The GLA highlight that the CIL guidance now requires that these details are provided when consulting on the CIL Draft Charging Schedule.

iv) **Lack of evidence to support higher rates for betting shops & hot food takeaways**

There was support from several consultees and some requests for higher rates and extending to include other uses. However, the GLA questioned the evidence source to justify higher rates for these uses.

v) **Residential Rates Set Too High**

vi) **Retirement Homes**

The viability assessment should assess this as a specific typology due nature of such developments.

vii) **Retail developments**

These should have a lower rate applied for individual units or extensions over 100 sqm as CIL may stifle development.

viii) **LBE Instalments Policy Required**

ix) **Regulation 123 Infrastructure List**

Various representations request / lobby consideration for inclusion of infrastructure items that reflect their particular interests - these include: policing facilities, waste treatment and green infrastructure facilities.



**RESPONSES RECEIVED TO THE PRELIMINARY DRAFT CHARGING SCHEDULE FROM THE FOLLOWING ORGANISATIONS**

- Bush Hill Park Conservation Area Study Group
- Canal & Rivers Trust\*
- CCIF (Enfield)
- Enfield Age UK
- Enfield Disability Action
- English Heritage
- Fairview Homes Ltd
- GLA
- Hertsmere Borough Council\*
- Highway Agency\*
- Home Group
- Individual (unknown)\*
- Lee Valley Regional Park Authority
- Marine Management Organisation\*
- McCarthy Stone
- Metropolitan Police Service\*
- Natural England
- National Grid Property Holdings
- North London Waste Authority
- Public Health
- RPS
- Thames Water
- Winchmore Hill Residents Association\*

\* = *No comments or comments in support*

**FURTHER VIABILITY WORK UNDERTAKEN BY DIXON SEARLE PARTNERSHIP**

A3.1 Further viability work responding to representations to the Preliminary Draft Charging Schedule is set out in the Supplementary Viability Report (June 2014), the findings from this work are summarised below:

**Strategic Sites**

A3.2 Revised Government Guidance issued in February 2014 recommends that the evidence to support a CIL charge should sample development site types across the borough and should focus on strategic sites on which the local plan relies; in particular where the impact of the levy on economic viability is likely to be most significant. Based on the revised guidance and the representation from the Greater London Authority the consultant looked at an early phase of the Meridian Water Masterplan; the period for which a first CIL charging schedule would apply. The consultants based their appraisals on the viability work undertaken by BNP Paribas, consultants for the Meridian Water Masterplan, in July 2013.

A3.3 This work confirmed that there was no scope for evidencing a local CIL for Meridian Water at the current time. This is due to the costs of decontamination and other site works, infrastructure costs and affordable housing policy compliance, coupled with current relatively low sales values for this area, which together produced poor deficit viability results.

A3.4 The proposed boundary for the Meridian Water nil charge area for residential developments is shown on the map included in Annex 5. The remainder of the east of the borough would retain the proposed residential rate of £40 per square metre. This reflects the margins of viability for this area.

A3.5 Looking ahead the consultant indicates that there may be scope in the future for charging CIL for the Meridian Water Masterplan area as part of a review of the CIL Charging Schedule. This would be based on values growth year on year as the build progresses.

**Discretionary Relief in Exceptional Circumstances**

A3.6 The Council has the option to offer relief from the levy in exceptional circumstances, on a case by case basis, where a specific scheme cannot afford to pay the levy. Such relief is activated by the Council publishing a notice of its intention on its website. Discretionary relief can be activated and deactivated by the Council at any time and is not subject of the CIL Examination.

A3.7 Where Councils have a discretionary relief policy in place, claims for relief are made by the landowners and are considered on a case by case basis against the following criteria, specified in the CIL regulations. These have to be met prior to the granting of exceptional circumstances relief and include;

- A section 106 must exist on the planning permission granting the development,
- The Council considers that to pay the full levy would have an unacceptable impact on the developments economic viability,
- The relief must not constitute a state aid.

A3.8 Exceptional circumstances relief is not an option being pursued at this stage due to the need for simplicity and consistency in the operation of CIL. The levy rates proposed in the charging schedule are based on viability evidence which show that there is scope to charge CIL; but could be considered as part of the monitoring and review process for CIL, once a CIL is in place.

### **Retirement/Sheltered Housing**

A3.9 Retirement/sheltered housing specifically refer to older persons later living, age restricted, market housing. The further viability work assumes high end values and added costs for these uses but confirms that there is no differentiation for retirement/sheltered housing and that such developments should be considered as part of the wider spectrum of housing uses. This is a position supported by Planning Inspectors at recent examinations elsewhere including at Sevenoaks and West Berkshire.

A3.10 The consultants reconfirm that care homes should not be treated as residential development and that there is poor viability scope to charge CIL.

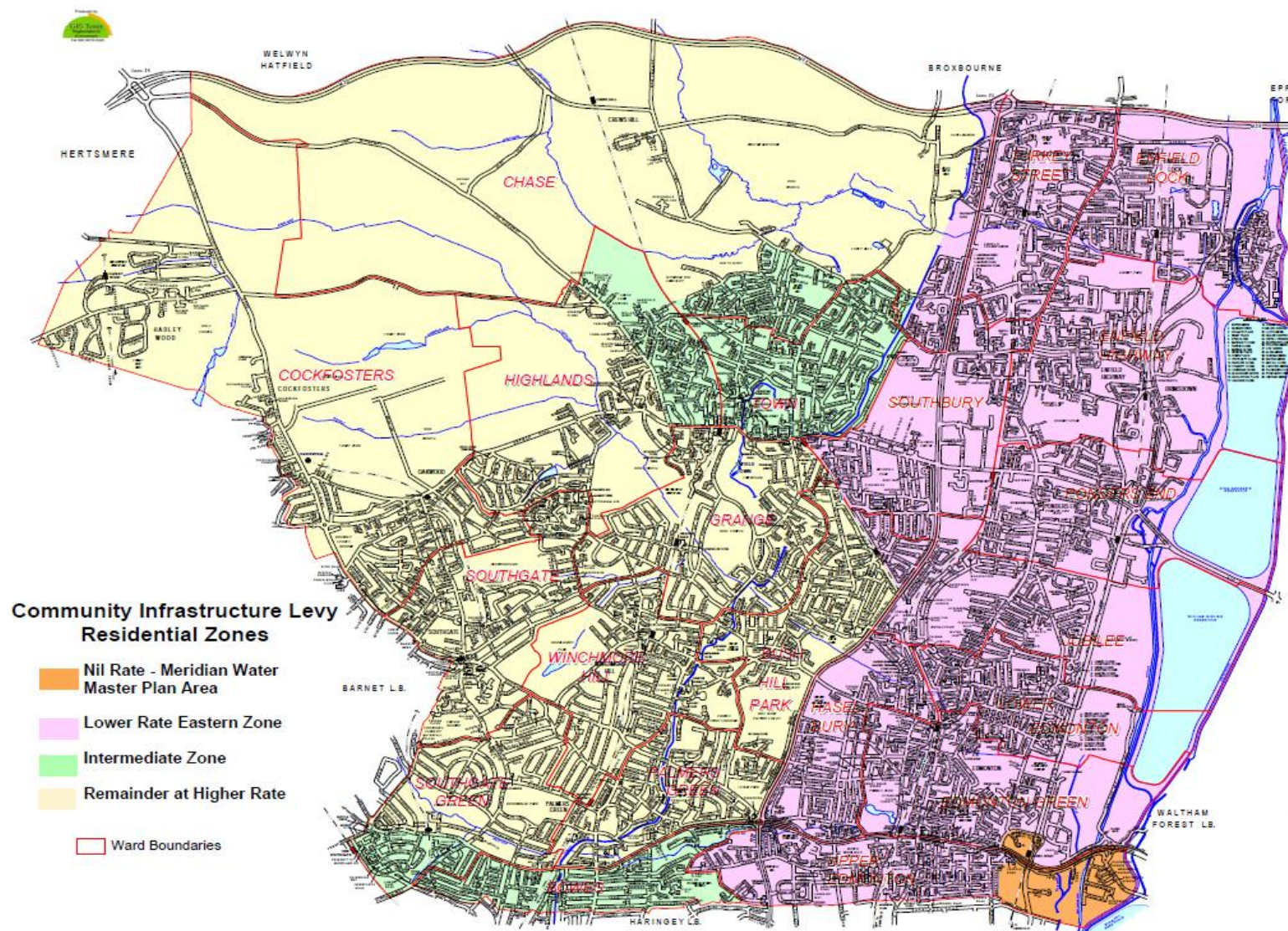
### **Retail**

A3.11 No further retail testing was considered necessary as part of the further viability work, the consultants reconfirm the options contained within their viability report supporting the Preliminary Draft Charging Schedule. This indicates that there is the option to charge a higher rate of CIL up to £120 per square metre for large format retailing. However, the consultants indicate that for clarity, simplicity and set against the uncertain retail economic backdrop, that a single rate of £60 per square metre as set at the Preliminary Draft stage remains appropriate.

### **A3.12 Betting Shops and Hot Food Takeaways**

The further viability work confirmed the previous advice that such uses do not present evidence to support a higher CIL charge relative to other retail related uses.

Enfield Borough  
Street Plan  
June 2014



**Community Infrastructure Levy  
Residential Zones**

- Nil Rate - Meridian Water Master Plan Area
- Lower Rate Eastern Zone
- Intermediate Zone
- Remainder at Higher Rate
- Ward Boundaries

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Drp 6417/6 May 2014

**DRAFT REGULATION 123 INFRASTRUCTURE LIST**

A6.1 Table A6 below is a draft list of the type of infrastructure and projects that the Council intends will be partly or wholly funded through the Community Infrastructure Levy. The inclusion of projects in the list does not signify a commitment by the Council to fund all the projects listed, nor does the list imply any order of preference for the spending of CIL funds.

<b>Table A6: Draft Regulation 123 Infrastructure List</b>
Meridian Water (Rail and Causeway Infrastructure)
Strategic and local transport improvements, (except for site specific highways and associated public realm matters needed to mitigate the impact of the development and to make the development acceptable in planning terms. Transport improvements may include works remote from the development site where the need for such work is identified in the Transport Assessment).
Council funded education provision
Flood defences
Health care facilities (public)
Public open space, sports, leisure, green infrastructure and community facilities.
Emergency services and utilities infrastructure
Phase 1 Decentralised Energy Strategic Network infrastructure (on site DEN ready infrastructure funded via s106)

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**MUNICIPAL YEAR 2014/2015 REPORT NO. 77**

**MEETING TITLE AND DATE:**

Overview & Scrutiny Committee  
 - 24<sup>th</sup> July 2014  
 CMB  
 - 2nd September 2014  
 Cabinet  
 - 12<sup>th</sup> August 2014  
 Council  
 - 8th October 2014

**REPORT OF:**

Overview & Scrutiny Committee

<b>Agenda - Part:</b> 1	<b>Item:</b> 11
<b>Subject:</b>	
SCRUTINY ANNUAL WORK PROGRAMME AND WORKSTREAMS 2014/15	
WARDS: None Specific	
Cabinet Members consulted: n/a	

Contact officer and telephone number:

Claire Johnson (Scrutiny & Outreach Manager) Tel: 020 8379 4239 e-mail: [Claire.Johnson@enfield.gov.uk](mailto:Claire.Johnson@enfield.gov.uk)

**1. EXECUTIVE SUMMARY**

- 1.1 This report and Appendices 1 and 2 set out the Scrutiny work programme agreed and potential workstreams for 2014/15 for the Council's Overview & Scrutiny Committee (OSC).
- 1.2 The Council's Constitution requires that the work programme proposed by OSC is adopted by Council on the recommendation of the Overview & Scrutiny Committee, following consultation with the Corporate Management Board (CMB) and the Cabinet.

**2. RECOMMENDATIONS**

- 2.1 That Council formally adopt the Scrutiny work programme and workstreams for 2014/15 for the Council's Overview & Scrutiny Committee (as detailed in Appendix 1) having considered any comments from CMB & Cabinet.



### **3. BACKGROUND**

- 3.1 The Council agreed a new model of Scrutiny on 11<sup>th</sup> June 2014. The new model provides a single Overview and Scrutiny Committee (OSC), 2 standing workstreams of Health and Crime and 3 workstreams to be decided by OSC.
- 3.2 OSC sets its own work programme for the year, taking into consideration wider consultation with CMB, Cabinet, stakeholders and community, in particular harder to engage communities.
- 3.3 Each member of the committee will lead on a workstream, therefore there will be 5 workstreams operating at any one time, with the option of 6 workstreams if the Chair decides to lead on an area.

### **4. Overview & Scrutiny Committee**

- 4.1 OSC met on 24th July 2014 and agreed the Scrutiny workstreams for 2014/15. The number of areas identified by Scrutiny Members as workstreams is extensive and looks potentially like an 18 month to 2 year workprogramme. New workstreams will be prioritised and scheduled to start as others are completed, so that in total there are 5 workstreams being undertaken at any one time or 6 if the Chair decides to take on a workstream as is the case currently. The OSC workprogramme and agreed workstreams are shown in appendix 1, and the potential workstreams are at appendix 2.
- 4.2 Membership of the workstreams have been agreed with the OSC leads and party whips, allocating non-executive councillors to the workstreams who have expressed an interest in undertaking scrutiny in those areas. Membership of the workstreams are cross party and will reflect political proportionality. However membership numbers can be flexible on the workstreams, and once the work stream has finished, the membership is disbanded.
- 4.3 The work streams on Health and Crime will particularly draw their members from an agreed pool of councillors who have expressed a pro-active interest to be involved in those areas. This will remain constant for the whole year and will be on a politically proportionate basis. This consistency in membership will allow these workstreams to develop a watching brief in these issues and build up a level of knowledge and expertise amongst members.

### **5. COMMENTS FROM CABINET**

- 5.1 Cabinet made the following comments:
  - (a) That five work streams would be undertaken at any one time. It was noted that the completion dates would vary. Six work streams had been identified initially. The Overview and Scrutiny Committee would agree future work streams as and when required. There would be two standing work streams for crime and health.



