



PUBLICATION OF DECISION LIST NUMBER 20/15-16

MUNICIPAL YEAR 2015/2016

Date Published: Tuesday 4th August 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 – Tuesday 4th August 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 |
|------------|--|--|------------------------|---|-------------------------|----------------|---|-------------|
| 1/20/15-16 | Deputy Leader of the Council (Cllr Georgiou) | Wednesday 12 th August 2015 | Part 1 & 2 (Para 3) | Council Housing Concierge Service Award | Key Decision KD 4166 | All | Yes Tuesday 11 th August 2015 | 1 |
| 2/20/15-16 | Deputy Leader of the Council (Cllr Georgiou) & Cabinet Member for Finance & Efficiency (Cllr Stafford) | Wednesday 12 th August 2015 | Part 1 & 2 (Para 3) | Terms of Loan Agreement Between the Council and Enfield Innovations Ltd | Non-Key | All | Yes Tuesday 11 th August 2015 | 2-3 |
| 3/20/15-16 | Deputy Leader of the Council (Cllr Georgiou) & Cabinet Member for Finance & Efficiency (Cllr Stafford) | Wednesday 12 th August 2015 | Part 1 | Small Sites (1) Development Agreement Variation and Deed of Covenant | Non-Key | All | Yes Tuesday 11 th August 2015 | 4-5 |
| 4/20/15-16 | Director of Health, Housing & Adult Social Care (Ray James) | Wednesday 12 th August 2015 | Part 1 | Parkview | Key Decision KD 4137 | All | Yes Tuesday 11 th August 2015 | 6 |

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.17 Issued on Friday 17th July with a Call-In date of Friday 24th July 2015

List No.18 Issued on Tuesday 21st July with a Call-In date of Tuesday 28th July 2015

List No.19 Issued on Friday 24th July with a Call-In date of Friday 31st July 2015

LIST REFERENCE: 1/20/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|---|-----------------------------------|--|---|---|--|----------------------------|---|
| COUNCIL HOUSING CONCIERGE SERVICE AWARD | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to 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 & 2 (Para 3) | All | Deputy Leader of the Council (Cllr Georgiou) | Wednesday 12 th August 2015 | None | Key Decision KD 4166 | Jan Goodkind 020 8379 8121 | Yes Tuesday 11 th August 2015 |
| DECISION | | | | | | | |
| <p>AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 12th August 2015:</p> <ol style="list-style-type: none"> 1. Approve the award of the contract to 'Contractor A' who is the successful tenderer, as detailed in the Part Two Report. 2. To approve the commencement of the contract from 1st October 2015 for a period of one year with an option to extend by a further 3 x one year periods. 3. To approve 'Contractor A' tendered price, as detailed in the Part Two Report. 4. To note that the contract has been designed to take into account the diminishing nature of the service to be provided at the Alma Road Estate because of the regeneration of the estate. | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| <ol style="list-style-type: none"> 1. The current extended concierge contract is due to expire on 30 September 2015 (this was subject to 3 waivers being agreed to ensure uninterrupted continuity of service to residents) and procurement and government regulations require the contract to be re-tendered. 2. An option to consider bringing the service in-house was rejected on the grounds it would not be economically viable particularly in light of the fact that this is a diminishing contract due to the planned demolition of the blocks on the Alma Road Estate. | | | | | | | |
| REASONS FOR RECOMMENDATIONS: | | | | | | | |
| <ol style="list-style-type: none"> 1. This contract has been evaluated and considered to cover the requirements of the service favoured by residents. 2. The successful bidder returned a compliant bid and scored highly on the quality assessment process. | | | | | | | |
| BACKGROUND | | | | | | | |
| Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages. As the Part 2 report contains exempt information it will not be available to the press or public. | | | | | | | |

LIST REFERENCE: 2/20/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|---|-----------------------------------|--|---|---|--|--------------------------------|---|
| TERMS OF LOAN AGREEMENT BETWEEN THE COUNCIL AND ENFIELD INNOVATIONS LTD | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to 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 & 2 (Para 3) | All | Deputy Leader of the Council (Cllr Georgiou) & Cabinet Member for Finance & Efficiency (Cllr Stafford) | Wednesday 12 th August 2015 | None | Non-Key | Hayley Coates 020 8379 3087 | Yes Tuesday 11 th August 2015 |
| DECISION | | | | | | | |
| <p>AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 12th August 2015:</p> <ol style="list-style-type: none"> Note that the Facility Letter has been drafted by Browne Jacobson as part of the set up of Enfield Innovations Ltd, to ensure a formal audit trail is in place for the loan to the company and to provide the framework for the terms of the loan. Note that Council approved the value of the loan between the Council and the company in March 2014 via KD 3826. Approve the Facility Letter, which sets out the terms of the loan agreement between the Council and Enfield Innovations Ltd. | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| <ol style="list-style-type: none"> A Facility Letter with a single instalment could be agreed. However, this has been discounted as it does not provide the opportunity for the company to access funding in a phased approach based on the construction timeline. The loan could be issued to the company with the absence of a formal agreement, given it involves the transfer of funds from the sole shareholder to the company. This is not considered a viable option as the loan will be a significant sum of money and the absence of a formal agreement would result in significant risk for both parties and would not meet audit guidelines. | | | | | | | |

REASONS FOR RECOMMENDATIONS:

1. A Facility Letter is required to facilitate the issue of the loan between the Council and Enfield Innovations Ltd and provide clear terms of repayment.
2. The Facility Letter has been drafted by Browne Jacobson acting on behalf of both the Council and Enfield Innovations Ltd.
3. The Facility Letter has been drafted to enable the company to access the loan in instalments, to coincide with the construction timetable. This will enable the company to manage its cash flow and avoid accruing costly interest rates when the company does not require the loan.
4. Schedule 3 of the Facility Letter provides the opportunity for the Council to set the interest rate for each loan instalment. This enables the Council to take into account the interest rate at the drawdown date. This also enables the Council to set a commercial interest rate for the loan if properties are to be leased at market rent or lower interest rate if there is a future decision to charge sub-market rent.
5. Enfield Innovations Ltd's Board of Directors have approved the terms of the loan in the form of the Facility Letter.

BACKGROUND

Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages. As the Part 2 report contains exempt information it will not be available to the press or public.

LIST REFERENCE: 3/20/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|--|-----------------------------------|--|---|---|--|--------------------------------|---|
| SMALL SITES (1) DEVELOPMENT AGREEMENT VARIATION AND DEED OF COVENANT | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to 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 | Deputy Leader of the Council (Cllr Georgiou) & Cabinet Member for Finance & Efficiency (Cllr Stafford) | Wednesday 12 th August 2015 | None | Non-Key | Hayley Coates 020 8379 3087 | Yes Tuesday 11 th August 2015 |

DECISION

AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 12th August 2015:

1. Approve the Deed of Variation to the Development Agreement between the Council and Kier Project Investment Limited and delegate approval to the Assistant Director of Legal and Governance to execute this on behalf of the Council.
2. Approve the Deed of Covenant between the Council, Enfield Innovations Ltd, Kier Project Investment Ltd and Kier Limited and delegate approval to the Assistant Director of Legal and Governance to execute this on behalf of the Council.
3. Note the Deed of Variation and Deed of Covenant documents have been prepared by Brown Jacobson, considering the interests of both the Council and Enfield Innovations Ltd.

ALTERNATIVE OPTIONS CONSIDERED:

1. The Development Agreement could remain in place in its existing form. This is not recommended as it would require the Council to transfer the full value of the loan to the company and evidence cleared funds prior to the assignment of the leases. This would trigger the repayment clauses before the construction is complete on all properties and have a negative impact on the company's cash flow and financial viability.
2. The Council and Enfield Innovations Ltd could not enter into a Deed of Covenant with Kier Limited and the developer and rely solely on the Development Agreement. This is not recommended as it would reduce the company's ability to claim benefits under the Development Agreement and this Deed of Covenant provides an enhanced level of protection for the company and therefore the Council, as sole shareholder.
3. The Development Agreement could be assigned or novated from the Council to Enfield Innovations Ltd. This has been explored but was not deemed acceptable by Kier Project Investment Limited so cannot be pursued further.

REASONS FOR RECOMMENDATIONS:

1. The Deed of Variation will enable the Council to grant the loan in instalments and thus provide better cash flow management for the company, enhancing financial viability which will be of benefit to the Council as sole shareholder.
2. The Deed of Covenant will provide Enfield Innovations Ltd with a direct route of redress to the developer in respect of its construction and development obligations under the Development Agreement, thereby mitigating the risk to the company associated with the assignment of defective properties. This will serve to benefit the Council's interests as sole shareholder.
3. A number of options were explored with Kier Project Investment Limited to ensure that Enfield Innovations Ltd has a contractual link with a developer to mitigate the risk associated or novation. The Deed of Covenant has been accepted by Kier Project Investment Limited.
4. Enfield Innovations Ltd's Board of Directors have noted the proposed deed of Variation and endorsed this and also approved the Deed of Covenant.

BACKGROUND

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: 4/20/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|---|-----------------------------------|---|---|---|--|----------------------------|---|
| PARKVIEW | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to 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 Health, Housing & Adult Social Care (Ray James) | Wednesday 12 th August 2015 | None | Key Decision KD 4137 | Iain Hart 020 8379 4270 | Yes Tuesday 11 th August 2015 |
| DECISION | | | | | | | |
| AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 12 th August 2015: | | | | | | | |
| It is recommended that the Council enters into a Deed of Variation with Sanctuary Housing Association to extend the contract dated 5 th August 2013 for a further year to 4 th August 2016. | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| To retender the service would still require a minimum extension of six months in order to ensure that the appropriate consultation was undertaken and allow for the build to be completed. | | | | | | | |
| REASONS FOR RECOMMENDATIONS: | | | | | | | |
| Extending the contract for the year would allow Enfield to agree a strategic approach as to the future of these homes. | | | | | | | |
| BACKGROUND | | | | | | | |
| Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages. | | | | | | | |