

**MINUTES OF THE MEETING OF THE CABINET  
HELD ON WEDNESDAY, 12 MARCH 2014**

**COUNCILLORS**

**PRESENT** Doug Taylor (Leader of the Council), Achilleas Georgiou (Deputy Leader), Bambos Charalambous (Cabinet Member for Culture, Leisure, Youth and Localism), Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health), Donald McGowan (Cabinet Member for Adult Services, Care and Health), Ayfer Orhan (Cabinet Member for Children & Young People), Ahmet Oykenen (Cabinet Member for Housing) and Andrew Stafford (Cabinet Member for Finance and Property)

**ABSENT** Chris Bond (Cabinet Member for Environment) and Del Goddard (Cabinet Member for Business and Regeneration)

**OFFICERS:** Rob Leak (Chief Executive), Andrew Fraser (Director of Schools & Children's Services), Ray James (Director of Health, Housing and Adult Social Care), Neil Rousell (Director of Regeneration, Leisure & Culture), Asmat Hussain (Assistant Director Legal), Andrea Clemons (Acting Assistant Director - Community Safety and Environment), Isabel Brittain (Acting Assistant Director of Finance), John Austin (Assistant Director - Corporate Governance), Paul Walker (Assistant Director, Regeneration, Planning & Programme Management), Detlev Munster (Head of Property Programmes) and Suzanne Linsey (Press Officer) Jacqui Hurst (Secretary)

**Also Attending:** Councillors Elaine Hayward, Robert Hayward and Derek Levy.

**1**

**APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Del Goddard (Cabinet Member for Business and Regeneration), Councillor Chris Bond (Cabinet Member for Environment), Ian Davis (Director – Environment) and James Rolfe (Director of Finance, Resources and Customer Services).

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

**2**

**DECLARATION OF INTERESTS**

There were no declarations of interest registered in respect of any items on the agenda.

**3**

**URGENT ITEMS**

NOTED, that the reports listed on the agenda had been circulated in accordance with the requirements of the Council's Constitution and the Local Authorities (Executive Arrangements) (Access to Information and Meetings) (England) Regulations 2013 with the exception of:

An Addendum to Report No.206 – Small Housing Sites – Appropriation of Land for Planning Purposes (circulated at the meeting).

Councillor Doug Taylor (Leader of the Council) reported that Cabinet was being asked to consider an addendum to Report No.206 – Small Housing Sites – Appropriation for Planning Purposes (Minute No.9 below refers) as an urgent item. The reasons for urgency were that the addition of this scheme to the Council's capital programme required a recommendation from Cabinet to Council. The final Council meeting in this municipal year was on 2 April 2014 and there was a need for this to be agreed in order to allow works to commence on site by June 2014 in order to secure a GLA grant. The next normal business meeting of the Council was not scheduled until July 2014.

Report No.210 – Meridian Water: Development Opportunities – Update Report (circulated as a "to follow" paper in advance of the meeting)

These requirements state that agendas and reports should be circulated at least 5 clear days in advance of meetings.

**AGREED** that the Addendum to Report No. 206 – Small Housing Sites – Appropriation of Land for Planning Purposes and Report No.210 – Meridian Water: Development Opportunities – Update Report, as stated above, be considered at this Cabinet meeting (Minute Nos. 9 and 13 below refer).

**4**

**DEPUTATIONS AND PETITIONS**

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

**5**

**ITEMS TO BE REFERRED TO THE COUNCIL**

**AGREED** that the following items be referred to full Council:

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1. Report No.206 – Small Housing Sites – Appropriation of Land for Planning Purposes – for the recommendation to Council only as set out in the addendum to the report.
2. Report No.208 – Proposed Submission North East Enfield Area Action Plan

### 6

#### **CAPITAL PROGRAMME MONITOR THIRD QUARTER DECEMBER 2013 BUDGET YEAR 2013-14**

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.203) informing Members of the current position up to the end of December 2013 regarding the Council's Capital Programme (2013-17) taking into account the latest information for all capital schemes including the funding arrangements.