- (b) This was an opportunity for members to get involved in areas of interest. Both Groups would be nominating members through their party whips. It was anticipated that the first meetings would take place in September following the identified memberships. The memberships would be circulated as appropriate and reviewed as and when required. The memberships would reflect the political proportionality of the Council.

## **6. COMMENTS FROM CORPORATE MANAGEMENT BOARD**

- 6.1 CMB made comment to suggest that a set of criteria should be developed in order to determine how future workstreams would be prioritised.

## **7. REASONS FOR RECOMMENDATION**

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

## **8. ALTERNATIVE OPTIONS CONSIDERED**

No other options have been considered as the Overview & Scrutiny Committee is required, under the Council's Constitution, to present an annual scrutiny work programme to Council for adoption.

## **9. DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES COMMENTS**

### **9.1 Finance**

Any cost implications of undertaking the Scrutiny workstreams, that cannot be met from within the Scrutiny budget, will need to be reported through the revenue monitoring process.

### **9.2 Legal**

The recommendations within this report for adoption of the annual Scrutiny Workstream Programme are lawful and will help support the Council in meeting its statutory obligations for effective overview and scrutiny.

The Council has statutory duties within an existing legal framework to make arrangements for scrutiny of its decisions and service delivery and the areas of crime and health, which are covered within these recommendations.

The setting of the annual Scrutiny Workstream Programme is a matter for the Council, following consultation with directors, members and key stakeholders within an agreed protocol. These requirements are set out in the Council's Constitution.

The Council should consider its ongoing duties under the Equality Act to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and advance equality of opportunity between people who share

a protected characteristic and those who do not and consider how its decisions will contribute towards meeting these duties.

### **9.3 Key Risks**

There are no key risks associated with this report. Any risks relating to individual scrutiny workstreams will be identified and assessed through the scoping process

## **10. IMPACT ON COUNCIL PRIORITIES**

### **10.1 Fairness for All**

OSC will monitor the scrutiny work programme to ensure that it addresses issues affecting a wide range of Enfield residents and that services provided are fair and equitable.

### **10.2 Growth & Sustainability**

As part of the approach towards scrutiny, reviews will consider issues relating to sustainability.

### **10.3 Strong Communities**

OSC will ensure that the work programme continues to include active participation from residents and that reviews contribute to building strong communities.

## **11. EQUALITIES IMPACT IMPLICATIONS**

Equalities impact assessments relating to individual scrutiny workstreams and their recommendations will be assessed through the scrutiny process.

## **12. PERFORMANCE MANAGEMENT IMPLICATIONS**

OSC will monitor the work programme and ensure that review recommendations are acted on and implemented by departments.

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

## **13 PUBLIC HEALTH IMPLICATIONS**

There are no direct public health implications of this report, but rather what happens as a result of scrutiny

Background Papers: none

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**OSC WORK PROGRAMME 2014/15**

<b>WORK</b>	<b>Lead Officer</b>	<b>24<sup>th</sup> July Planning Session</b>	<b>23<sup>rd</sup> Sept Public Meeting</b>	<b>5<sup>th</sup> Nov Public meeting</b>	<b>29<sup>th</sup> Jan Public Meeting</b>	<b>26<sup>th</sup> Feb Public Meeting</b>	<b>8<sup>th</sup> Apr Public meeting</b>
Scrutiny Structure /	John Austin						
Agree workprogramme/ work streams/leads	Claire Johnson						
Local Safeguarding Board Annual Reports for Adults Services	Marion Harrington Independent Chair Sharon Burgess Head of Safeguarding Adults						
Local Safeguarding Board Annual Reports for Children's Services	Geraldine Gavin Independent Chair of Enfield Safeguarding Board.						
Agree Scopes and workstream membership	Claire Johnson						
Updates from Standing Panels and workstreams	Lead Members						
Budget Consultation	James Rolfe			To agree the process	Budget Consultation		
Enfield 2017	To be scheduled						

HR Issues	To be scheduled						
Scrutiny Annual Report and evaluation	Claire Johnson						

**Scrutiny Workstreams 2014/15**

<b>Health &amp; Adult Social Care Subject</b>	<b>Scope</b>	<b>Workstream Lead and membership</b>	<b>Scrutiny contact</b>
Chase Farm	To Look at the impact of the merger, development of the site, what are the plans, ensure that the Royal Free deliver on the promises they've made. Look at the impact on North Middx, Barnet, public health & mental Health from the changes to Chase Farm. Clearing of the backlog of elected surgery cases	<b>Alev Cazimoglu</b> Christiana During Christine Hamilton Doris Jiage Anne-Marie Pearce (vice chair), Terry Neville	Andy Ellis
<b>Children &amp; Young People Subject</b>	<b>Scope</b>		
Speech & Language Therapy	A survey has recently been sent out to all Primary & Secondary schools to gather information. 35 schools have returned the survey so far, 1878 children have been identified by schools with a speech & language problem. 644 are receiving support through the speech and language therapy service. There are significant capacity issues, Headteachers are finding the service inadequate to meet the needs of the children.	<b>Nneka Keazor</b> Guney Dogan Turgut Esendagli Bernie Lappage Peter Fallart (vice chair) Alessandro Georgiou	Claire Johnson

<b>Public Health Subject</b>	<b>Scope</b>		
Health Inequality covering Infant Mortality, Childhood Obesity and Child poverty	Enfield has one of the highest infant mortality rates in London. Infant mortality is a sensitive measure of the overall health of a population and reflects a likely association between the causes of infant mortality and other factors that influence the health status of the population.	<b>Daniel Anderson</b> Christiana During Vicki Pite Suna Hurman Andy Milne (vice chair) Nick Dines	Claire Johnson
<b>Environment/Economic Development Subject</b>	<b>Scope</b>		
High Streets & Town Centres	To investigate if there is a rise in empty shop units in the local High streets and in Enfield Town, what shops do residents want to see? If there is, why is this the case, and what can be done ?	<b>Joanne Laban</b> Robert Hayward Dinah Barry Derek Levy Jansev Jemal Claire Stewart	Andy Ellis
<b>Housing &amp; Regeneration Subject</b>	<b>Scope</b>		
Temporary Accommodation	Use of temporary accommodation is increasing due to housing pressures, how can the Council help to resolve this issue. What are the current strategies to deal with the increase, how has the welfare benefits reform impacted upon this.	<b>Edward Smith</b> Mary Maguire Adbul Abdullahi Nesimi Erbil Katherine Chibah Erin Celebi	Susan Payne

<b>Crime Subject</b>	<b>Scope</b>		
Gangs and weapon enabled crime	We are seeing an increase in Serious Youth Violence in the Borough. Scrutiny has been looking at this very complex issue for the last 4 years. The Borough has instigated various innovative tasks to tackle the problem, however despite this it continues to increase. An Enfield Tackling Gangs and Serious Youth Violence Strategy is to be launched Winter 2014, a Gang call-in evaluation is also due these could both be included as part of the scope. All known Gang members are on the Change and Challenge Programme.	<b>Krystle Fonyonga</b> Ahmet Hasan Christine Hamilton Bernie Lappage Lee Sanders (vice chair) Eric Jukes	Susan Payne



## Appendix 2

**Additional Workstreams for 2014/15 to 2015/16 to be prioritised as and when reviews are completed.**

<b>Subject</b>	<b>Scope</b>
Primary Health Care	Scope to be agreed, but will cover GP access across the borough.
Mental Health	Support & Provision , and CCG funding of MH services
Integration of Health & Social Care	This will cover Bed blocking/hospital discharge, looking at the cost of care packages comparatively with other Boroughs.
Stroke	To look at the current provision, speak to users to assess the quality of service they are receiving.
NEET	As of February 2014, there were 483 young people NEET in Enfield. Careers advice is a potential area for review, what's available, what do the young people think, what is needed.
Safeguarding	Updates to OSC on the annual safeguarding reports. Some training could be provided to members on child & adult safeguarding
Pupil Places	To receive updates on the strategy and current position with regards pupil numbers.

Childhood Obesity	Obesity is a borough wide problem, with no geographical area or socio-economic group unaffected. In reception year, using 2010/11 figures, Enfield's childhood obesity rate was 14.6%, the highest prevalence in London (London average is 11.1%) and much higher than found nationally (9.4%). By Year 6, the incidence of obesity among Enfield's young people rises to one in every four children (25.2%) the third highest in London
Child Poverty	Enfield has high levels of child poverty and deprivation. Enfield is ranked 64 <sup>th</sup> most deprived out of the 326 local authority districts in England — so in worst 20%. In 2011, Enfield was ranked 10 <sup>th</sup> in England and 6 <sup>th</sup> in London. 10 of Enfield's 21 wards in the east of the borough are among the worst 10% for child poverty in England
Life Expectancy Rate	The significant life expectancy gap between deprived and more affluent wards within the Borough. Between 55% and 60% of this life expectancy gap is accounted for by mortality due to circulatory disease, cancers and respiratory disease. There is evidence that the gap is widening for both men and women. At ward level, the gap in life expectancy is currently 8.8 years for males and 11.5 years for females between more and less deprived wards in Enfield.
Cognitive Impairment	How do people with impairments access the council services ?
Implementation of local jobs through investments with big organisations	The Committee decided to leave this till later in the year
Rationalisation of councils employability services	The Committee decided to leave this till later in the year

Enforcement	What powers does the Council have to prevent anti-social behaviour in terms of flytipping, noise nuisance, abandoned vehicles, parking, CCTV enforcement
Cleaner Enfield	What is the perception of residents, what services does the Council provide.
Meridian Water	A major development, requiring scrutiny and monitoring of progress.
Enfield Homes	A report on the reintegration of Enfield Homes into the Council to the Panel would be required.
Enfield Homes Repairs	Are these done in a timely manner, to a good standard, numbers of complaints etc
Private Sector Licensing	A report on the implementation of the strategy.
Eco Projects	What does the Council currently do, what plans are in place for future developments.
ERPF efficiency	To look at how the money has assisted the community, has it been spent in a timely manner, has the scheme achieved what it set out to achieve, what are the requirements of this years scheme.
Welfare Rights	The Committee decided to leave this till later in the year
Enfield Leaner Team	The Council needs to find significant savings and still carry on delivering high quality services accessible to all, and supporting the most vulnerable, how will this be achieved ?
Call Centre/ online operations	Digital by default is about making access to council services easier, but is this the case for the elderley, those in poverty without access to the internet, is this more efficient for them or has this approach reduced access to these vulnerable groups ?
Support for small business	To look at how the council can and does support small businesses
Poverty in Enfield - Advice /support for residents	What support/advice is available to residents, from the council and its partners

<p>Police Numbers (would suggest monitoring)</p>	<p>Police numbers are set by the Local Policing Model, in the past issues have been raised on police visibility and officers have been pulled off what they are doing to do something else. This was previously a monitoring item that came to every meeting. I would suggest that this continues</p>
<p>SSCB Partnership Plan</p>	<p>This is renewed annually signed off around June. This was previously a monitoring/ update item that came to every meeting. Once a year (6 months in to the new plan) a report was received on the progress being made on the Partnership Plan.</p>
<p>Burglary (figures used provided at SSCB in June)</p>	<p>This is a high volume crime, however we have seen improvements in the last rolling 12 months as at June SSCB was down -9.7% (MPS average -13.3). This is always a priority in the Partnership Plan under Serious Acquisitive Crime category. Actions have been identified in the Partnership Plan. Could also possibly look at Motor Vehicle (MV) crime (includes Theft from MV and Theft of MV) this is another high volume crime falling under the same category.</p>

## MUNICIPAL YEAR 2014/2015 REPORT NO. **78**

### MEETING TITLE AND DATE:

Members & Democratic  
Services Group – 16  
September 2014  
Council – 8 October 2014

### REPORT OF:

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

E mail: [John.Austin@enfield.gov.uk](mailto:John.Austin@enfield.gov.uk)

<b>Agenda – Part: 1</b>	<b>Item: 12</b>
<b>Subject: Amendment to Council Procedure Rules – Councillor Questions</b>	
<b>Wards: All</b>	
<b>Cabinet &amp; Other Members consulted: n/a</b>	

### 1. EXECUTIVE SUMMARY

- 1.1 At the last Council meeting (16 July 14) a request was made for consideration to be given to the inclusion of Associate Cabinet Members (ACMs) under the procedure for Council Questions.
- 1.2 In accordance with the established process for considering changes to constitutional procedures, the suggestion was referred on to the Members & Democratic Services Group (MDSG) for detailed consideration. Having considered the matter, MDSG supported the proposal and have therefore recommended a change in procedure to Council.

### 2. RECOMMENDATIONS

Council is asked to approve (as recommended by MDSG) the following amendments to the Section 9 (Council Questions) within the Council Procedure Rules::

- 2.1 Extending the list of members that Council Question can be addressed as follows, to include Associate Cabinet Members:

“Any Councillor may ask a Cabinet Member, **Associate Cabinet Member**, Overview & Scrutiny/Scrutiny Workstream Chair or Statutory Committee Chair a question at a Council meeting.”

- 2.2 Amending the list of outside bodies on which questions could be addressed to members serving on them, as follows:

~~Association of London Government~~ **London Councils**  
Enfield Strategic Partnership Board

### 3. BACKGROUND

3.1 The current procedure for dealing with Councillor Questions is set out in section 9 of Chapter 4.1 (Council Procedure Rules) within Part 4 of the Council's Constitution. The procedure states that:

(a) Any Councillor may ask a Cabinet member, Overview & Scrutiny Committee/Scrutiny workstream Chair or Statutory Committee Chair a question at a Council meeting. In addition questions are permitted to any Members serving on the following outside bodies:

- Association of London Government
- Lee Valley Regional Park Authority
- Local Government Association – General Assembly
- North London Waste Authority
- London Fire & Emergency Planning Authority
- Enfield Strategic Partnership Board

(b) Questions have to be submitted in writing 15 calendar days prior to the relevant Council meeting, specifying who has asked the question and which member it is addressed to. Currently the procedure rules provide for 30 minutes to run through the written responses on these questions and any follow up supplementary. This time can be extended, subject to the proposed extension being formally moved, seconded and agreed and an additional 15 minutes is allowed for any questions submitted to members serving on the above list of outside bodies.

3.2 As part of a supplementary question addressed to the Leader of the Council by the Leader of the Opposition at Council on 16 July 2014 a request was made for consideration to be given to extending the list of members to whom Council questions can be addressed to include the newly created ACM posts.

3.3 The Leader, in responding to the question, advised that he could see the justification in the suggestion and advised that it would be referred to the MDSG for consideration.

3.4 The proposal was referred to MDSG on 16 September 14 and in considering the proposal members noted:

3.4.1 The creation of three new ACM positions was approved at the Annual Council meeting (11 June 2014). The posts have been created as non-executive positions. Whilst accountable to Cabinet and invited to attend both Cabinet and Strategic Partnership meetings the post holders do not have voting rights and are not formal members of either body. The posts do, however, attract a Special Responsibility Allowance and have a

distinct role in providing a spatial focus and championing and facilitating engagement activity across each of their local areas.

3.4.2 The basis of the suggestion that members also have the right to submit Council Questions to the ACMs, was as follows:

- the cross cutting nature and distinct role identified for the posts in terms of championing and facilitating activity in their local areas; and
- the close working relationship with Cabinet, Cabinet Members and local ward councillors;
- that questions can be asked of members in other posts that attract an SRA;

3.4.3 Cabinet (12 August 2014) received a report providing further details on the role of the ACMs and their lines of accountability. This included reference to the suggestion that members be given the right to submit Council Questions to individual ACMs, which was supported and endorsed.

3.5 Having taken account of the issues highlighted in 3.4 above, MDSG were minded to support the proposal to include the ACMs within the list of members that Council Question can be addressed to and as a result recommended the following amendment to Council Procedure Rule 9.2 (a):

“Any Councillor may ask a Cabinet Member, **Associate Cabinet Member**, Overview & Scrutiny/Scrutiny Workstream Chair or Statutory Committee Chair a question at a Council meeting.”

3.6 In considering the procedure relating to Council Questions, MDSG also:

3.6.1 felt it would be useful to undertake a more general review of the format and arrangements for question time within the context of the general structure of Council meetings. They have requested a report back on this review at a future meeting, in order to allow further consideration of any changes before any final recommendations are identified for Council.

3.6.2 identified amendments needing to be made to the list of outside bodies on which questions can be addressed to members serving on them. As a result, Council is also being asked to consider the following changes:

- ~~Association of London Government~~ **London Councils**
- Lee Valley Regional Park Authority
- Local Government Association – General Assembly

- North London Waste Authority
- London Fire & Emergency Planning Authority
- Enfield Strategic Partnership Board

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

No other options have been considered. The recommended amendments to the Procedure for dealing with Council Questions were identified for consideration at the previous Council meeting and have been subject to cross party review by the Members & Democratic Services Group.

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

To update the procedure rules relating to Council Questions and allow for the inclusion of the newly created Associate Cabinet Member posts within the procedure on the basis of their distinct role.

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

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

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

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

The recommendations within the report have been designed to reflect the introduction of the newly created ACM posts as part of the changes to the Council's political management arrangements agreed by Council in June 2014. As the proposed changes will involve an amendment to the Council Procedure Rules within the Constitution they require formal approval by Council.

#### **7. KEY RISKS**

The extension of Council Questions to include ACMs has been designed to reflect their distinct role in terms of championing and facilitating activity in their local areas and ensure the necessary level of accountability in terms of their close working relationship with Cabinet, Cabinet Members and local ward councillors.

#### **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

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## MUNICIPAL YEAR 2014/2015 REPORT NO. **20A**

### MEETING TITLE AND DATE:

**CABINET** - 23 July 2014

Council – 8<sup>th</sup> October 14

**REPORT OF:** Ray James

Director of Health, Housing and Adult Social Care

<b>Agenda – Part: 1</b>	<b>Item: 13</b>
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**Subject: The Care Act 2014**

**Wards: All**

**Key Decision No: 3933**

**Cabinet Member consulted:**

Councillor Don McGowan

Contact officer and telephone number:

Keezia Obi - Head of Service, Care and Support Reform

E mail: [Keezia.Obi@enfield.gov.uk](mailto:Keezia.Obi@enfield.gov.uk) Tel: 020 8379 5010.

### 1. EXECUTIVE SUMMARY

- 1.1 The Care Bill has completed its passage through Parliament and it received Royal Assent on 14 May. It is now an Act of Parliament (law).
- 1.2 The Care Act introduces a general duty on local authorities to promote individuals' wellbeing and rebalances adult social care towards prevention, wellbeing and independence. From 2015 council's will have a new legal framework for adult social care, putting the wellbeing of individuals at the heart of care and support. The Act will replace a number of separate pieces of legislation with a single modern law.
- 1.3 The Care Act will set out reforms including the way in which adult social care is funded and includes a range of other new duties and functions provided by adult social care services. As well as a review of how we currently discharge our duties, the reforms will require new processes and practices to ensure we discharge our statutory duties and deliver the changes required.
- 1.4 The Act is an historic piece of legislation and a significant programme of change. Draft Guidance and Regulations of Part 1 of the Act and the associated documentation alone is approximately 750 pages.
- 1.5 This report sets out the key requirements of the Care Act, the potential impact on the Council and progress made locally to implement it.

### 2. RECOMMENDATIONS – Council is asked to note that Cabinet, having considered this report:

- 2.1 Noted that the Care Bill received Royal Assent in May and is now an Act of Parliament.
- 2.2 Noted that the consultation on the draft regulations and guidance for Part 1 of the Care Act has been published; and agree the delegation of the Council's response to the Cabinet Member for Health and Adult Social Care, Cllr Don McGowan; and
- 2.3 Noted the implications of the Care Act on local authorities, and approve progress made locally to prepare for the implementation (see paragraph 6) and the funding allocations attached (see paragraph 7); and
- 2.4 Agreed the progression to a full impact assessment and gap analysis being produced on the basis of the key milestones set out in legislation for 2015 and 2016; and
- 2.5 Noted the potential impact of the Act locally, including key financial risks.

### 3.0 BACKGROUND

- 3.1 The Care Bill was introduced into the House of Lords in May 2013 and following agreement by both Houses on the text of the Bill it received Royal Assent on 14 May. It is the most significant reform of care and support in more than 60 years, putting people and their carers in control of their care and support.
- 3.2 The current social care legislation has evolved over a number of decades and in a piecemeal manner. The Care Act sets out to consolidate several pieces of legislation with one Act and makes several new provisions. The new legislation is designed to be less complex and easier to apply for all concerned including local authorities and their practitioners and lawyers and, in the case of legal challenges, the Courts.
- 3.3 **The Act is in five parts. Part 1 – Care and Support**, is intended to give effect to the policies requiring primary legislation that were set out in the White Paper *Caring for our future: reforming care and support*, to implement the changes put forward by the Commission on the Funding of Care and Support, chaired by the Economist Andrew Dilnot, and to meet the recommendations of the Law Commission in its report on Adult Social Care to consolidate and modernise existing care and support law. This includes new rights for carers, a statutory framework for Safeguarding Adults and a cap on the costs of care.
- 3.4 **Part 2 – Care Standards**, gives effect to elements of the Government's response to the Mid Staffordshire NHS Foundation Trust Public Inquiry that require primary legislation.
- 3.5 **Part 3 – Health**, makes changes to the Trust Special Administration regime. It also takes forward the necessary legislative measures for the proposals outlined in *Liberating the NHS: Developing the Healthcare workforce - From Design to Delivery*<sup>2</sup>, the establishment of Health Education England as a non-departmental public body; and those in relation to health research that were set out in the Government's *Plan for Growth*<sup>3</sup>, the establishment of the Health Research Authority as a non-departmental public body.
- 3.6 **Part 4 – Health and Social Care**, establishes a fund for the integration of care and support with health services, known as the Better Care Fund and makes provision for additional safeguards around the general dissemination of health and care information.
- 3.7 **Part 5 – General**, deals with various technical matters such as the power to make consequential amendments, orders and regulations, commencement, extent and the short title of the Act.

### 4.0 THE CARE ACT IN PRACTICE AND UNDERLYING PRINCIPLES

- 4.1 The Care Act 2014 will make a difference to how people manage their own care and access care and support services. It places more emphasis than ever before on prevention and wellbeing – shifting from a system which manages crises, to one which focuses on people's strengths and capabilities and supports them to live independently for as long as possible.
- 4.2 In many respects the Act is an extension of the principles of Personalisation, such as information for all, access to universal services, the focus on early intervention and prevention and maximising individual choice and control, whilst maintaining a responsibility to care and protect where required. At the heart of the Act is the promotion of wellbeing and outcomes that matter to people and the intention to ensure that people can remain at home as long as possible, using their own resources and continuing to play a part in the community.

- 4.3 The Act sets out duties for local authorities to ensure that people will have access to clearer information and advice to help them navigate the system, and a more diverse, high quality range of support to choose from to meet their needs. It will make the care and support system clearer and fairer for those who need it.
- 4.4 The Act sets out a new national minimum eligibility threshold to help people better understand whether they are eligible for local authority support, and it will enable older people and those with disabilities to move from one area to another with less fear of having their care and support interrupted.
- 4.5 The Act brings in new duties to respond to the needs of carers as they will be put on the same legal footing as the people they care for, with extended rights to assessment, and new entitlements to support to meet their eligible needs.
- 4.6 Of significance is a reform in the way that care and support is paid for. This includes how people pay for care and what financial support they can expect from the state, and making an existing scheme called 'Deferred Payment Agreements' more widely available. The Government has committed to making the changes recommended by an independent commission led by the economist Andrew Dilnot in 2011, which includes a cap on the amount people have to spend on the care they need at £72,000. Additionally, the means testing level has been increased so that state support is available to help to people with modest wealth. These changes will mean that people with around £118,000 worth of assets (savings or property), or less, will start to receive financial support if they need to go to a care home. The intention of the Act is that people are protected from catastrophic care costs and that the people with the least money get the most support.

## 5.0 KEY REQUIREMENTS AND IMPLEMENTATION TASKS

- 5.1 The key tasks and dates are as follows:

Key Requirements	Timescale
Duties on prevention and wellbeing	From April 2015
Duties on information and advice (including advice on paying for care)	
Duty on market shaping	
National minimum threshold for eligibility	
Assessments (including carers assessments)	
Personal budgets and care and support plans	
New charging framework	
Safeguarding Adults	
Universal deferred payment agreements	
Extended means test	From April 2016
Capped charging system	
Care accounts	

5.2 Details about the principles of the Care Act and the required changes have been set out by the Local Government Association as follows:

### 5.3 **FUNDING REFORM (CAP ON COSTS): IMPLEMENTATION APRIL 2016**

#### **Key principles:**

- Financial protection: everyone will know what they have to pay towards the cost of meeting their eligible needs for care and support.
- People will be protected from having to sell their home in their lifetime to pay for any care home costs.
- People will be helped to take responsibility for planning and preparing for their care needs in later life.

#### **Important changes**

- Introduction of a cap on costs of meeting eligible needs for care and support (to be set at £72,000 for those of state pension age and above when it is introduced) including independent personal budgets and care accounts. The cap will be adjusted annually, as will the amount people have accrued towards the cap.
- No contribution expected for young people entering adulthood with an eligible care need.
- Lower cap for adults of working age (level to be determined).
- Increase in capital thresholds / extension to the means test providing more support to people with modest wealth.
- New legal basis for charging covering both residential and non-residential care.
- Consistent approach towards calculating a contribution towards living costs for people in residential care.
- New framework for eligibility with threshold to be set nationally (to be implemented in April 2015).

#### **What will need to be in place to support implementation of the Act?**

- Financial and IT systems to establish and monitor care accounts.
- Arrangements for assessments for all self-funders who ask for a care account.

#### **Suggested key tasks**

- Identify local self-funders.
- Estimate time needed to assess self-funders ahead of go live date.
- Estimate cost of meeting care costs for self-funders locally.
- Identify potential impact on current workforce (new skills, capacity and configuration).
- Consider ways of conducting proportionate assessments (including for the significant volume of self-funders who will want to set their care account running) including via third sector or self-assessment.
- Calculate costs of implementation
- Review financial processes, information and advice systems and IT.
- Start a conversation with local providers about the potential impact of the reforms.

Having a good understanding of the volume of self-funders will underpin the planning and preparation for large parts of the Act, as well as inform an understanding of the overall costs of implementation locally.

#### 5.4 **DEFERRED PAYMENTS: IMPLEMENTATION APRIL 2015**

##### **Key principle:**

People who face the risk of having to sell their home in their lifetime to pay for care home fees will have the option of a deferred payment.

##### **Important changes**

- Everyone in a care home who meets the eligibility criteria will be able to ask for a deferred payment regardless of whether or not the local authority pays for their care.
- Councils will be able to charge interest on loans to ensure they run on a cost neutral basis.

##### **What will need to be in place to support implementation by April 2015?**

- Sound financial processes to support increased number of Deferred Payment Agreements (DPAs).
- Sufficient staff / IT capacity.
- Robust financial processes.

##### **Key tasks for councils**

- Estimate likely increase in requests for a deferred payment locally.
- Review existing arrangements for DPA – workforce capacity, IT, finance.
- Estimate implementation costs (average length of stay in residential placements, average client contribution).
- Estimate related costs (properties subject to a DPA may be exempt from council tax).

#### 5.5 **ADDITIONAL ASSESSMENTS AND CHANGES TO ELIGIBILITY: IMPLEMENTATION APRIL 2015**

##### **Key principles:**

- Early intervention and prevention: supporting people as early as possible to help maintain their wellbeing and independence.
- Eligibility to be set nationally based on risk to the individual's wellbeing (as opposed to the risk to the individual's independence).
- Focus on outcomes and wellbeing.
- Assessment to take into account the needs of the whole family as well as of any carers.
- New arrangements for transition to adult care and support.

##### **Important changes**

- Councils will have a new duty to carry out a needs assessment for all carers (no longer dependent on the cared-for person meeting the FACS eligibility criteria).
- New duty to provide advice and information to service users and carers who do not meet the eligibility threshold.

- Duty to assess young people, and carers of children, who are likely to have needs as an adult where it will be of significant benefit, to help them plan for the adult care and support they may need, before they (or the child they care for) reach 18 years.
- Legal responsibility for local authorities to cooperate to ensure a smooth transition for people with care needs to adulthood.
- New national eligibility threshold.

#### **What will need to be in place to support implementation by April 2015?**

- Expanded assessment capability to cope with increased demand.
- Assessment process that is focused on outcomes and wellbeing.
- Strong and effective partnership working across adults' and children's services during transition.

#### **Key tasks for councils:**

- Estimate the volume of additional assessments locally and the cost.
- Review assessment process to ensure it focuses on prevention and wellbeing.
- Review support and arrangements for young people and their families during transition – update procedures and training.
- Ensure workforce skills, configuration and capacity are sufficient to meet new demand and legal duties.
- Consider how assessments will be carried out for local self-funders.

### **5.6 ADVICE AND INFORMATION: APRIL 2015**

#### **Key principles:**

- Information should be available to all, regardless of how their care is paid for.
- Good quality, comprehensive and easily accessible information will help people to make good decisions about the care and support they need.
- Councils have a key role in ensuring good quality advice is available locally and for sign posting people to independent financial advice.

#### **Important changes:**

- Councils will be required to provide comprehensive information and advice about care and support services in their area and what process people need to use to get the care and support that is available.
- They will also need to tell people where they can get independent financial advice about how to fund their care and support.
- Councils will be required to provide independent advocates to support people to be involved in key processes such as assessment and care planning, where the person would be unable to be involved otherwise.

#### **Key tasks for councils**

- Review existing advice and information services: ensure adequate funding and capacity.
- Review advice, advocacy and brokerage services locally.
- Ensure good quality financial information and advice independent of the local authority is available and people know how to access it.



## 5.7 COMMISSIONING: IMPLEMENTATION APRIL 2015

### Key principles:

- A wide range of good quality care and support services will give people more control and choice and ensure better outcomes.
- Councils have an important role in developing the quality and range of services that local people want and need.
- Integrated commissioning with key partners, including health and housing, is essential to ensure quality as well as value for money and improve user satisfaction.

### Important changes

- Duty on councils to join up care and support with health and housing where this delivers better care and promotes wellbeing.
- Duty on councils to ensure there is a wide range of care and support services available that enable local people to choose the care and support services they want (market shaping).
- New right to a personal budget and direct payment.

### Key tasks for councils

- Review commissioning arrangements including capacity, skills and leadership.
- Develop market position statement(s) which clearly identify strengths / weaknesses in local provision.
- Review engagement / dialogue with local providers and service users.
- Use Better Care Fund (formerly Integration Transformation Fund) to promote coordinated health and social care which focuses on early intervention and prevention, and avoids duplication of process.

## 6.0 CURRENT PROGRESS TOWARDS IMPLEMENTATION OF THE CARE ACT

- 6.1 A Programme Board with accompanying work streams has been established in order to oversee the changes required locally, with an appropriate programme management infrastructure to oversee the work. The Board is chaired by Bindi Nagra, Assistant Director Strategy and Resources in the Councils' Health, Housing and Adult Social Care Department. Mr Nagra is also the Council's named Senior Responsible Officer (SRO) for the purposes of implementing the Act.
- 6.2 As noted the first key task for the Council is to fully understand the impact of the Act locally and an impact analysis is being undertaken. Other priority tasks underway are:
- Identifying the risk associated with the implementation of the Act including a full risk assessment
  - Understanding the opportunities presented by the implementation of the Act including a benefits map
  - Raising awareness of the Act including briefings for all stakeholders starting with staff and providers (further information will be made available as they are developed)
  - A review of the Guidance and Regulations of Part 1 of the Act with an initial focus on the most contentious or high risk areas e.g. ordinary residence, eligibility, continuity of care, the cap and charging, transition.
  - A local response to the Regulations and Guidance - the Government has opened a 10 week consultation period <http://careandsupportregs.dh.gov.uk/>
  - Undertake research into the self-funders market

- 6.3 It should be noted that the Council has already established arrangements in a number of key areas of the Act so has strong foundations to build on. This is most evident in our Personalisation arrangements such as information and advice, early intervention and prevention and a scheme for Deferred Payment Agreements. Even so, the Act represents a significant programme of change.

## 7.0 THE FINANCIAL IMPACT OF IMPLEMENTING THE CARE ACT

- 7.1 The Government has made available an allocation to support local authorities in implementing the Care Act reforms, as follows:

Year:	2014/15			2015/16		
	Revenue	Capital	Total	Revenue	Capital	Total
Details/ Summary	£	£	£	£	£	£
Care Bill Implementation Grant 2014/15	125,000	0	125,000			0
Care Bill implementation funding in the Better Care Fund (£135m nationally)				725,000	271,000	996,000
Social Care New Burdens				1,542,000	270,000	1,812,000
	<b>125,000</b>	<b>0</b>	<b>125,000</b>	<b>2,267,000</b>	<b>541,000</b>	<b>2,808,000</b>

- 7.2 This above breaks down the allocations of Adult Social Care new burdens funding and the Better Care Fund element to cover implementation of the Care Act, which includes funding associated with the Dilnot reforms. It is important to note that the allocations may not reflect the full cost to the Council, so should be treated as indicative only.
- 7.3 The cap on the costs people will have to pay for their care and the increase of the capital thresholds is likely to be the most significant cost pressure resulting from the Act. It is expected that this will take effect in 2018/19, 3.5 years being the time expected for people to reach the cap. However, it is important to note that the wider reforms such as the increase in assessments, new rights for carers, developing the market, and the new business processes and costs relating to IT and finance systems e.g. for care accounts to calculate progression towards reaching the cap, will also have a financial impact.
- 7.4 Last July London Councils published their analysis of the potential financial impact of the reforms, and this indicated that the funding allocations to cover the cost of implementation will fall far short of the expected costs. It also identified that people living in London will reach the cap earlier than other parts of the country, adding to the financial burden. The report, Care and Support Reform: Cost implications for London<sup>1</sup>, states:

*"The government has announced that from April 2016 a cap will be introduced limiting the amount of money people will have to pay towards their care. This cap will be set at*

<sup>1</sup> Care and Support Reform: Cost implications for London <http://bit.ly/1a7ubwm>

£72,000. The government will also raise the means testing threshold at which people are eligible for support from local authorities, from the current £23,250 to £118,000. London Councils has analysed the cost implications of these reforms, illustrating the additional cost pressures that can be expected by London boroughs.

### **Cost pressures in London**

*London Councils' analysis has found that the potential total additional cost pressure that local authorities could be faced with by 2019/20 as a result of introducing the cap and raising the threshold AND the on-going social care cost pressures is approximately £1.3 billion. Approximately £877<sup>2</sup> million of this will be as a direct result of implementing the capped cost model for care and raising the eligibility threshold over the first four years.*

### **National cost pressures**

*The government's estimates of providing £1 billion per year to fund the funding reforms nationally is inadequate. London Councils' analysis has found that the reforms nationally over four years will cost in the region of £6 billion – on average £1.5 billion per year (cost pressures will be heavily weighted in the first and fourth year of implementation)."*

- 7.5 At local level we will develop a robust financial model to enable the Council to manage the impact of the reforms and the initial exercise of understanding the self-funders market is being undertaken as a priority.

## **8.0 ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 It is a statutory requirement to implement the Care Act, so no alternative options have been considered in the drafting of this report.

## **9.0 REASONS FOR RECOMMENDATIONS**

- 9.1 It is a statutory duty for local authorities to implement the Care Act. It is essential that Cabinet is aware of the reforms and the implications for the Council.

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

### **10.1 Financial Implications**

As stated above, the Care Act requirements are to be introduced by April 2015. The table under paragraph 7.1 above shows the grant allocations of £125k in 2014/15. Each Local authority has been awarded this allocation to "provide additional support to local Authorities for them to build change management capacity to implement the requirements of the Care Bill" (DoH circular ref: LASSL (DH)(2014)1)

A further £2.8m of grant funding has been allocated in 2015/16, of which revenue funding has been identified from the Better Care Fund (£725k), Social Care New Burdens (£1.54m) and capital funding of £541k.

As the report states the financial impact of the Care Act changes will be of a material nature. However these are unquantified at a local level, based on national estimation, once quantified this will add significant pressure to the council medium term financial plan for 2018/19 (approx. £8-15m), as the council will now need to provide care to self-funders once they reach the £72k cap and collect less income from clients that currently contribute towards their care costs.

<sup>2</sup> It is important to note that at the time of the financial modelling not all data was available regarding the working age thresholds of the cap.

When the government introduced the Care Bill it carried out an Impact assessment and advised that any new burdens on local government would be funded. However local government has been concerned for some time that there is potential for significantly greater costs than currently provided for by government.

This issue has been included in the Council's Risk Register; however it remains very difficult to accurately model the financial consequences of this significant change to legislation.

Recently the Local Government Association (LGA ) has worked with London Councils, Chartered Institute of Public Finance and Accountancy (CIPFA) and the Association of Directors of Adults Social Care (ADASS) to distribute tools to help model the costs in a consistent way across the Country.

The full cost of implementation is unlikely to be felt until 2018/19 and we will continue to model and monitor the likely costs in intervening years.

It should also be noted that a number of the implementation costs, in particular on IT and staffing, are unknown at this stage. It is envisaged that the grant allocations for 2014/15 and 2015/16 will be used in the first instance, however it would be prudent to identify one off resources in addition to the grant allocations to cover any additional pressure.

## **10.2 Legal Implications**

The Care Act 2014 received royal assent on 14 May 2014. Key implementation dates are April 2015 and April 2016. When it comes into force it will affect the law concerning the care of vulnerable adults.

The Care Act 2014 will impose a number of duties on local authorities and as yet the guidance is only in draft. It is therefore not possible at this stage to be definitive about the exact nature of the requirements which the Act will impose.

## **10.3 Property Implications – none identified.**

**10.4 KEY RISKS** - as noted, the Programme Board is currently in the process of analysing the impact of the Care Act reforms including a gap analysis. This will be followed by identification and assessment of the risk to enable us to fully understand the impact to the Council. It should be noted that until such tasks as the self-funders research is complete, some assumptions will need to be made. What is clear is that there is considerable financial risk to the Council, at a time when we are required to make significant savings.

**10.5 IMPACT ON COUNCIL PRIORITIES –** the Care Act will have a positive impact on the council priorities and local community. New assessment arrangements and eligibility criteria will help to provide fairer access to services, including how it is funded. It will encourage active citizenship by strengthening our Personalisation arrangements and supporting people to be independent and improvements to our information and advice services will impact on the provision of high quality, affordable and accessible services for all.

**10.6 EQUALITIES IMPACT IMPLICATIONS (EIA) –** a full impact assessment will be undertaken once the implications and risk business processes are completed.

**10.7 PERFORMANCE MANAGEMENT IMPLICATIONS -** the implementation of the Care Act will contribute to the achievements of the council and Enfield 2017.

**10.8 HEALTH AND SAFETY IMPLICATIONS –** none identified.

**10.9 HR IMPLICATIONS** - the implementation of the Care Act will require changes to practice and business requirements. It is not known at this stage what and if there are human resource implications. This will require ongoing review and reporting as necessary.

**10.10 PUBLIC HEALTH IMPLICATIONS** - the Care Act is about promoting independence and improving the health and wellbeing of local people, so has a direct link to public health. It will promote community networks and healthy lifestyles as people will be able to take more control of how they manage and access their own care and support.

**Background Papers** – none.

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## **Councillor Questions – 8 October 2014**

### **Questions to Cabinet Members**

#### **Question 1 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance**

Can he tell the Council how many management posts are currently occupied on an interim or agency basis and what is the total cost of such arrangements expressed in monthly and annual terms?

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

In the month of August there were 18 management posts occupied on an interim or agency basis at the cost of £91,963.87. Given the nature of interim work it is not possible to accurately predict the annual cost of these posts going forward. It should also be noted that 8 of these posts are in the social care field where it is difficult to recruit and that the costs would be similar if the Council was able to recruit to the positions on an established basis.

#### **Question 2 from Councillor Lappage to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on the Council response to the recent murder in Nightingale Road?

#### **Reply from Councillor Bond**

I and the Community Safety Unit (CSU) working with press officers have ensured that the Council has fully supported and co-operated with the police investigation into this tragic incident.

I opened a Council led community event on 11 September 2014. This was attended by several Council officers, a number of councillors, including the Leader, and the MP for Edmonton, Andy Love. The police senior leadership team was also present as was the ward sergeant for the area.

#### **Question 3 from Councillor Neville to Councillor Taylor, Leader of the Council**

Given the importance and local concern about the future of the Chase Farm Site, could he explain why no representatives of the Labour administration, nor for that matter, any officers were present at the first stakeholder meeting convened by the Royal Free London NHS Foundation Trust on 21 July 2014?

#### **Reply from Councillor Taylor**

I thank Councillor Neville for his question on this important issue and can assure him that throughout numerous discussions over recent months, the Council has encouraged the Royal Free London's leadership to carry out meaningful engagement with local people and their representatives.

Councillor McGowan, myself, the Chief Executive and Director of Health, Housing and Adult Social Care have had opportunities for discussion with members of the Royal Free Board and leadership team and would always respect that the primary purpose of the engagement event in question was to give the public and other interested local representatives a chance to hear about and discuss future plans.

We will continue to encourage the Royal Free London to bring forward plans that deliver a long term secure future for much needed NHS services at Chase Farm, whilst insisting that any receipts from the sale of land or assets are reinvested in improvements to health services on that site.

**Question 4 from Councillor Stafford to Councillor Taylor, Leader of the Council**

Can the Leader comment on the result of the recent referendum in Scotland and its impact on the borough?

**Reply from Councillor Taylor**

I believe that it was in the interest of both citizens of Scotland, and residents of Enfield for the union to be retained. It does open up the issue of devolution in England and we need to be proactive in that debate.

**Question 5 from Councillor Neville to Councillor Taylor Leader of the Council**

In connection with the commemoration of World War 1, on 4<sup>August</sup> 2014, could he tell the Council why none of the Members of Parliament were invited to attend the ceremony?

**Reply from Councillor Taylor**

The World War 1 event in Broomfield Park was widely publicised and open to all residents who wanted to and were able to attend. Supplementing the general invitation to this event, the Council's Communication Team supplied a list of people that would normally be invited to an event such as this. As well as this list, people associated with Broomfield Park and other people it was felt should be at such an event were individually invited via email to attend on the 4 August 2014. I can confirm that all three of the MP's, who represent residents in Enfield, were invited via an email to their parliamentary offices, via the contacts that we hold, on the 10 July 2014. Only Andy Love MP replied.

**Question 6 from Councillor Lemonides to Councillor Sitkin, Cabinet Member for Economic Development**

Can the Cabinet Member advise this Council on what progress has been made towards advancing the Lea Valley Heating Network since the summer?

**Reply from Councillor Sitkin**

Good progress has been made towards advancing the Lea Valley Heat Network in recent months. On the 21 July 2014 the Lee Valley Heat Network was officially launched at its own event at City Hall. In the same week, the Council's Cabinet approved the Business Plan and Summary Programme for Phase 1 of the strategic



network which will serve Meridian Water, together with 3 local satellite schemes at Ladderswood, Alma and New Avenue estate renewal projects.

Subject to final approval being obtained from Council on 8 October 2014, funding of £1.28m will be allocated for development costs through to financial close in September 2015 with governance arrangements for the delivery of the network also having been confirmed. Positive discussions with the North London Waste Authority are ongoing to secure a long term supply of low carbon heat to the network.

A highly specialised and experienced team is in place to work with the Council to deliver the Network, including a Project Delivery Director, Project Manager, Technical, and operations and maintenance advisors. They bring with them significant experience of delivering the heat network at the Olympic Park and other private sector projects.

Work is now concentrating on preparing different parts of the programme for competitive tender. Technical work is also advancing on defining the optimal route for the strategic heat network from the Edmonton EcoPark to Meridian Water. This is programmed to be concluded in early 2015 to coincide with the planning and construction of first phases of infrastructure at Meridian Water.

**Question 7 from Councillor Neville to Councillor Sitkin, Cabinet Member for Economic Development**

Given the importance of the business community to the borough and the protection of its interests, is he satisfied that Enfield Business and Retail Association (EBRA) is sufficiently independent of the Council given the increase in funding authorised by the Council shortly before the May 2014 election?

**Reply from Councillor Sitkin**

Yes.

However Councillor Neville is incorrect. There has been no increase in funding for EBRA between the financial year 2013/2014 and the financial year 2014/2015.

**Question 8 from Councillor Maguire to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give us an update on Cycle Enfield?

**Reply from Councillor Bond**

At the end of March 2014, the Leader of the Council received a letter from Transport for London (TfL), confirming that Enfield's Mini-Holland bid was successful and granting an initial allocation of £700K to enable the Council to start developing the schemes contained in its bid. Since that time, the following key tasks have been completed:

- Completed topographical surveys and traffic surveys for the A105 corridor and Enfield Town
- Appointed a Programme Manager on 18/08/14 to lead the Cycle Enfield Delivery Team

- Prepared a base line programme
- Commissioned Ringway Jacobs Ltd to prepare a business case through the London Highways Alliance Contract (LoHAC). This will be submitted to TfL in early October 2014 to help secure the release of further funding for detailed design and implementation
- Commissioned Ringway Jacobs Ltd to undertake preliminary design and modelling through the LoHAC contract
- Launched the Cycle Enfield brand at the Town Show on 13/09/14
- Established the governance arrangements for the Cycle Enfield project. These arrangements were approved by Cabinet 17/09/14.

**Question 9 from Councillor Neville to Councillor Georgiou, Deputy Leader of the Council**

I was copied in on a letter addressed to the Leader of the Council by the Minister for Local Government, Kris Hopkins which asserted non-compliance with the recently enacted code for local government publicity and gave you on behalf of the council, ten working days to respond to the letter with a threat of High Court proceedings if that response was not received or was unsatisfactory.

I have now seen your response to Mr Hopkins letter. A number of questions arise:

- a. Will he publish it?
- b. The letter states that Our Enfield is “politically neutral”. How does he reconcile that with the fact that
  - i. Our Enfield regularly has a Leader’s column in which he often criticises the government.
  - ii. The magazine regularly carries photographs of cabinet members and quotes from them, but no such opportunity is given to their Shadows.
  - iii. The letter claims that “the content is very different from our local newspapers as the primary focus is information relating to the council and council services”. A recent analysis shows that Our Enfield regularly uses press releases already issued to the local papers.
  - iv. The letter states that prior to publication the magazine is sent to the opposition to ensure political neutrality – if political neutrality is being sought then there should be an opportunity to both the Leader of the Opposition and any of his Shadow Cabinet members to comment on particular issues.
  - v. All that said, the reality is that the New Code of Practice which has statutory effect requires fewer issues to be published at the taxpayers expense. How can he justify defying that and is he waiting for the Government to take Enfield to the High Court thereby incurring further costs, in order that the code can be enforced?
  - vi. Will he state how much is spent in producing and publishing this magazine and how much of that funding comes from advertising?

**Reply from Councillor Georgiou**

Councillor Neville’s reference to a letter from the Minister “*which asserted non-compliance with the recently enacted code for local government publicity*” presents an incomplete picture. We can now bring matters up to date.

The relevant statutory duty is in section 4 of the Local Government Act 1986. This section empowers the Secretary of State to issue “one or more codes of recommended practice” regarding local authority publicity, and it requires local authorities to “have regard to the provisions of any such code in coming to any decision on publicity” (emphasis added).

The Council has at all times complied with its duty to have regard to the code’s provisions.

The letter from the Minister for Local Government on 15 August 2014 asked for the council to ensure that the publication of *Our Enfield* is “*in line with the Code’s provisions*”, in particular with the recommendation at paragraph 28 of the code that publication should not be more frequently than quarterly. *Our Enfield* is published every two months.

The Council responded to the Department on 9 September 2014 putting forward the reasons why we believe *Our Enfield* is currently “*in line with the Code’s Provisions*” relating both to political neutrality and to competition with the independent local press. We stand by the reasons given in that response.

Enfield Council fully supports a strong local press. Far from providing unfair commercial competition to the local press, Enfield Council is one of their biggest clients, spending approximately £120,000 a year on advertising in the local press. In contrast we limit the amount of private sector advertising space available in *Our Enfield* to approximately £6,000 a year.

Meanwhile, levels of residents feeling informed about Council services have risen from 35% in 2007 to 71% in 2012 (Enfield Residents’ Survey). The production and distribution of *Our Enfield* has been central to this improvement – residents listing this as their main source of information about the Council for the first time in the 2012 Residents’ Survey.

I am sure all members will agree this is good for local democracy. As the Explanatory Memorandum published by the DCLG alongside the new Code of practice states, “*For a community to be a healthy democracy, local understanding of the operation of the democratic process is important, and effective communication is key to developing that understanding .... In order to hold their local authority to account, the public need information about what their council is doing and why it is doing it.*”

We have now received a notice dated 25 September 2014 of a proposed direction which the Secretary of State is minded to give to the council under section 4A of the Local Government Act 1986. The proposed direction relates only to the requirement of publication no more frequently than quarterly. It therefore appears that the Secretary of State accepts the other points made in our response.

The Council is now considering its response to this.

**Question 10 from Councillor Stewart to Councillor Simbodyal, Cabinet Member for Culture, Sport, Youth and Public Health**

Can the Cabinet Member update the Council on the Craig Park Youth Club since its refurbishment by the previous Labour Council?

**Reply from Councillor Simbodyal**

Craig Park Youth Centre offers a range of educational activities where young people can gain nationally recognised qualifications. This includes the Duke of Edinburgh Award which has been achieved by young offenders, young people with special educational needs and looked after children. In the first year of opening over 1,300 young people used the centre.

The curriculum on offer includes- sports, dance, music, indoor climbing, leadership and social enterprise. The centre opens in the daytime offering targeted programmes aimed at young people not currently engaged in education, employment or training, young offenders and young people attending alternative education provision.

During the evenings and at weekends a range of structured accredited learning opportunities take place. Finally, I am delighted to announce that the design of the new centre has recently won the prestigious Architects Journal Retrofit Award 2014, in the Civic and Community Category.

**Question 11 from Councillor Neville to Councillor Taylor, Leader of the Council**

Can he tell the Council whether he welcomes the continuing news on the national economy of rising jobs, rising numbers in employment, the highest anywhere in Europe at present, falling job seekers claimants and falling inflation? Does he acknowledge that this coupled with the very recent report from the Organisation for Economic Development (OECD) is further vindication of the Chancellor's economic policies, which are for longer term prosperity in Enfield and the country as a whole, rather than short term party gain?

**Reply from Councillor Taylor**

In reality

- Any economic recovery has been slow and later than in the USA
- GDP per capita won't recover for another 3 years
- Wages have grown more slowly than price
- The Health service is in a funding crisis

Most people next May will be worse off than when the Tories came to power albeit I admit, that tax breaks for millionaires is beneficial to that section of society. This is not an economic success.

**Question 12 from Councillor B Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on play streets in the Borough?

### **Reply from Councillor Bond**

We have only received one play street application to date which is for Devonshire Road. The application was approved and the road is being closed for one Sunday each month (2pm – 5pm) through to May 2015. A further list of streets is being compiled by members and residents for 2015.

### **Question 13 from Councillor Milne to Councillor Bond, Cabinet Member for Environment and Community Safety**

Would he comment on the most recent MOPAC (Mayor's Office for Policing and Crime) data which shows that of the 32 London Boroughs, Enfield alone is the only one to show an increase in total notifiable offences, and is one of three boroughs alongside Bexley and Haringey to show an increase in MOPAC crime?

### **Reply from Councillor Bond**

The Councillor may be aware that we have for many years suffered from a lack of police resources and that this Council has lobbied for this to change for a number of years.

I am pleased to say that in the last 3 months we have successfully argued that Enfield requires additional resources. Around 25 extra officers have been deployed to the borough and this is already starting to reap benefits. We have improved our ranking compared with other boroughs by 6 places and are starting to see improvements in terms of a reduction in offending rates for robbery and serious youth violence.

In addition to the violent crime categories listed above we have seen significant reductions in all vehicle crime and in theft from the person offences. All of these crimes are of course largely committed in the public domain, where an increased policing presence will have its greatest impact.

I would welcome any support that the opposition can provide us in lobbying the Government or Conservative Deputy Mayor for Policing in supporting our struggle to get more help for our local police officers.

### **Question 14 from Councillor Hamilton to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration**

Can the Cabinet Member give the Council an update on the return of Enfield Homes into the Council fold?

### **Reply from Councillor Oyken**

Following the Cabinet decision in July 2014 to reintegrate Enfield Homes back into the Council, after the expiry of the Management Agreement on 31 March 2015, work is underway to prepare for reintegration by 1 April 2015.

A Reintegration Board has been established, chaired by the Director of Health, Housing and Adult Social Care and meets on a monthly basis. To support this, six work streams have been established to progress the work: Human Resources, IT, Communications, Company Administration and Governance, Operational and

Finance. A detailed project plan has been produced and resources have been assigned to progress the tasks within each of the work streams. These are being monitored on a monthly basis. A Joint Communications Plan has been produced across Enfield Homes and Enfield Council, to ensure that staff and key stakeholders remain informed of progress throughout.

However, reintegration is occurring at a time of significant organisational change at the Council and therefore will form part of the Enfield 2017 programme, to ensure that we are equipped to respond to the changing needs and expectations of our residents and provide a holistic service to all customers. In the meantime, services that have already integrated with the Council include leadership through the Joint Chief Operating Officer, Finance, Human Resources, Learning and Development and Service Development & Performance.

**Question 15 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance**

In connection with the purchase of the Nokia Lumia 520 phone, can he tell the Council?

- a. When that model was purchased?
- b. How many phones were bought?
- c. How many remain undistributed?
- d. What was the total cost of the purchase?

Can he also tell the Council the same information for the model of iPhone that has been distributed to some members and to some officers?

**Reply from Councillor Stafford**

- a. 12/05/2014
- b. 65
- c. 12 (these were distributed to other staff as part of the overall mobile phone migration)
- d. The unit cost was £99, and the total spend was £6,435

Can he also tell the Council the same information for the model of iPhone that has been distributed to some members and to some officers?

- a. Approximately 3-4 years ago
- b. 9
- c. 0
- d. The unit cost was £400, and total spend was £3,600

**Question 16 from Councillor Jemal to Councillor Sitkin, Cabinet Member for Economic Development**

In August the Greater London Assembly (GLA) published the "Out of the ashes" report critiquing the Mayor's Regeneration Fund following the 2011 disturbances. Can the Cabinet Member tell the Council what the executive summary to this report says?

### Reply from Councillor Sitkin

“Out of the Ashes” was published by the GLA in August 2014 and can be accessed via the attached weblink:

<http://www.london.gov.uk/sites/default/files/Out%20of%20the%20ashes.%20MRF%20report.pdf>

Enfield was one of the eight London boroughs that received funding in response to the disturbances of 2011; building on longer term regeneration objectives. The executive summary suggests that the programme is triggering new conditions for regeneration; accelerating local regeneration schemes and displaying a dual focus on both economic and social growth. The executive summary makes recommendations to the Mayor to clarify the aims and potential of the Fund, speed up delivery of the programme and develop creative ways to support regeneration teams in managing projects.

The funding has enabled people, community groups and businesses to come together in a continued positive way which has played a key role in diffusing community tensions. Through the implementation of our Garden Enfield project, we are reaching a wide cross-section of the population, from all ages, all communities; business and voluntary sector partners; training providers and other statutory agencies. It will allow us to create jobs and prosperity, contribute to better awareness about healthy eating and living; foster a spirit of collaboration and entrepreneurship and build bridges between communities.

### Question 17 from Councillor Neville to Councillor Bond, Cabinet Member for Environment & Community Safety

In connection with the report to Cabinet recommending the adoption of Band A fines for Penalty Charge Notices (PCNs), can he tell the Council

- a. How many PCNs were issued for on and off street contraventions respectively in 2007-8, 2008-9 and 2009-10?
- b. How many related to parking on double yellow lines for each of those years and years, 2010/11, 2011/12, 2012/13 and 2013/14?
- c. How many were for overstaying at Pay and Display bays having paid an original fee?

### Reply from Councillor Bond

a.

2007-8	2008-9	2009-10
104,970	111,427	95,147

b.

2007-8	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14
34,868	44,579	32,332	22,778	23,948	20,560	20,827

c.

2007-8	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14
8,096	8,422	7,389	7,010	9,683	7,435	7,742

**Question 18 from Councillor Pite to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on the works around Lancaster Road?

**Reply from Councillor Bond**

This is a proposed footway parking scheme which is currently programmed with our contractor to start on site on the week beginning 29 September 2014, for a duration of 6 weeks.

**Question 19 from Councillor Rye to Councillor Stafford Cabinet Member for Finance**

On Wednesday 30 August 2014, I was pleased to see you in the Jolly Butchers Public House, in my ward, supporting a local business. You also appeared to be conducting a meeting with Mr Paul Bishop, union representative, and other officers. Can you inform the Council what was discussed and whether this is your usual venue for conducting Council business?

**Reply from Councillor Stafford**

Councillor Rye is quite correct in that I was socialising with my area representative and fellow members of Unison. Perhaps if Councillor Rye was part of the union he would care to join our discussion which if I recall correctly were about how mitigate the effects of the savage, brutal and unnecessary cuts imposed by the Conservative coalition government especially with regards to job losses. I can also assure Councillor Rye that whilst I openly discuss politics in a public house I have never held such discussions in a Masonic Lodge or the like.

**Question 20 from Councillor Kepez to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on the work undertaken in Pymmes Park?

**Reply from Councillor Bond**

Pymmes Park Lake has been suffering from pollution linked to pipe misconnections in this area, that have allowed pollutants and waste, into the lake. This pollution is impacting on the lake environment and the use of this area by local residents.

Work has been ongoing with agencies such as Thames Water and the Environment Agency to resolve these complex issues and reduce the pollution levels in the lake.



We have also been engaging with key groups such as the local friends of the park group and are grateful for their ongoing commitment to Pymmes Park and this project.

We are waiting for final agreement from Thames Water and the Environment Agency for the re-connection of a temporary diversion of a Thames Water pipe, which will increase the flow of water into the lake significantly, supporting other planned improvements.

These include installing a reed bed as a natural filtration system adjacent to the lake itself. In order to complete this, the Council has agreed provision of £200,000 of capital funds to complete this work. Subject to final approval from all agencies and planning consent, work is planned for early 2015.

We have also submitted an application for over £100,000 to the Thames Water Community Investment Fund to enable us to involve local schools in ongoing work around community provision and use of the lake for educational projects.

We have also looked at best practice examples of urban wetlands, such as those installed at the Olympic Park in East London to ensure that we deliver the best possible project for Pymmes Park and that the residents of Edmonton can enjoy the natural beauty and benefits of a superb facility for many years to come.

**Question 21 from Councillor Rye to Councillor McGowan, Cabinet Member for Health and Adult Social Care**

Are you comfortable with the Labour Council's contract with the Star Bus Company to provide transport for vulnerable clients in Adult Social Care given two directors of this company have previously owned a "sex chat" TV channel Hoppr Entertainment Ltd that in 2010 was found in breach of the Ofcom broadcasting code following a complaint over a broadcast during which Live 960 presenters carried out a number of sexual acts on each other?

Do you support awarding contracts to businesses with directors who have a history of demeaning and exploiting women? Do you believe the Council's procurement procedures to be sufficiently robust?

**Reply from Councillor McGowan**

The procurement process was conducted in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2006 (as amended). The procurement was conducted through the London Tenders Portal [www.londontenders.org](http://www.londontenders.org) and all bids were evaluated against the published criteria and the Council is satisfied that this company can meet its requirements.

Financial viability was also assessed by the Council's finance team and will be subject to regular checks throughout the contract lifecycle, along with other key indicators such as vehicle condition and safeguarding practices for both adults and children as an integral part of our standard contract award and ongoing contract management regime.

We will also ensure that as a part of ongoing contract monitoring appropriate compliance checks on employees will be carried out. All front line staff who work

with vulnerable children and adults have advanced DBS (Disclosure & Barring Service) checks conducted as part of their employment checks. Star Bus staff will be no exception.

In addition, and as a part of the tender process and assessment on who should be invited to tender checks were conducted for any convictions relating to corruption, bribery, fraud etc as these would be grounds for mandatory exclusion, and also whether there are discretionary grounds for exclusion including convictions/gross misconduct in the course of their business. Simply setting aside this process would expose the Council to significant risk of private action.

Star Bus submitted a compliant bid and there are no reasons for disqualification or not to award a contract for supply of transport services.

Another part of the tender process, was for companies bidding, to provide equalities statements and to demonstrate how they manage equalities within the work place, from company policy, recruitment, training and customer care. Again, Star Bus provided a compliant bid.

**Question 22 from Councillor Jiagge to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on the Christmas festive lighting this year?

**Reply from Councillor Bond**

The Council has agreed proposals for installing festive lights this year and we are already placing orders with our Streetlighting Private Finance Initiative Service Provider for the installations, which will be in town centres and shopping areas as last year. We will use the Christmas lights purchased in the last couple of years comprising of LED garlands on lamp columns, illuminated motifs, lighting feature trees, cross-street displays, decorated Christmas trees and 'tree of light' displays. Further sponsorship is being sought.

**Question 23 from Councillor Rye to Councillor Orhan, Cabinet Member for Education Children's Services and Protection**

Are you comfortable with the Labour Council's contract with the Star Bus Company to provide transport for vulnerable clients in Adult Social Care given two directors of this company have previously owned a "sex chat" TV channel Hoppr Entertainment Ltd that in 2010 was found in breach of the Ofcom broadcasting code following a complaint over a broadcast during which Live 960 presenters carried out a number of sexual acts on each other?

Do you support awarding contracts to businesses with directors who have a history of demeaning and exploiting women? Do you believe the Council's procurement procedures to be sufficiently robust?

**Reply from Councillor Orhan**

Can I refer you to the response to question 23.

**Question 24 from Councillor Levy to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member give the Council an update on the work undertaken by Trading Standards so far this year?

**Reply from Councillor Bond**

**Rogue Traders:**

- On 4 September 2014, trading standards intercepted a live incident to stop a resident handing over £1,000 in cash to a rogue builder.
- In the cases that we are aware of residents have lost £43,000 so far this year before reporting to us – which will only be the tip to the iceberg.

**Illegal money lending:**

- In September, the England Illegal Money Lending Team, working in partnership with Enfield Trading Standards, Essex Trading Standards, Essex Police and the Metropolitan Police, executed warrants at five addresses of suspected loan sharks, seizing documents, a large amount of cash and a substance believed to be drugs.
- We reported illegal money lending suspected at a pub in Enfield.
- Will be presenting £1,000 cheque to the North London Credit Union following the award in 2013 to Enfield Trading Standards for winning the Illegal Money Lending National Stop Loan Sharks Union.

**Unsafe and Illegal products:**

- Working with Her Majesties Revenue and Customs (HMRC), Immigration, police and tobacco detection dogs we seized 11,000 of cigarettes, 350g of rolled tobacco, 56.4 litres of duty diverted alcohol and a quantity of illegal Viagra and medicines and 80 mainly pornographic videos/DVDs were surrendered.
- In a day of action targeting mobile phone accessory shops, 85 electrical items suspected as being unsafe and 138 suspected counterfeit goods were seized.
- We conducted a test purchasing project on sunbeds using underage volunteers, and no premises allowed the sunbeds to be used, which is reassuring.
- There was a successful prosecution for sale of skin lightening products followed by a seizure of skin lightening products at another premises.
- We recently removed 3 pallets of unsafe cosmetic products from a premises.

**Question 25 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can you inform the Council of the options to be consulted on in the Enfield Town area in relation to the Cycle Enfield scheme previously known as Mini-Holland and will this include a shared space option? What is the timeline for any consultation?

**Reply from Councillor Bond**

A brief was issued to Ringway Jacobs Ltd to investigate options for Enfield Town.

Emerging designs will take account of recommendations made by the relevant partnership board. At the end of preliminary design phase, there will be consultation with local resident and traders.

**Question 26 from Councillor Uzoanya to Councillor Taylor, Leader of the Council**

Can the Leader inform the Council of the newly revamped business centre on Hertford Road and how it fits into the Council's core vision and strategy?

**Reply from Councillor Taylor**

The refurbishment of the Enfield Business Centre (EBC) in Hertford Road is key to supporting business growth in the borough, particularly in the more deprived parts of Enfield. It is a visible symbol of the Council supporting growth and demonstrates to residents, partners and businesses that Enfield is open for business. It will support the developing inward investment strategy to showcase the benefits of moving to Enfield and that the business-supporting organisations are working collaboratively to encourage business growth and confidence so they can expand and create new jobs, as well as upskill and support employees.

The refit of the Enfield Business Centre on Hertford Road includes a new business support hub on the ground floor, which aims to increase the number of enterprises in the borough, improve their survival rate and support local job creation.

The EBC Hub will be a new resource to support local residents setting up an enterprise and entrepreneurs growing their business in Enfield, improving their potential to succeed and create new jobs.

The EBC Hub resources will include:

- Four hot desks for hire by pre-start and start-up entrepreneurs.
- A meeting room for hire by EBC tenants and local businesses.
- 50 secure mail boxes providing a professional secure address.
- A café serving hub service users, EBC tenants and visitors.

The refit of the Enfield Business Centre supports the Council's aims to deliver fairness for all by enabling the business sector to create more employment opportunities for local residents, encouraging business growth and sustainability and building strong communities through the improvement of the local economy.

**Question 27 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety**

How and where will any decisions in relation to the Cycle Enfield scheme be made?

**Reply from Councillor Bond**

In accordance with the governance arrangements that were agreed by Cabinet, the Cycle Enfield Project Board will make recommendations for each scheme. Approval will be subject to a portfolio report of the Cabinet Member for Environment & Community Safety, prior to submission to Transport for London for approval.

**Question 28 from Councillor Abdullahi to Councillor Bond, Cabinet Member for Environment and Community Safety**

Will the Cabinet Member advise the Council of the effect of the removal of the tax disc on vehicles?

**Reply from Councillor Bond**

Parking Services use tax disc details as secondary evidence to confirm the correct vehicle is parked in contravention. In future, secondary evidence will take the form of further comprehensive photographs taken when a Penalty Charge Notice is issued.

From 1 October 2014 there will no longer be a requirement to display a tax disc. It will still be a requirement to pay for road tax, but the registered keeper will not get a tax disc as visible proof of payment. Driver and Vehicle Licensing Authority (DVLA) hold the records of all vehicles taxed and untaxed.

Drivers may be tempted not to pay for vehicle tax thinking that no-one will find out because they no longer have to display a tax disc. There is a possibility of an increase in untaxed vehicles. However the roads are patrolled using vehicles equipped with automatic number plate readers, so non payers will be caught (as is the case now).

We are also updating the Councils' web page about untaxed vehicles with some additional links to the DVLA web site which gives the most up to date information.

**Question 29 from Councillor E Hayward to Councillor Orhan, Cabinet Member for Education Children`s Services and Protection**

Given the commitments made at last Council, has the Administration written to the Department for Education (DfE) lending their support for Ashmole Academy's recent application for a primary free school on their site?

If not, why not and if so was the letter in conjunction with the London Borough of Barnet, given the benefits to residents of both boroughs should the DfE reconsider their recent decision?

**Reply from Councillor Orhan**

I can confirm that following the last Council meeting a joint letter has been sent to the Department for Education (DfE) expressing the support of both Enfield and Barnet to the proposed expansion of Ashmole Academy to provide primary school places. The letter was signed by myself, and Councillor Bambos Charalambous, as Associate Cabinet Member (Enfield West), together with Councillor Richard Cornelius (Leader of Barnet Council) and Councillor Reuben Thompstone (Chairman of the Children, Education, Libraries & Safeguarding Committee of Barnet Council).

**Question 30 from Councillor Dogan to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member advise the Council how often the London Borough of Enfield has been successful in prosecuting utility companies for highway contraventions?

**Reply from Councillor Bond**

Enfield Council has brought 30 successful prosecutions against utility companies since April 2012, and has been unsuccessful in just a couple of cases. In addition, Enfield has issued 3,770 Fixed Penalty Notices (FPNs) relating to breaching permitting requirements and has settled other prosecutions out of court.

The Council has prosecuted for the following offences:

- Working without a permit issued after their failure to pay a fixed penalty notice.
- Breach of a permit condition. Again after failure to pay a fixed penalty notice.
- Non-cooperation with the Highway Authority.
- Core test failure.
- Unsafe working practice on site.

**Question 31 from Councillor R Hayward to Councillor Sitkin, Cabinet Member for Economic Development**

Since becoming Cabinet Member for Economic Development how many jobs have you created?

**Reply from Councillor Sitkin**

The period June-September is generally quieter in terms of economic activity. However, despite this, a conservative estimate is that over 230 new employment opportunities have been created, many through projects that the Council is directly supporting.

Unemployment figures have also continued to reduce significantly with month on month decrease in benefit claimants, including figures for young people aged 18-24 and over 50s. Over 800 people signed off benefits between May and August.

As we all know, the Council, working with its partners, has a key role in creating the conditions within which the private sector can flourish. This includes the provision of positive planning, working with key partners such as North London Chamber of Commerce, Enfield Business and Retailers Association and Enterprise Enfield and dealing promptly with inward investment enquiries and opportunities. Enfield is therefore not only open for business, it is also very positive about business. Of course, any jobs that Councillor Hayward starts creating on his farm will be welcome and add to the total. He should let us know if and when he starts contributing to our job creation work.

**Question 32 from Councillor Anderson to Councillor Brett, Cabinet Member for Community Organisations**

Can the Cabinet Member tell the Council how many groups have benefitted from the Capacity Building Fund and do you intend to run it in the future?

**Reply from Councillor Brett**

I am pleased to inform the Member that the Enfield Community Capacity Building Fund, in its three years of operation, has been able to offer support to our local communities by agreeing projects with 44 local community groups. This has allowed us to support the local community sector and the residents they serve at a time when other local authorities have chosen to reduce their levels of involvement with the sector.

We were also able to jointly work with London Councils over past 2 years to secure match funding from the European Social Fund and deliver two rounds of community grants in conjunction with them that was successfully taken up by 22 local community groups.

We are currently evaluating both the Enfield Community Capacity Building Fund and our joint funding operations with London Councils. If it is prudent to do so and if funds are available we would certainly consider making further assistance of this nature available in future operational years.

**Question 33 from Councillor R Hayward to Councillor Sitkin Cabinet Member for Economic Development**

Organic vegetable boxes from the community growing vegetable scheme are priced at £54. Can you arrange for a cheaper non-organic version for the poorer people of the borough?

**Reply from Councillor Sitkin**

The Enfield Veg Company (EVC) is one of a number of locally grown vegetable box schemes across London. It is part of 'Garden Enfield', the programme launched by the Council in March 2014 to support the development of market gardening across the borough. It includes a number of community-led projects, the first of which is the market garden at Forty Hall Farm. The EVC is a not for profit company, promoting sustainable farming practices and selling locally produced organic food.

The cost of the vegetable bags actually range from £28 - £54 for 4 bags per month, which will contain quality, in-season vegetables suitable for different household sizes. The costs reflect the actual cost of producing vegetables locally, and are no more expensive than organic supermarket prices.

Other community growing schemes are in development, and these schemes will not be run organically in the first instance. There will be opportunities for these locally grown vegetables to be sold locally as well, offering healthy options for residents across the borough. I note however that Councillor Hayward is finally starting to pay attention to the cost of living crisis. It is something that this administration has been

working on ceaselessly since 2010. If Councillor Hayward wants to accompany me on my local consumer research initiatives, or indeed to the food banks that we run to deal with all the many citizens impoverished by this government's policies, he is very welcome. Or indeed he could openly criticise this government's economic policies.

**Question 34 from Councillor Fonyonga to Councillor Brett, Cabinet Member for Community Organisations**

Can the Cabinet Member tell the Council how many voluntary groups are currently known to Enfield Council and how many of these are currently seeking funding?

**Reply from Councillor Brett**

In our recent refresh of the Council's database of Enfield based voluntary and community sector organisations we have found there to be in excess of 700 local groups that we believe are active in the borough covering a whole range of community interests.

Whilst we have no specific figure on how many are currently seeking funding, we do know that many are facing significant financial challenges as they seek to continue to serve local communities.

Enfield Council is doing all it can to help those who approach us to adapt to the new funding environment they find themselves in and take a fresh look at how they can address their sustainability issues. This is an area of work that will become more important as available finances become ever more constrained and we are fully committed to helping organisations who add value to community life access available funding wherever that may be found.

We also provide a web portal that we direct local community groups towards to access external funding opportunities. To support this we deliver grant bid writing workshops with our Community Voluntary Services partner Enfield Voluntary Action.

**Question 35 from Councillor R Hayward to Councillor Sitkin, Cabinet Member for Economic Development**

With hindsight, do you regret not using Compulsory Purchase Order (CPO) powers to purchase the required land at Meridian Water?

**Reply from Councillor Sitkin**

The use of the Council's compulsory purchase powers, to acquire land and property interests at Meridian Water, was subject to debate at Overview and Scrutiny on 24 July 2014.

As was stated then, and has been clearly included in all cabinet reports regarding land acquisition in Meridian Water, the use of compulsory purchase powers has not been ruled out. But the Council's approach to date has been to acquire land necessary for new housing and other purposes via a process of voluntary negotiation.



This collaborative approach has enabled, for example, an examination of the condition of land through invasive means, providing information that has directly informed the valuation of land and viability calculations. This in turn has helped to generate confidence that house-building is possible and financially viable on the scale and density envisaged, and as the Council intends to recover its expenditure on land acquisition over time, this is of some importance.

So in answer to your question, I am comfortable with the Council's land acquisition strategy to date, but if it proves necessary, I will not hesitate in recommending the use of CPO powers.

**Question 36 from Councillor Barry to Councillor Bond, Cabinet Member for Environment and Community Safety**

Can the Cabinet Member tell the Council if nectar producing plants being used in Council flower displays to maximise bee and butterfly pollination opportunities?

**Reply from Councillor Bond**

Yes nectar producing plants are being used on Council land to maximise bee and butterfly pollinating opportunities.

Here are some of the ways which as a Council we are trying to make sure that pollinators are being supported in line with our Biodiversity Action Plan (as adopted September 2011).

**Parks & Open Spaces**

- Bee-friendly planting is a priority under the Parkland & Open Spaces as part of the delivery of Enfield's Biodiversity Action Plan.
- Parks staff do not use any fertilisers/pesticides/insecticides known to have an adverse impact on bees.
- Bee-friendly (wildlife-friendly) planting is recommended for all landscape-architect projects in house.
- Landscape architects attend our quarterly Biodiversity Action Plan Working Group to ensure they are up to date with latest issues/enhancement opportunities for biodiversity (including bee-friendly planting).
- Two of our parks have apiaries (Woodcroft Wildspace & Broomfield Park orchard).
- We have 6 sites under Higher Level Stewardship Agreement, each of these require management of the meadows with the aim of returning them to a rich, wildflower habitat to support the local bee (and general invertebrate) population, enhancing the biodiversity of the area.

**Highways**

- Highways contractors (as of this year's newly amended management agreement) leave half of the countryside grass verges un-cut to allow wildflowers to bloom and thrive, providing much needed bee corridors throughout the green belt (whilst also maintaining a tidy image to deter fly tipping).

## **Allotments**

- Bee-keeping is encouraged throughout our allotments (those which are site appropriate - with woodland/open space adjacent to allotments as opposed to housing).
- Allotment holders must be a member of Enfield Beekeepers' Association to apply for a hive on allotments (to ensure they have appropriate knowledge & insurance).
- Seven of our allotments have bee hives, totalling approximately thirty hives in total across allotment land.

## **Education**

- Schools in our Council allotment programme are encouraged to plant 'companion' species alongside vegetables in the 'Grow Your Own' organic planting scheme to deter pest species and encourage pollinators (whilst also encouraging education of the links between food growing and biodiversity).
- Higher Level Stewardship Educational Access visits are carried out at Forty Hall which provides the opportunity to further educate children and students about biodiversity, the need to provide pollinator habitat and appropriate land management.

## **Development Control/Planning**

- In each planning application where open space and/or private gardens are being impacted as a result of a proposed development, we grant approval only under the condition that landscaping plans must be submitted prior to development works which detail the native and wildlife-friendly planting which will be planted on the site to encourage pollinators and other wildlife.
- In addition we ask for biodiversity enhancements as part of conditioned approval which often can include bee or insect hotels on site in close proximity to nectar rich planting areas.

London-wide there is currently a partnership project called 'Making a Bee-Line for London' coming into action which will see the potential creation of more wildflower meadow land being planted/encouraged across Enfield's parks and open spaces in coordination with our neighbouring boroughs.

## **Question 37 from Councillor R Hayward to Councillor Sitkin, Cabinet Member for Economic Development**

How much have land values increased at Meridian Water in the past four years?

## **Reply from Councillor Sitkin**

Commenting on the change in land values over the last four years is particularly challenging, due to the scarcity of transactions, the lack of publically available information on transactions, and the variety of potential end uses for which the land may have been acquired.

Land clearly has a different value depending on its end use, with open storage being the lowest value and residential/commercial being the highest, depending on location.

Value for development land is determined as a residual amount, taking into account expected sale values after development and deducting all costs of development. Land value is therefore volatile and will increase in a good residential sales market and reduce when residential values drop. As sales values have increased recently then land values will have also increased to some degree. If Councillor Hayward is condemning the unwelcome property price bubble that is the result of the Coalition Government's policies in this domain, I share his disappointment.

**Question 38 from Councillor Hasan to Councillor Bond, Cabinet Member for Environment and Community Safety**

Is the Cabinet Member aware of the restrictions being introduced to the use of CCTV Monitoring equipment around schools and what measures will be taken to deter unofficial parking around school gates?

**Reply from Councillor Bond**

I am aware of the restrictions being considered by government. However, CCTV enforcement outside schools is not affected by the proposed changes and we will continue to enforce against motorists who park in contravention. You may also be aware of our current high profile work on school safety in conjunction with the police which has gained positive media attention including BBC television news.

**Question 39 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could you inform the chamber how many Enfield residents have taken up the £10 bike loan scheme?

**Reply from Councillor Bond**

As of 20 August 2014, 110 people have received their loan bicycle for a month, with more being registered on the scheme ready to pick up their bike at the next session.

**Question 40 from Councillor Chibah to Councillor Stafford, Cabinet Member for Finance**

Can the Cabinet Member advise if Enfield will be taking part in the Municipal Bonds Agency (MBA), now signed up to by 38 councils and reputed to reduce borrowing costs?

**Reply from Councillor Stafford**

The Council has had discussions with the MBA to look at the possibility of borrowing from them. All borrowing options are benchmarked against the Public Works Loan Board rates. The Council's aim is to ensure that it borrows at the lowest rate of interest, and the MBA will be one of the options considered.

**Question 41 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could you inform the chamber how many residents have taken up the opportunity to learn how to ride a bike as part of our Cycle Enfield scheme?

**Reply from Councillor Bond**

Enfield operates the national cycle training scheme Bikeability, of which Level 1 covers learning how to ride a bike: basic skills such as stopping, starting, and skills controlling the bike in a traffic-free environment. So far this financial year 668 children and 265 adults have completed Level 1, totalling 933 residents. Enfield also offers Levels 2 and 3 of Bikeability, which build on these skills to give residents the confidence to ride on quieter streets and busier roads respectively.

**Question 42 from Councillor Doyle to Councillor McGowan, Cabinet Member for Health and Adult Social Care**

Can the Cabinet Member update the Council on the Better Care Fund submission that was made on 19 September 2014?

**Reply from Councillor McGowan**

The challenge of the Better Care Fund (BCF) is that it takes resources previously held by both the Council and Enfield Clinical Commissioning Group (CCG) and creates a pooled budget of £20.59m in 2015/16 – £2.07m of capital and £18.52m of revenue. This is not new money. It includes money paid to the Council through the NHS/Social Care grant, the Disabled Facilities Grant, together with other grants paid to the CCG for carers and respite services. It also includes funding paid by the CCG to hospitals for acute services. This money is to be used to create integrated services within the community which will prevent emergency admissions to hospital.

The Health and Wellbeing Board has been implementing a program to integrate Health and Social Care for quite some time now and a lot of work has been done. However, the purpose of the Better Care Fund, as described by government, is to accelerate the scale and pace of this change. By April 2016 all areas, including Enfield, will be required to reduce the number of people admitted to hospital as an emergency by 3.5%. With the scale of population growth which Enfield is experiencing, we will need to achieve a reduction of going onto 7% to deliver the government's target of 3.5%

At a time of significant financial challenge, both within the Council and within Enfield CCG, the need to make changes which create a more sustainable health and social care services is clear. However, financial damping has meant that both the Council and the CCG are under-financed for the level of population and need that we have, and this will exacerbate our level of risk.

Nevertheless, the Council has worked hard with all partners involved to mitigate the risks involved by phasing in dis-investment and re-investment plans. This will give an opportunity to evaluate the new services we will put into place and the impact that they have on the hospitals. Our aim, fewer people admitted into hospitals as

emergencies and more joined up services, which help to keep people healthy for longer within their own homes.

£1.5m of the Better Care Fund will be linked to delivery of this reduction in emergency admissions. With this in mind we have created a contingency fund in the event that the 3.5% target is not met.

There are key things that the Better Care Fund plans must achieve in order to be considered successful and these are called the national conditions.

The national conditions set out the things that each resubmitted plan must consider:

- 7- day services to avoid delayed hospital discharges at weekends.
- Improved data sharing across health and social care, based on the NHS number.
- Protection for Social Care Service.
- Ensure a joint approach to assessment and care planning along with a lead accountable professional.
- Agreement on the consequential impact of changes in the acute sector.

As a result of further guidance from NHS England/Department for Health and Local Government Association (LGA) each area was asked to re-submit their plans taking into account new requirements. Enfield's Plan was submitted on 19 September 2014, and is now subject to validation by NHS England over the remaining weeks of September. This is the third submission that all Councils and CCGs have had to make.

Key Highlights of the BCF Plan Submission 19 September 2014:

- It draws together existing budgets and resources, including the NHS to social care transfer monies. There is no new government money.
- LBE and ECCG confirmed shared priorities, joint service reconfiguration plans against 4 programmes: Integrated Care for Older People, Mental Health, Children and Long Term Conditions.
- The plan made a clear statement about the impact on the acute sector and outcomes for Enfield's residents.
- There is only one metric in the payment for performance element of the BCF - 3.5% reduction in emergency admissions.

Initial feedback from the review process so far indicates that Enfield's plan is considered to be a well-balanced and evidence-based piece of work, demonstrating strong links to our Joint Strategic Needs Assessment (JSNA) and our Health and Wellbeing Strategy.

#### **Question 43 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development**

Please could the Cabinet Member for Economic Development inform the chamber how much, including officer time, it cost to hold the Meridian Water Festival?

### **Reply from Councillor Sitkin**

Meridian Water is the Council's largest regeneration project, and is located in one of the borough's most deprived areas. A festival was held on 6 September 2014, to create an opportunity to engage with local communities, promote the benefits of Meridian Water and improve awareness of the Council's regeneration proposals. The event provided a wide range of family friendly activities. Local businesses in the Meridian Water area contributed space to hold the event, equipment, logistical support and prizes for some of our competition winners, who were local school children.

This event forms part of our plans to ensure that Meridian Water is an inclusive development, offering benefits to its surrounding local communities as well as some people from further afield. The event cost approximately £12,000. There were no additional costs relating to officer time as the event management was contained within existing resources.

### **Question 44 from Councillor Levy to Councillor Stafford, Cabinet Member for Finance**

Can the Cabinet Member please inform this Council how much the Conservative Coalition Government required Enfield Council to cut from its revenue budget, in the last 4 years, and how much they require to be cut in the next 4 years, and what percentage of the revenue budget this represents?

### **Reply from Councillor Stafford**

Since 2011/12 Enfield's Government funding has reduced by over £44m. This excludes ring-fenced schools funding and public health and also the New Homes Bonus which has been awarded to the Council for new houses built in the borough. We only have firm indications of government funding for 2015/16 which shows further cuts of nearly £21m. The government has not provided details of funding in the subsequent three years although based on Treasury announcements further annual reductions of £10m per annum would not be unrealistic. A total cut of £95m by 2018/19 would represent a 39% cut in Enfield's 2010/11 net budget requirement (£242.576m).

### **Question 45 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

There have been plans for a separate Cycle Enfield website for residents to access information on our cycling provision. Please could the Cabinet Member for Environment and Community Safety inform the chamber of when the website will be launched?

### **Reply from Councillor Bond**

We launched the new Cycle Enfield branding and website at the Enfield Town Show on 13 and 14 of September 2014, and we are in the process of signposting towards [www.cycleenfield.co.uk](http://www.cycleenfield.co.uk) from the existing Cycle Enfield web pages. A full page advert

was placed in the current Our Enfield magazine on the inside front page which highlighted the £10 cycle loan scheme and showed our new branding and website.

**Question 46 from Councillor Laban to Councillor Alan Sitkin, Cabinet Member for Economic Development**

The current proposals for the Community Infrastructure Levy (CIL) are that there will be a nil CIL charge for development at Meridian Water therefore development elsewhere in the borough including in some of our most deprived wards will have to help pay for infrastructure and other associated costs with Meridian Water. Could the Cabinet Member for Economic Development inform us how much development is required so at least some of the money can be recouped for infrastructure and other associated costs for Meridian Water?

**Reply from Councillor Sitkin**

CIL will contribute to the cost of infrastructure needed to support the planned growth set out in the Council's adopted Core Strategy. The amount of CIL receipts the Council is likely to receive is directly related to the type and timely delivery of new development coming forward. We are using a range of powers to actively encourage appropriate development to ensure a regular pipeline of CIL contributions.

The proposed charging rates were considered by Cabinet at its last meeting in September and appear on the agenda for this Council meeting too. The proposed rates are based on independent viability work and include a nil rate, at this time, for new housing development in Meridian Water. This reflects the abnormal costs of dealing with contaminated land in the area, together with current relatively low land and property values.

The report clearly states at paragraph 4.3 that there is no prescribed life for a charging schedule but it is expected to run for approximately 2-3 years before new circumstances require a review and rates may change as a result.

Similarly paragraph 5.2 states that the types of infrastructure projects which may be funded by CIL can also change over time as projects are completed and priorities change. The zero CIL rates for Meridian Water were required by the Greater London Assembly (GLA), with whom Councillor Laban herself is aligned; and that she clearly misunderstands the pricing of development parcels when she asserts, incorrectly, that amounts levied elsewhere in the borough will have to be applied to redeem Meridian Water infrastructure costs.

**Question 47 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Residents have welcomed the action taken to clean the New River at River Front. Please could we have an indication of when the same action will be applied at the Enfield Grammar School/Parsonage Gardens section of the New River?

**Reply from Councillor Bond**

The natural growth patterns of pond and duck weed means that the river water is expected to clear during the autumn and winter season. In spring or as duck weed

appear parks staff will act quickly to remove this in the early stages using simple nets. The weed growth in the Enfield Grammar School/Parsonage Gardens section of the New River is more difficult to access but equal attention will be given to ensure that the river is able to support nesting birds and fish. This stretch will be done in spring as the algae will be dying back naturally through the autumn and winter period.

**Question 48 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for Environment and Community Safety inform us how many people if any have been contacted formally because of wheeled bin cross contamination and what wards they live in?

**Reply from Councillor Bond**

The contamination pilot ran from the end of September 2013 to April 2014. Properties in the pilot area went through a 4 stage process which involved face to face engagement, letters, providing pictorial education material and finally the removal of the recycling and/or garden and food waste bin if the residents persistently contaminated.

For properties outside of the pilot area during this time period, letters were still sent for contamination. This was usually if a resident had reported a missed collection, and the bin was not collected due to contamination. Below is an approximate breakdown of letters sent since 23 September 2013 to 23 September 2014.

<b>Reason for letter</b>	<b>Number of letters sent</b>
Recycling bin reported as missed but contaminated	665
Garden and food waste reported as missed but contaminated	297
Contaminated blue bin – pilot	1,012
Contaminated green bin – pilot	800
<b>TOTAL</b>	<b>2,774</b>

Please note that the above figures do not include cases where multiple issues may have been dealt with under one reference number.

For example, an officer visiting following a report of wheeled bins left on the pavement, may have noted contamination at the same time. This would be logged under the original report.

As part of the pilot, only three garden and food waste bins were removed due to persistent contamination.

Information on the number of letters sent per ward is currently not available.



**Question 49 from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for Environment and Community Safety inform us how many people who live in flats have opted to continue recycling since the decision on this was taken?

**Reply from Councillor Bond**

Since the decision to offer blue recycling sacks as “opt in” was taken, 188 out of 1677, have requested them. The decision was taken due to the high levels of these bags being used as refuse.

**Question 50 from Councillor Rye to Councillor McGowan, Cabinet Member for Health and Adult Social Care**

Can he confirm that, as part of the savings drive in Adult Social Services, that consultants, Ernst & Young, have been employed to identify additional savings?

What is the cost to the Council of employing all or any external consultants in his brief and are any being paid on a results based basis?

**Reply from Councillor McGowan**

I thank Councillor Rye for highlighting the financial challenges faced by Adult Social Care over the coming years. Enfield’s 2014/15 Adult Social Care net budget totals £81.9 million and over the past 3 years we succeeded in delivering £15 million worth of savings whilst continuing to maintain the delivery of quality frontline service for local people.

As you will be aware, the Council is facing significant financial challenges over the next 3 years and as part of this challenging fiscal landscape, Adult Social Care will need to build on work already completed to deliver an additional £11million worth of savings over a 3 year period. However it is worth noting that as per recent benchmarking data (2013/14), Enfield represents below average expenditure per social service client.

Due to the unprecedented scale of financial challenges faced, Ernst and Young have been engaged to assist with the identification of additional efficiencies in the short to medium term but also look at ways in which we may ensure the sustainable delivery of quality Adult Social Care services in the long term.

Ernst and Young were appointed after a competitive tender process and I can confirm that they have been engaged on a risk reward basis incentivising and driving the delivery of results. As part of the risk reward deal, Ernst and Young will receive no payment for the first £2 million worth of savings delivered. After this point, Ernst and Young will be paid a one-off amount which will represent a percentage of savings achieved in the first year. In addition, we have negotiated an option to a pay a fixed rate for aspects of Ernst and Young’s work where the Council has deemed this to be a more advantageous option and better value for money.

**Question 51 from Councillor E Hayward to Councillor Orhan**

Can you inform the Council of proposals to deliver a three form entry primary school on the Chase Farm hospital site? In particular can you guarantee this school will open in September 2018?

How will this school be funded and has consideration been given to the status of the school, academy or free school?

When do you plan to consult residents in the area?

**Reply from Councillor Orhan**

The Council is investigating options to deliver extra permanent primary places in the area to meet current projected population growth and the impact of any new housing developments in the area. The Council has looked at opportunities to expand Chase Side Primary School and Chace Community Secondary School. If the NHS Trust dispose of any unused land on the Chase Farm Hospital site then it may be suitable for an education facility.

It is not prudent to guarantee a delivery date without a full set of surveys, designs, planning consent or a contractor procured. However, previous experience is that an operational education facility could be delivered by September 2018.

The Council has a combination of Basic Need and Targeted Basic Need to provide extra primary school places in this area.

The facility is likely to be local authority maintained and managed due to the funding provided by the Education Funding Agency (EFA). The EFA are aware that this is one of our options to provide extra permanent primary school places.

As with all school expansion proposals, when the Council believes it is feasible then we will consult relevant stakeholders, including local residents, as part of developing the design for the planning application.

NHS senior executives have confirmed that in the event of a land purchase any monies paid by the Council will be re-invested into the proposed new hospital facilities at Chase Farm.

**Question 52 from Councillor Neville to Councillor McGowan, Cabinet Member for Health and Adult Social Care**

With reference to the Ordnance Road Service Centre, could he please confirm to the Council the precise shortage of funding for this project and the amounts involved from each of the funders?

**Reply from Councillor McGowan**

Ordnance Unity Centre, on the corner of Ordnance Road and Hertford Road is nearing completion. In this brand new, fully accessible building there will be a library,

community hall, community dentist and GP surgery. A capital budget of £6.4m was agreed by Council for this development and the project is currently within this budget envelope. The latest forecast out-turn position is also expected to be within the budget envelope.

The Council has provided the capital funding for this development, in order to provide improved premises for vital local services, particularly primary care. The capital cost for the NHS demise, including an appropriate proportion of the cost of the shared areas, will be fully recovered via an annual rent over 25 years from NHS Property Limited. The capital cost of the community hall will be funded from the Housing Revenue Account and maintenance costs will be funded through the income generated from the hall hire.

**Question 53 from Councillor Neville to Councillor Bond Cabinet Member for Environment and Community Safety**

In connection with the poor flow of water in the New River within Town Park, which regularly causes stagnation and the production of algae, has he considered using the Local Implementation Plan (LIP) programme to have the bridge over Windmill Hill reconstructed to provide a larger channel below the bridge through which the water can flow?

Can he also say how often the river is cleaned by our parks staff and how much was spent earlier this year on dredging the river?

**Reply from Councillor Bond**

There is one intensive clearance of algae along the New River Loop each season when blanket weed is removed.

Routine litter removal is undertaken weekly. The cost of weed removal is estimated at £4,000 and is contained within existing budgets.

The cost of de-silting is £68,000. It is considered that enlarging the pipe would make no difference to flows on the New River Loop as the 4 foot diameter pipe is more than adequate (at least a 100 times more) to deal with typical flows of 5 litres/sec.

I do not believe we need to use LIP funding for this.

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## **Council: 8<sup>th</sup> October 2014**

### **Review of Political Balance and Council Proportionality Arrangements**

Contact: John Austin (020 8379 4041) & Asmat Hussain (020 8379 6438)

#### **1. Background**

- 1.1 Following the recent change in the political composition of the Council, as a result of Councillor Haydar Ulus becoming an Independent Member, Council is being asked to note the change in its political balance and proportionality arrangements.

#### **2. Review of Political Balance & Proportionality**

- 2.1 The last proportionality review of the Council was undertaken at the Annual Council Meeting (11 June 2014). Following the recent change, the membership of the Council now stands as follows:

- Labour: 40 members – which equates to an overall % in terms of Council membership of 63.5%
- Conservatives: 22 members – which equates to an overall % in terms of Council membership of 34.92% (unchanged from the review in June 14)
- Independent Member: 1 member - which equates to an overall % in terms of Council membership of 1.58%

- 2.2 Given the above change in membership, there has been a need to review the overall allocation of seats on Committees and other relevant bodies to take account of the revised % set out above. It should be noted, that although the political balance on the Council now includes one Independent Member, there is no requirement to include that member within the proportionality review as they do not constitute a “political group” under the requirements of Section 15 of the Local Government & Housing Act 1989.

- 2.3 Of the 156 seats available for allocation between the Groups (used as the basis for the annual proportionality review undertaken in June 14) Labour had 102 seats with the Conservative Group allocated 54. As a result of the new political balance on the Council the overall % of seats that Labour are now entitled to has been reduced by 3, which will give them a total allocation of 99 and equate to 63.46% of available seats.

- 2.4 In order to comply with the revised proportionality requirement, the Majority Group have advised they will be vacating one seat on each of the following bodies:
- Public Transport Consultative Group (revised membership Labour: 6 (reduced from 7)/Conservative: 4 (unchanged) & 1 vacancy)
  - Staff Appeals Panel (revised membership Labour 8 (reduced from 9)/Conservative: 4 (unchanged) & 1 vacancy)
  - Edmonton Partnership Working Group (revised membership Labour: 4 (reduced from 5)/Conservative: 2 (unchanged)).
- 2.5 Although not entitled to any seats, apart from on Council and at his Ward Forum, the Majority Group have indicated they are willing to offer the Independent Member one seat on the Edmonton Partnership Working Group (which covers the ward he represents and on which he is already a member). It is possible for Council to allow this, although as a departure from the rules relating to the allocation of seats under political proportionality this will require Council to formally agree the change with no member voting against the proposal.
- 2.6 The associated changes to committee membership have been set out under Agenda Item 17.2 (Committee Memberships).

### **3. Recommendation**

Council is being asked to note the change in political balance and proportionality on the Council and to agree (subject to no member voting against), that the Independent Member be allocated a seat on the Edmonton Partnership Working Group.