



## **PUBLICATION OF DECISION LIST NUMBER 13/15-16**

### **MUNICIPAL YEAR 2015/2016**

Date Published: Friday 3<sup>rd</sup> July 2015

This document lists the Decisions that have been taken by the Council, which require publication in accordance with the Local Government Act 2000. The list covers Key, Non-Key, Council and Urgent Decisions. The list specifies those decisions, which are eligible for Call-In and the date by which they must be called-in.

A valid request for call-in is one which is submitted (on the form provided) to the Scrutiny Team in writing within 5 working days of the date of publication of the decision by at least 7 Members of the Council.

Additional copies of the call-in request form are available from the Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision please refer to:  
– James Kinsella (ext.4041)

*Phone 020 8379 then extension number indicated*

### INDEX OF PUBLISHED DECISIONS – Friday 3<sup>rd</sup> July 2015

List Ref	Decision Made by	Date Decision to come into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page Number
1/13/15-16	Director of Regeneration & Environment (Ian Davis)	Monday 13 <sup>th</sup> July 2015	Part 1	New Homes Bonus Programme – Supporting Skills, Training, Apprenticeships, High Streets & Local Businesses	Key Decision KD 4157	All	Yes Friday 10 <sup>th</sup> July 2015	1
2/13/15-16	Enfield Residents Priority Fund Cabinet Sub-Committee	Monday 13 <sup>th</sup> July 2015	Part 1	Allocation of Unspent Enfield Residents Priority Fund Money for 2014/15	Non-Key	All	Yes Friday 10 <sup>th</sup> July 2015	2
3/13/15-16	Director of Regeneration & Environment (Ian Davis)	Monday 13 <sup>th</sup> July 2015	Part 1	Meridian Water: Angel Road Station – signing the Development Services Agreement (DSA) with Network Rail.	Key Decision KD 4033	Upper Edmonton	Yes Friday 10 <sup>th</sup> July 2015	3

#### DECISIONS

For additional copies or further details please contact James Kinsella (020 8379 4041), Governance Team.

#### CALL – IN UPDATE

Please note no Decisions have been called in for review from the following lists:

**List No.10 Issued on Tuesday 23<sup>rd</sup> June 2015 with a Call In date of Tuesday 30<sup>th</sup> June 2015.**

**LIST REFERENCE: 1/13/15-16**

<b>SUBJECT TITLE OF THE REPORT</b>							
NEW HOMES BONUS PROGRAMME – SUPPORTING SKILLS, TRAINING, APPRENTICESHIPS, HIGH STREETS & LOCAL BUSINESSES							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision to come into effect</b>	<b>Interest declared in respect of the Decision</b>	<b>Category of decision (i.e. Key, Non-Key, Council, Urgent)</b>	<b>Contact Details</b>	<b>Eligible for Call-in &amp; Date to be called in by</b>
Part 1	All	Cabinet Member for Economic Regeneration & Business Development (Cllr Sitkin)	Monday 13 <sup>th</sup> July 2015	None	Key Decision KD 4157	Anna Loughlin 020 8379 4789	Yes Friday 10 <sup>th</sup> July 2015
<b>DECISION</b>							
<p><b>AGREED:</b> subject to no call-in being received, the following decision will come into effect on Monday 13<sup>th</sup> July 2015 that:</p> <p>It is recommended that the Cabinet Member for Economic Regeneration &amp; Business Development Approves:</p> <ul style="list-style-type: none"> <li>i. The acceptance of the New Homes Bonus (NHB) grant and the programme of 3 key projects from 2015 to 2017 amounting to £1,082,824 and;</li> <li>ii. That LBE enters into a grant agreement (s) with the Greater London Authority for the Grant Funding.</li> </ul>							
<b>ALTERNATIVE OPTIONS CONSIDERED:</b>							
There are no alternative options comparable to the scale of the NHB programme available at this time.							
<b>REASONS FOR RECOMMENDATIONS:</b>							
This NHB funding enables the Council to leverage in substantial funding to support the further development of apprenticeships as well as support small and medium enterprise in our high streets as well as in growth sectors as construction.							
<b>BACKGROUND:</b>							
Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages.							

**LIST REFERENCE: 2/13/15-16**

<b>SUBJECT TITLE OF THE REPORT</b>							
ALLOCATION OF UNSPENT ENFIELD RESIDENTS PRIORITY FUND MONEY FOR 2014/15							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision to come into effect</b>	<b>Interest declared in respect of the Decision</b>	<b>Category of decision (i.e. Key, Non-Key, Council, Urgent)</b>	<b>Contact Details</b>	<b>Eligible for Call-in &amp; Date to be called in by</b>
Part 1	All	Enfield Residents Priority Fund Cabinet Sub-Committee	Monday 13 <sup>th</sup> July 2015	None	Non-Key	Alison Trew 020 8379 3186	Yes Friday 10 <sup>th</sup> July 2015
<b>DECISION</b>							
<p><b>AGREED:</b> subject to no call-in being received, the following decision will come into effect on Monday 13<sup>th</sup> July 2015 that:</p> <p>The Enfield Residents Priority Fund is closed and the remaining £63,115 is returned to the Council's General Fund.</p> <p>The money is then allocated from the General Fund to Regeneration and Environment to enable additional public realm activities such as additional street cleansing and the removal of fly tips to be provided.</p> <p>The money allocated to Regeneration and Environment would be earmarked on a pro rata basis, under a separate code, to be spent specifically in the wards with monies remaining. Councillors in the relevant wards would be able to request specific work to be carried out in these wards.</p>							
<b>ALTERNATIVE OPTIONS CONSIDERED:</b>							
All the Alternative Options are included in the body of the Report.							
<b>REASONS FOR RECOMMENDATIONS:</b>							
To ensure that, despite £63,115 of the 2014/15 ERPF funding not being allocated, redistribution as outlined in the recommendations will ensure that a clear link between the funding and residents would be retained and community benefit assured.							
<b>BACKGROUND:</b>							
Please refer to item 4 on the Enfield Residents Priority Fund Cabinet Sub Committee Agenda for the 1 <sup>st</sup> July 2015.							