#### NOTED

1. That the overall projected expenditure was projected to be £69.0m for the General Fund and £43.7m for the HRA for 2013/14.
2. An amendment sheet was circulated at the meeting in respect of Appendix A to the report regarding the schemes within Regeneration, Leisure and Culture for the capital programme 2013-2017. The amended figures are set out below:

#### Regeneration:

Scheme	2013/14 £000	2014/15 £000	2015/16 £000	2016/17 £000	Total Current projection £000
Ponders End	802	1,694	935	0	3,431
New Southgate	260	813	1,850	750	3,673
Meridian Water	1,056	15,122	21,471	5,500	43,149
Edmonton projects	15	1,288	1,700	1,500	4,503

3. The detail of the capital spending plans for 2013-2017 as set out in the report including the Council's borrowing and investment activity. Members' attention was drawn to several of the major projects within the programme; Appendix A to the report set out the detailed programme.

**Alternative Options Considered:** None stated, not applicable to this report.

**DECISION:** The Cabinet agreed

1. The additions to the General Fund Capital Programme totalling £541k in 2013/14 (Table 1 – to be funded from grants and earmarked resources) and noted that this would not materially increase capital financing costs.

2. The updated four year programme including proposed reductions subject to indicative estimates included in later years (as detailed in section 5 of the report), including the amendments provided at the meeting.

**Reason:** To continue to monitor the Council's Capital Programme.  
**(Key decision – reference number 3763)**

## 7

### **QUARTERLY CORPORATE PERFORMANCE REPORT**

Councillor Achilleas Georgiou (Deputy Leader) introduced the report of the Chief Executive (No.204) presenting the latest quarterly report on the Corporate Performance Scorecard.

#### NOTED

1. The progress made towards delivering the identified key priority indicators for Enfield;
2. That the priority indicator scorecard grouped performance indicators under the Council's three strategic aims, Fairness for All, Growth and Sustainability and Strong Communities. 81 performance indicators were being reported, of which 75 had targets. Of these, 47 (62.7%) were at green; 16 (21.3%) were at amber; and, 12 (16%) were at red.
3. The details contained with the Corporate Performance Scorecard and the explanations provided for individual indicators as set out in the report.
4. The indicators within Adult Social Care and the responsibility of the NHS for aspects of the performance.

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

**Reason:** To update Cabinet on the progress made against all key priority performance indicators for the Council.  
**(Key decision – reference number 3864)**

## 8

### **BRIMSDOWN PRIMARY SCHOOL INVESTMENT**

Councillor Ayfer Orhan (Cabinet Member for Children and Young People) introduced the report of the Director of Schools and Children's Services (No.205) providing an update on the need to provide Primary pupil places in the North East of the borough.

NOTED

1. That the replacement of the kitchen and dining facilities at Brimsdown Primary School were required as a matter of urgency and it was proposed that they be re-provided in such a way which would allow them to be incorporated into the current school buildings or to form part of the re-provision of a new build, as set out in the report.
2. That the staff and Governing Body of the school were pleased with the proposed improvements.

**Alternative Options Considered:** The Council had considered re-provision and expansion of the school as part of the Primary Expansion Programme (PEP2) programme however, due to the provision of additional primary school places via two local academies there was no longer a need. It was not an option to do nothing to the current kitchen and dining facilities the current buildings were no longer fit for purpose and require replacement.

**DECISION:** The Cabinet agreed to approve

1. The updated strategy to provide school places in the North East of the borough and to note that it no longer required a Council funded school expansion in the short to medium term.
2. That Brimsdown Primary School's kitchen and dining facilities be re-provided at an estimated cost of up to £3m including contingency, from within the PEP2 project costs already included in the Council's Capital Programme. It was proposed that these facilities be provided in such a way which would facilitate either an improvement of the current building stock or the re-provision of the school on site.
3. That a detailed options appraisal be undertaken on the site to assess the benefits and costs of either upgrade the current building stock to enable the school to deliver the curriculum into the 21<sup>st</sup> Century or to re-provide the school within the school site.
4. Delegated authority to the Director of Schools and Children's Services and the Cabinet Member for Children and Young People (via a portfolio decision) to take decisions on:
  - Entering into contractual arrangements and placing orders for required construction works.
5. Delegated authority to the Director of Schools and Children's Services on the:
  - Appointment of appropriate technical services such as architects, surveyors and contract managers.
  - Submission of planning applications; and
  - The appropriate procurement routes for individual schemes

**Reason:** The school buildings were in need of improvement with the kitchen and dining room block in urgent need of replacement with the potential of imminent failure.

**(Key decision – reference number 3869)**

9

## **SMALL HOUSING SITES - APPROPRIATION OF LAND FOR PLANNING PURPOSES**

Councillor Ahmet Oykenar (Cabinet Member for Housing) introduced the report of the Director of Health, Housing and Adult Social Care and Director of Finance, Resources and Customer Services (No.206) seeking approval for the Council to use its powers to appropriate the land required for the Small Housing Sites development for planning purposes.

NOTED

1. That an addendum to the report had been circulated for Members' consideration on grounds of urgency, as set out in Minute No.3 above.
2. That this report marked an important stage in the Council's plans to bring these 7 sites back into use and provide much needed additional housing in the local area.
3. In addition to recommending that the land be appropriated for planning purposes, to avoid any undue delay an addendum had been produced to reflect the improved financial terms that had been secured following robust due diligence and examination of the original bids.
4. That the addendum recommended improved financial terms and sought Council approval for the borrowing to be allocated from within the £100m previously agreed by Council for housing purposes. This approach would enable a prompt start on site, help to secure just under £700k of external funding, provide an asset backed investment that would deliver much needed local housing and longer term gains for the General Fund.

**Alternative Options Considered:** NOTED the following alternative options which had been considered:

1. Regarding procurement of land for planning purposes none.
2. To progress a lease and lease-back option with another third party funder. Public Works Loans Board (PWLB)/European Investment Bank (EIB) borrowing was cheaper than an income strip from other private funders.

**DECISION:** The Cabinet agreed

1. that in accordance with section 122 of the Local Government Act 1972 the sites required for the completion of the Small Housing Sites

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development (set out in appendix one of the report) should be appropriated from their present holding purpose to planning purposes and in particular the purposes of section 237 of the Town and Country Planning Act 1990.

2. To note that the appointment of the preferred developer would be subject to a separate portfolio decision by the Cabinet Members for Housing and Finance and Property, in accordance with the original Cabinet decision in July 2012.
3. To note that specific finance and legal comments were included within the main body of the addendum to the report.
4. To note that a more comprehensive report, regarding the funding detailed in the recommendation to Council below, would be presented to full Council on 2 April 2014.
5. To establish a separate Special Purchase Vehicle to take a lease of the 57 private rented properties, the details of which would be presented to Cabinet in June 2014.

**RECOMMENDED TO COUNCIL** an update to the General Fund Capital Programme in 2014-16 to allocate £17.3m from the Investment in Private Rented Sector Homes to the Small Housing Sites project.

**Reasons:** 1. All the bidders requested that any Development Agreement entered into with the Council included a requirement, as a condition precedent, for the Council to use its powers to appropriate the land for planning purposes. Failure to appropriate the land for planning purposes would delay the project and could even put the development at risk. 2. Council officers in their commitment to achieve best value to the Council, had commissioned a reputable consultancy firm to undertake further modelling on the different funding options. The result revealed a net cash flow of £56m (note: figure corrected following the circulation of the addendum which stated £59m) between the two funding options. 3. The £56m positive difference was a compelling reason alone to recommend the Public Works Loan Board(PWLB)/European Investment Bank(EIB) option over the private alternative. However the PWLB/EIB option also resulted in a shorter repayment term and meant that all 94 homes, not just the 37 homes, remain in the Council's ownership throughout the loan repayment period further underlining the superiority of this option.

**(Key decision – reference number 3780)**

**10**

## **ASSETS OF COMMUNITY VALUE**

Councillor Andrew Stafford (Cabinet Member for Finance and Property) introduced the report of the Director of Finance, Resources and Customer Services (No.207) setting out the recommended process to ensure that the Council complies with its responsibilities as set out in the Localism Act 2011.

NOTED

1. That there was now a duty on a local authority to consider applications from certain groups who wished to nominate assets (both public and private) as Assets of Community Value. The local authority must maintain a list of Assets of Community Value which would be known as the "List of assets of community value". There was also the requirement for Local Authorities to maintain a list of unsuccessful nominations.
2. The processes to be followed as set out in section 4 the report, and the timescales that would apply.
3. That the Council would be liable to cover compensation claims of up to £20,000 per annum. Beyond this figure, the Government would reimburse the local authority for any payments made.
4. That the Council had no option but to comply with this statutory requirement, however, concern was expressed over the legislation and its potential negative effects.
5. That whilst this was a Cabinet decision, Members asked that the report be referred to full Council for noting only.

**Alternative Options Considered:** As this was a new area of legislation research had been undertaken to see what other authorities were doing. At present all appeared to be managing the Right to Bid within their own authority. When the process was tested by way of a nomination this would give an opportunity to review how the process was operated and whether the lead service should continue to do so.

**DECISION:** The Cabinet agreed

1. To note the new duty under the Localism Act 2011 to implement the Community Right to Bid.
2. The management approach for the implementation of the Community Right to Bid.
3. The evaluation criteria for assessing nominated assets of community value.
4. That any additional costs be contained within existing services and contingency budgets in 2014/15.

**RECOMMENDED TO COUNCIL** that the report be noted.



**Reason:** To ensure that the council fully complies with the requirements of the Localism Act 2011 and maintains a register of successful and unsuccessful nominations.

**(Key decision – reference number 3850)**

11

## **PROPOSED SUBMISSION NORTH EAST ENFIELD AREA ACTION PLAN**

Neil Rousell (Director of Regeneration, Leisure and Culture) introduced his report (No.208) seeking approval of the Proposed Submission North East Enfield Area Action Plan (NEEAAP) and supporting documents.

### **NOTED**

1. That the report had been approved by the Local Plan Cabinet Sub-Committee at its meeting on 27 February 2014. Minor amendments had been suggested which were now being worked through;
2. That once adopted, the NEEAAP would form part of Enfield's Local Plan.
3. The main elements of the NEEAAP as set out in the report.
4. That it was proposed that the statutory public consultation period would commence in late May 2014 for a period of 6 weeks. In response to questions raised, Neil Rousell outlined the proposed consultation and engagement processes and noted the work which had already taken place.
5. Due to the size of the documents referred to, reference copies of the full documents had been placed in the Members' Library and Group Offices and were available on the Council's website.

**Alternative Options Considered:** None as the absence of a plan would leave a gap in the policy framework which would make it more difficult to co-ordinate regeneration efforts and restrain inappropriate development. Section 5 of the report referred.

### **RECOMMENDED TO COUNCIL**

1. The approval of the Proposed Submission Draft North East Enfield Area Action Plan and supporting documents for a statutory 6 week period of public consultation and submission to the Secretary of State for public examination.
2. That the Director of Regeneration, Leisure and Culture and any other authorised Director, having consulted with the Cabinet Member for Business and Regeneration, be authorised to approve as an operational decision under the Council's Scheme of Delegation appropriate changes to the Submission version of the North East

Enfield Area Action Plan 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. This would be subject to changes of a substantive nature being considered by the Local Plan Cabinet Sub-Committee.

**Reason:** To provide a basis for setting the area specific planning policies by which decisions on development could be guided. Section 5 of the report referred.

**(Key decision – reference number 3866)**

**12**

**MARKET GARDENING - COMMUNITY INTEREST COMPANY FOR ENFIELD VEG COMPANY**

Neil Rousell (Director of Regeneration, Leisure and Culture) introduced his report (No.209) seeking agreement to form a Community Interest Company for the Enfield Veg. Co.

NOTED

1. The key themes and proposed approach as detailed in the report. It was intended to form a partnership with Capel Manor College.
2. The proposed delegation, as detailed in decision 2 below (recommendation 2.2 of the report) to agree the necessary documentation subject to the completion of a satisfactory business plan.
3. The proposed company structure as set out in section 3.11 of the report and in particular the proposed board membership detailed in paragraph 3.11.5 of the report.
4. The financial implications detailed in section 6.1 of the report. The costs to the Council would be officer time on this particular aspect of the scheme.
5. That failure by the Council to set up a Community Interest Company or similar corporate vehicle would be a breach of its agreement with the GLA (paragraph 6.2.3 referred).
6. Members welcomed the proposals and noted the potential for growth in the long term.

**Alternative Options Considered:** The option to not incorporate the vegetable box scheme as a company was considered but it was not in accordance with the Council's legal agreement with the GLA. The methodology recommended for selecting the Community Interest Company used the toolkit published by Co-operatives UK for selecting the most suitable

legal format. Co-operatives UK was the national trade body that campaigns for co-operation and works to promote, develop and unite co-operative enterprises and had a unique role as a trade association for co-operatives. The toolkit suggested that a Community Interest Company (limited by guarantee) was the most suitable legal form for the Enfield Veg. Co., based on membership, financial risk, initial funding costs, and funding distribution.

**DECISION:** The Cabinet agreed

1. That Enfield Council be authorised to take all steps necessary to form a Community Interest Company for the Enfield Veg. Co.
2. To delegate authority to the Director of Regeneration and Environment, acting in consultation with the Director of Finance, Resources and Customer Services, to agree appropriate Terms of Reference, Memorandum of Articles and Shareholders Agreements for the Community Interest Company, subject to the completion of a satisfactory business plan.

**Reason:** To meet the terms of the GLA agreement and establish a food-growing enterprise. To be an exemplar social enterprise for other community groups and food growers who aspire to establish a business vehicle for growing projects.

**(Non key)**

### **13**

#### **MERIDIAN WATER: DEVELOPMENT OPPORTUNITIES**

Neil Rousell (Director of Regeneration, Leisure and Culture) introduced his report (No.210) concerning the development opportunity areas that were located within the boundaries of the Meridian Water Masterplan.

NOTED

1. That following 16 October 2013 Cabinet meeting, appropriate professional advice had been taken to inform discussions with a major land-owner regarding their holdings in Meridian Water (attention was drawn to section 5.4 of the report).
2. That there was no part two report for consideration at this meeting;
3. That it was anticipated that the final report authorising the purchase of the land would be set before Cabinet on 9 April 2014, as detailed in section 5.5 of the report.

**Alternative Options Considered:** The following options had been considered:

- Declining the possible purchase of the land potentially available to the Council had been considered, but rejected due to the uncertain

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timescales associated with their owner bringing the land to market and securing development.

- The purchase of the sites on an individual basis had been considered “in-principle”, but this was not an option open to the Council at this time as the opportunity was only available as a package.
- The use of compulsory purchase powers to acquire the land that comprises the opportunity, either as a package or individually had also been considered, but this was not the Council’s first preference given the current advanced negotiations with the owner. The Council’s power to purchase land compulsorily should perhaps be best regarded as a reserve power to be used if the land-owner in question were to, for example, put forward unreasonable (or unduly onerous) terms, such that the purchase proposition would be unlikely to be taken-up in the market.

**Reason:** To update Cabinet on the current position with the negotiations and highlight the work being undertaken before further decisions concerning redevelopment of Meridian Water were progressed.

### **14 ISSUES ARISING FROM THE OVERVIEW AND SCRUTINY PANEL/SCRUTINY PANELS**

NOTED that no issues had been raised for consideration at this meeting.

### **15 CABINET AGENDA PLANNING - FUTURE ITEMS**

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

### **16 NOTICE OF KEY DECISION LIST**

NOTED that the Notice of Key Decision list was due to be published on 28 March 2014, this would be effective from 1 May 2014.

### **17 MINUTES**

**AGREED** that the minutes of the previous meeting of the Cabinet held on 12 February 2014 be confirmed and signed by the Chairman as a correct record.

### **18 MINUTES OF ENFIELD RESIDENTS' PRIORITY FUND CABINET SUB- COMMITTEE - 6 FEBRUARY 2014**

NOTED the minutes of a meeting of the Enfield Residents’ Priority Fund Cabinet Sub-Committee held on 6 February 2014.

**19**

**ENFIELD STRATEGIC PARTNERSHIP FEEDBACK**

There were no written updates to be received at this meeting.

**20**

**DATE OF NEXT MEETING**

NOTED that the next meeting of the Cabinet had been rescheduled to take place on Wednesday 9 April 2014 at 8.15pm (this would replace the meeting previously scheduled for 23 April 2014).