

Use of the Council's urgency processes involving a waiver of the call in process which have taken place since 26 January 2011.

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

1. Decision: To grant a 125 year lease to the Woodpecker Hall Primary Academy

1.1 Reason for Urgency:

The decision had to be taken and implemented immediately because the Department for Education could not have approved the business case for the establishment of the school until the council had taken the decision to grant the lease. The School had been due to open in September 2011 and was needed to ensure that there were enough primary schools places for Enfield pupils. It could not have waited for the call in process to elapse, as the Department for Education had needed agreement on the lease by 28 January 2011.

2. Decision: To agree the contract for adaptations to classrooms at the Prince of Wales Primary School.

2.1 Reason for Urgency:

The Report of the Director of Schools & Children's Services Report to Cabinet on the Implementation Plan of the Primary Pupil Place Strategy and development of Partner Schools had identified Enfield Lock as one of the areas of the Borough where pressure on primary pupil places was most acute.

The proposal for meeting the demand in the Enfield Lock area involved creating an additional reception class at Prince of Wales School from September 2011 and developing proposals to accommodate further pupils in future years. The building proposals and the increased intake had only recently been agreed with the School. Thirty additional reception places had been offered and accepted for September 2011.

The most feasible solution for creating the additional space required for the extra pupil intake was to undertake a series of internal adaptations as this would create a lasting legacy for the School in terms of future use. However unless the majority of this work had been completed during the summer holiday, there would have been severe disruption to the School at the start of the Autumn Term. Furthermore the School would have had no accommodation for the additional pupil intake, thus putting the Council at risk from legal challenge from parents whose children could not be educated.

The contractor required at least three weeks lead in time to mobilise the work force and order materials and components. An order therefore needed to be placed with the contractor that week to ensure that the work could start on the

first day of the school holiday (25 July). If the normal call in period had been applied, there would have been considerable risk that the contractor would have failed to deliver sufficient accommodation for the new pupil intake in September.

3. Decision: Housing Quarterly Electricity Contract Renewal

3.1 Reason for Urgency:

Enfield buys electricity and other energy utilities through LASER which is the approved buying agent representing a consortium of local authorities including Enfield. Being part of this consortium enables the council to access energy at the best price, taking advantage of the bulk buying powers of a larger group.

The contract for the supply of electricity to housing sites billed on a quarterly basis was due for renewal on 1 October 2011. LASER had put together a tender for this contract and a decision on the new contract was due on 6 July 2011. Prices were received by 2pm and had needed to be signed off by 4pm that same day. This would not have left enough time to allow for clearance of the 5 day call in process, which usually follows a decision, before it can be formally implemented. Waiting for the call in period to pass, would have prevented the Council from securing electricity at the best possible price. For this reason a call in waiver was sought.

This situation occurs when dealing with other electricity and gas purchases and so a general call in waiver for future decisions on contracts for the supply of gas and electricity under the above arrangement had been agreed by the previous administration. Agreement for a continuation of this arrangement was also sought and obtained.

4. Decision: Cyntra Decent Homes Scheme 2011/12

4.1 Reason for Urgency

Enfield Homes were currently members of the Cyntra Consortium which allowed them to have a direct call-off of a contractor from their framework agreement without the need to tender. This allows for a shorter pre-construction phase and, more importantly, removes the need to go through the lengthy and expensive OJEU procurement process for securing a contractor.

Enfield Homes Cyntra agreement ended on 31 July 2011. A call in waiver was sought as Enfield Homes needed to be in contract and to send a letter of acceptance to the Cyntra contractor, Apollo Ltd, to carry out £8million of decent homes works, before the agreement ended. As this had to be done by the 31 July 2011, there was no time to allow for the usual 5 day call in period to elapse.

Failure to be in contract by the 31 July 2011 would have meant that the procurement process would have had to start again using contractors from the

Council's approved list. This would have shortened the time available to spend the £8M grant money allocated from the Homes and Communities Agency Decent Homes fund, the consequence of which would have been to lose any unspent portion of the grant. Any loss of grant would not have been recoverable from the HCA. To carry out the Council's Decent Homes commitments the council would have had to have found its own funding with consequent pressure on other budgets. This may also have impacted on the grant allocation for the following year potentially doubling the losses to Enfield.

Any loss of income would have been detrimental to the numbers of properties that would have Decent Homes works undertaken or alternatively the extent of the works to each property would have been limited. Enfield has committed itself to providing a superior 'Enfield Homes Standard' rather than the basic Decent Homes Standard, this commitment would have been compromised.

5. Decision: Oasis Academy Hadley: Relocation of Power Cable

5.1 Reason for Urgency

A live High Voltage power cable on the National Grid site at Ponders End had to be re-routed on the site. This varied the original contract term for vacant possession which had been agreed by Cabinet in September 2008.

The waiver allowed a legal easement to the contract to purchase the National Grid site at Ponders End. Only then was the National Grid commission UK Power Network able to re-route the cable, which took approximately 6 weeks.

Only after this work could the completion of the sale and purchase commence. This had to be completed before the building of the school commenced at the beginning of August 2011.

The project plan to get the academy open for September 2012 contained no slippage to allow for delay. It was essential that the council met the target to provide school places for young people. A delay would have meant that the academy would fail to open on time.