**LIST REFERENCE: 3/13/15-16**

SUBJECT TITLE OF THE REPORT							
MERIDIAN WATER: ANGEL ROAD STATION – SIGNING THE DEVELOPMENT SERVICES AGREEMENT (DSA) WITH NETWORK RAIL							
Part 1 or 2 (relevant exempt Paragraph)	Wards affected by decision	Decision taken by	Date Decision to come into effect	Interest declared in respect of the Decision	Category of decision (i.e. Key, Non-Key, Council, Urgent)	Contact Details	Eligible for Call-in & Date to be called in by
Part 1	All	Director of Regeneration & Environment (Ian Davis)	Monday 13 <sup>th</sup> July 2015	None	Key Decision KD 4033	John Baker 020 8379 4009	Yes Friday 10 <sup>th</sup> July 2015
<b>DECISION</b>							
<b>AGREED:</b> subject to no call-in being received, the following decision will come into effect on Monday 13 <sup>th</sup> July 2015 that:							
It is recommended that the Director, Regeneration and Environment and Director of Finance, Resources and Customer Services authorise the entering into the Development Services Agreement (DSA) included at Appendix A of the Report.							
<b>ALTERNATIVE OPTIONS CONSIDERED:</b>							
<ol style="list-style-type: none"> <li>1. The DSA is a standard document template from the suit of contracts used by Network Rail (NR) and approved by the Office of the Rail Regulator (ORR). NR avoids changes to the base terms of these agreements as they strictly follow their code of conduct for implementing projects.</li> <li>2. There are limited alternative options for the Council as the Council is investing in part of a station that forms part of the much larger NR lead STAR infrastructure improvement programme.</li> <li>3. One alternative is that the Council could have continued to negotiate with NR and insist on stricter conditions, including greater certainty on costs. This would have the following consequences: <ol style="list-style-type: none"> <li>a. Both parties would need to engage legal advisers (including, potentially, an external firm of solicitors). This would of course lead to significant costs and delays to works.</li> <li>b. In pushing to reach a fixed price contract (as opposed to the current cost incurred, reimbursement terms) NR would increase or load the contingency to ensure they are comfortable they will incur no loss. It's likely that this would not just increase the level of investment, but also prevent any benefit to the Council if the works are delivered under budget.</li> <li>c. Even if this route was selected there is no comfort that a superior commercial position could be achieved for the Council.</li> </ol> </li> </ol>							

## **REASONS FOR RECOMMENDATIONS:**

1. The DSA has been improved from the base standard documents and through negotiation with NR. NR has acknowledged, by including procedures in the schedules, that LBE wish to have access to data to monitor cost spend throughout the DSA.
2. The Council will closely manage NR design development activities, and spend. Regular meetings will continue to take place with NR and its team on commercial contract management and design development.
3. The alternative of pushing for improved contract terms was investigated to see if this would provide a satisfactory solution. The Council consulted with two external law firms based on their experience of working with NR:
4. Michael Mullarkey of Trowers Hamlin LLP  
Michael provided support in March, April on the DSA. Michael provided comment that although he hasn't worked on a DSA before, he has worked with clients in relation to Asset Protection agreements with NR and agreeing any changes leads to protracted negotiations.
5. David Stopher – Nabarro LLP  
Further feedback was also sort from a third party legal firm. Nabarro have represented private clients and also referenced experience of representing NR. In both situations David advised that agreeing changes to the standard NR documents is strongly resisted. Even when an external law firm (representing NR) believes proposed changes are acceptable is normal for NR to refuse to adopt the proposed changes.
6. The Council has recent experience with entering into the DSA form of agreement for investment into access improvement works at Edmonton Green station. At the time there were lengthy negotiations and legal costs incurred. However the final document executed remained, at the end of this process, in a similar form to the base DSA.
7. The DSA commits the Council to invest in NR undertaking its design and investigation which is more difficult to provide a fixed price as a result of variables. The approach taken by NR is therefore to have an estimated on their design works and then a contingency reflecting a measured or estimated cap which it hopes will not be exceeded.
8. The Council should take comfort that some improved contract conditions have been secured and it has reached the best possible position based on NR's approach to fixed contract terms.
9. It is clear from discussing the agreement and contract management that NR's own internal QA controls and procedures are far more tightly defined than within the DSA.
10. The final reason is that NR has started to progress with the design works and the Council should sign this agreement in order that it can fulfil its role within the project.

## **BACKGROUND:**

Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages.