

MUNICIPAL YEAR 2014/2015

ACTION TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF
Cabinet Member for
Culture, Sport, Youth and
Public Health

REPORT OF:

Simon Gardner
Head of Leisure and
Culture

Part: PART 1

Subject: Millicent Grove Cherry Blossom
Close Open Space

Key Decision No: KD 3884

Wards: Bowes

Cabinet Member consulted: Cabinet
Member for Culture, Sport, Youth and
Public Health

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1. EXECUTIVE SUMMARY

Fairview Homes built the housing on Millicent Grove and Cherry Blossom Close, as part a section 106 agreement they were asked to develop sports pitch and changing facilities. The Council has identified that residents didn't want the sports pitch and changing facilities but that they did want open grass space, a play area and multi use games area. This paper proposes a way forward to deliver residents wishes

2. RECOMMENDATIONS

- 2.1 That the proposal to change the use of the green space at Millicent Grove / Cherry Blossom close from a Synthetic Grass pitch to a Multi Use Games area, Play facility and Green unstructured parks space is approved.
- 2.2 That the land that Fairview will transfer to the Councils ownership is accepted.
- 2.3 That the Council accepts the funding from Fairview identified in Part 2 of this Paper.
- 2.4 That the Council uses the funding identified in Part 2 to allow the Parks Department to deliver the play facilities and Multi Use Games Area
- 2.5 That the remaining funds are used to maintain the Park space.

3. BACKGROUND

- 3.1 Fairview Homes built the housing on Millicent Grove and Cherry Blossom Close, as part of the arrangement (a section 106 agreement), when they built the estate they were asked to develop a floodlit synthetic grass sports pitch and changing facilities. Planning permission was granted for the synthetic grass pitch. It was anticipated that the synthetic pitch would be hired to groups wanting to run organised sporting activity. At the time that the estates were built it was considered that there was a need for this sort of facility at this location.
- 3.2 Ward Councillors had been talking to residents and residents were indicating that they didn't want the proposed synthetic Grass pitch. Consequently the Council conducted a consultation at the local primary school and later over two days at the venue during the spring of 2013. This consultation was to understand if the residents of Cherry Blossom Close and Millicent Grove wanted the floodlit synthetic grass sports pitch and changing facilities or if they wanted an alternative.
- 3.3 The Council had 100 responses from people who live in the Cherry Blossom Close and Millicent Grove accommodation and the headline response was that :
- 38% of respondents wanted ('a great deal') a play area
 - 34% of respondents wanted ('a great deal') a multi use games area
 - 33% of respondents wanted ('a great deal') a play area and a multi use games area
- 40% of respondents did not want an Astroturf pitch at all.
- 3.4 This consultation identified that residents had made it clear that they didn't want the floodlit synthetic grass sports pitch and changing facilities but that they did want open grass space a play area and multi use games area.
- 3.5 Since discovering the wishes of the residents, Members and Council officer have been in negotiation with Fairview the owners of the land to change the planning consent that has previously been granted and to arrange for the wishes of the residents to be achieved. Progress has been made in the negotiations and there are now a number of phases which need to be approved and completed before land can be transferred and the Play area and Multi Use Games area constructed.
- 3.6 The proposal negotiated between the parties is that Fairview do not build the Synthetic Grass pitch and associated Changing Facilities as initially agreed in the original Section 106 agreement. Secondly they apply to the Councils Planning Team to change the terms of the Section 106 to transfer the land to the Council. As part of the transfer of

land, they will apply for permission to put 3 houses on the space where the changing facilities were going to be built. Third they will make a financial contribution to the Council. This contribution is outlined in Part 2 of this paper but will allow the Council to construct the Play area, a multi-use games area and allow funds to be available for ongoing maintenance for approximately 3 years. Achievement of planning consent is not part of the deal to transfer land.

- 3.7 The planning application for the 3 houses has been submitted and can be seen on the Councils website.
- 3.8 Should approval be gained to move forward with the recommendations outlined in this paper the legal documentation for the transfer of land and associated funding will be finalised and once complete the Council will commission the play area and multi use games area.

4. ALTERNATIVE OPTIONS CONSIDERED

This is the alternative to the original proposal

5. REASONS FOR RECOMMENDATIONS

These recommendations deliver what the residents have expressed as their wishes in the consultation.

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

6.1 Financial Implications

Please refer to the Part 2 report for financial implications.

6.2 Legal Implications

6.2.1 By virtue of Section 1 of the Localism Act 2011 the Council has the power to do anything that an individual may do, subject to statutory restrictions. In addition, section 19 of the Local Government (Miscellaneous Provisions) Act 1976 contains wide powers enabling local authorities to provide within or outside their locality, such recreational facilities as they think fit, including buildings, equipment, supplies, etc. Section 111 of the Local Government Act 1972 enables local authorities to do anything, including incurring expenditure, borrowing, etc which facilitate or are conducive or incidental to the discharge of their functions. The carrying out of works/services and purchase of goods as set out in this report is in accordance with these powers.

6.2.2 The procurement of the works/services/goods will be in accordance with the Councils Constitution, in particular Contract Procedure Rules.

6.2.3 All legal agreements will be in a form approved by the Assistant Director of Legal Services.

6.3 Property Implications

The change of facilities under the S106 Agreement is a Planning matter. Once the transfer of land takes place, Property Services is to be notified so that the Council's Asset Register and Terrier can be updated.

The future management of the open grass space, play area and multi-use games area will come under the control of Parks together with any on-going costs that are not covered by the Fairview contribution.

7. KEY RISKS

There is a risk that Fairview might not get planning permission for their housing development. Whilst this isn't part of the financial arrangement and land transfer arrangement between the Council and Fairview, it may delay Fairview completing on the proposal.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Delivering this facility will ensure access to this open space is fair and equitable and the ability to pay is not an issue as might have been the case with the original proposal.

8.2 Growth and Sustainability

The proposals outlined in this paper will mean that the facility will be sustainable and access will be achieved by all residents of the ward.

8.3 Strong Communities

The proposals outlined in this paper have been consulted on widely and are what the residents have requested. Delivering their requirements will enhance community cohesion at this site.

9. EQUALITIES IMPACT IMPLICATIONS

The facilities that are being proposed will be open to all and accessible to all.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no performance Management Implications

11. HEALTH AND SAFETY IMPLICATIONS

There are no Health and Safety Implications as a direct result of this report. The Parks Team will conduct Risk Assessments of the build process and the final Multi Use Games Area and Play Area

12. PUBLIC HEALTH IMPLICATIONS

The development of play and open space accessible to all will benefit residents in and around this area, traditionally an area with a lower than average take up in physical activity.

Background Papers



MUNICIPAL YEAR 2014/2015 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cabinet Member for Environment

REPORT OF:
Director – Regeneration &
Environment

Agenda – Part: 1	KD Num:
Subject: Chase Green & Cenotaph Gardens Centenary Fields Application	
Wards: Town	

Contact officer and telephone number: Matthew Watts x 5430

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1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval for the Parks Service to apply for Fields in Trust Centenary Fields status for Chase Green and Cenotaph Gardens. This follows Enfield Council's successful application for five parks for Fields in Trust's Queen Elizabeth II programme in 2013.
- 1.2 Land managers apply to Fields in Trust to protect open spaces from future development. This demonstrates a commitment to protecting green space to the local communities, and could in the future lead to the securing of funding for the sites awarded the status.

2. RECOMMENDATIONS

- 2.1 Approval is given for the Parks Service to apply to Fields in Trust for Centenary Fields status for Chase Green and Cenotaph Gardens.
- 2.2 Authority is given to apply for, and accept any future funding that becomes available for sites registered as Fields in Trust Centenary Fields.

3. BACKGROUND

- 3.1 The Centenary Fields programme is a national initiative led by Fields in Trust to mark the centenary of the First World War. Delivered in partnership with the Royal British Legion, the Centenary Fields programme is aimed at securing recreational spaces in perpetuity in honour of the memory of the millions of people who lost their lives in World War I.
- 3.2 Applications for the Centenary Fields programme can be for parks containing war memorials or simply a green space that will be dedicated, as outlined above, in memory of those who lost their lives in the 1st World War. The Parks Service is proposing to dedicate Chase Green and Cenotaph Gardens as Centenary Fields.
- 3.3 All London Boroughs have recently been written to encouraging them to dedicate at least one site as a Centenary Field, thus demonstrating their commitment to marking the centenary of the 1st World War and the protection of open space.
- 3.4 Fields in Trust (FiT), the organisation who is administering the Centenary Fields programme, permanently safeguard outdoor recreational spaces in perpetuity via a Deed of Dedication.
- 3.5 Enfield Council will continue to own and manage the sites, but Fields in Trust act as a guarantor to ensure the sites are protected from future development.
- 3.6 If successful, each site will be provided with signage indicating its designated status, which could be recognised as part of the wider centenary celebrations that will be happening at the war memorial.
- 3.7 Whilst the securing of the status would not necessarily result in additional funding, Fields in Trust are currently working to raise charitable funds which may result in occasional improvement grants for those sites recognised as Centenary Fields.

4. ALTERNATIVE OPTIONS CONSIDERED

Chase Green and Cenotaph Gardens are not put forward and we do not sign up to support this nationwide drive with Royal patronage to protect open green space.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Protecting these significant and locally important green spaces is in line with the Parks & Open Spaces Strategy and clearly something that the Council should rate as a priority.

5.2 If successful in their application, the Council would be eligible for any future improvement grants made available for Centenary Fields.

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

6.1 Financial Implications

6.1.1 *Other than the officer time involved, there are no immediate financial implications as the scheme does not cost anything to join.*

6.1.2 *There will be a potential future financial benefit should Fields in Trust make grants available. Furthermore, any future funding bids will be strengthened by the Centenary Fields Status.*

6.1.3 *A successful Fields in Trust application would prevent parts or the whole of the park from being sold off in future should the Council wish to do so. This could impact on the Council's ability to generate income in the future.*

6.2 Legal Implications

6.2.1 *Under section 1 of the Localism Act 2011 the Council has a general power of competence which enables it to do anything that individuals may generally do. The Council therefore has the power to enter into agreements with a third party that may restrict the Council's use of land within its ownership - subject to any prohibition, restriction or other limitation expressly imposed on the Council by other statutory provisions.*

6.2.2 *If Centenary Field status is granted the Council's ability to deal with the sites would be curtailed, but in any event Chase Green already has "village green" status and was originally transferred to the Council on trust to be kept as an open space. This may be a factor which FiT take into account when considering any application for Centenary Field status.*

6.2.3 *If the application is approved the Council would be required to enter into a formal Deed of Dedication with FiT. This would require the Council to notify FiT of all proposals or decisions affecting the dedicated land and to seek the consent of FiT to erect any structures on the land. The Council would also be required to have regard to any guidance issued by FiT in the management and running of the dedicated land.*

6.3 Property Implications

These are significant open green spaces of historical importance. They are already strongly protected by planning policy, being designated as Metropolitan Open Land and located within the Enfield Town

Conservation Area, and the Fields in Trust status would complement these designations. The Green and Gardens would not be appropriate for either disposal or potential development.

7. KEY RISKS

- 7.1 Failure to take this opportunity could potentially result in a reputational risk to the council.
- 7.2 Failure to apply would result in a missed opportunity to secure any future funding that is made available for Centenary Fields.
- 7.3 A successful application would prevent the Council from selling these open space assets for development in the future should the Council wish to do so.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

Signing up to Fields in Trust demonstrates fairness to all as the open spaces will be preserved for the recreational use of generations to come.

8.2 Growth and Sustainability

Fields in Trust will act as a guarantor to the green space, protecting the park and enabling the community to continue to use for leisure purposes for many years to come.

8.3 Strong Communities

Fields in Trust status will build stronger communities as the local park will be guaranteed to remain green space for leisure, community events and other activities.

9. EQUALITY IMPACT IMPLICATIONS

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is not relevant, nor proportionate for the approval of this arrangement with Fields in Trust.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

No impact foreseen.

11. HEALTH AND SAFETY IMPLICATIONS

No health & safety implications.

12. PUBLIC HEALTH IMPLICATIONS

There will only be positive public health implications as the sites will be guaranteed as exercise space for generations to come.

Background Papers

None



MUNICIPAL YEAR 2014/2015 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cabinet Member for Environment
& Community Safety

REPORT OF:
Director – Regeneration &
Environment

Agenda – Part: 1	KD Num: N/A
Subject: Programme of Enforcement of Illegal Footway Crossings	
Wards: All	

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1. EXECUTIVE SUMMARY

- 1.1 This report sets out the policy and priorities previously agreed by Cabinet on 24 April and full Council on 17 July 2013 for taking enforcement action against illegal footway crossings.
- 1.2 It recommends a risk-based programme of enforcement in accordance with the previously agreed priorities.

2. RECOMMENDATIONS

It is recommended that enforcement action be taken against illegal footway crossings comprising of three work streams as follows:

- i) as part of the Capital Footway Renewal Programme,
- ii) a proactive approach on Classified roads in the borough – phase 1 of the enforcement programme as set out in this report,
- iii) On other roads in the borough, where high risk situations are identified.

3. BACKGROUND

- 3.1 On 24 April 2013, Cabinet approved a report "Amendments to the Policy for Footway Crossovers and Proposals for the Management of Associated Illegal Activity". The report was subsequently approved by Full Council on 17 July 2013. Approval was given to
- a) Amendments to the previous technical standards for footway crossovers,
 - b) A policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover,
 - c) A policy for enforcement action where residents allow their vehicles to project from their forecourts and overhang the public footway.

Agreed approach to enforcement:

- 3.2 Full Council agreed the following approach to taking enforcement action against illegal crossings:
- 3.3 Where it is evident that a resident is taking a vehicle across a footway or verge without a crossover, s184 of the Highways Act empowers the Highway Authority to construct a crossover and to recover its costs. This approach would be appropriate where a property would meet the required technical standards but the resident chooses not to apply. A formal process must be followed, whereby the Council would serve a notice of its intention to the occupier, however the recovery of costs might be problematic in some cases. This approach may also be problematic where there is a wide open frontage and where there is no facility to control surface water run-off within the property.
- 3.4 Unfortunately, s184 does not provide any powers to serve a notice to prevent vehicles from being taken across a footway without a crossover. It is therefore of no use where the technical standards cannot be met and other approaches must therefore be considered.
- 3.5 On 1 November 2013, the Council adopted the provisions of s16 of the London Local Authorities and Transport for London Act 2003, which allows the Council to serve a notice on an occupier of a premises who habitually permits vehicles to cross the footway, to require him to cease doing so if there is no footway crossover. The s16 notice requires evidence of vehicles both parked, and not parked, in a front garden to prove the case, however this level of evidence is much less than that required for prosecutions under the Highways Act. Once the notice has become effective (after 28 days if not objected to) the Council can prosecute or erect bollards to prevent vehicular access. The cost of undertaking physical measures can be recovered from the occupier, although this may prove difficult in some cases.

- 3.6 Previous advice from Counsel has demonstrated that s16 enforcement powers at the Council's disposal for dealing with illegal vehicle crossings are more limited than originally hoped for. The legislation states that a s16 notice cannot be served where an occupier has converted their garden to a parking area in accordance with Permitted Development (PD) rights prior to s16 coming into operation. PD rights would be achieved in many properties where a parking area was constructed and garden walls removed prior to Oct 2008 as there was no requirement to control surface water run-off. S16 notices will therefore only be of use where occupiers are driving across a footway into parking areas that do not comply with permitted development or do comply but were built after s.16 coming into operation. These situations are currently in the minority.
- 3.7 S80 of the Highways Act allows a Highway Authority to erect fences or posts to prevent vehicular access to the highway, and this approach might be used in circumstances where s16 is not applicable. In addition, where it is evident that vehicles are damaging the footway, other authorities have quoted s41 of the Highways Act in their duty to maintain the highway and therefore take reasonable measures to prevent further damage from occurring. Unfortunately, these options do not allow costs to be recovered.
- 3.8 Enforcement action should therefore be based on a suite of different options depending on the specific situation to deal with occurrences where:
- residents drive over the footway without a properly constructed vehicle crossover;
 - where residents have a crossover but stray onto the adjacent footway or verge;
 - where residents have constructed illegal crossovers themselves;
- 3.9 Full Council agreed a pro-active approach to enforcement and agreed the policy contained in Appendix 1 of this report. The policy recognises that illegal crossings are a borough-wide problem and therefore enforcement action needs to be prioritised. It identifies that the highest priorities are the busiest roads and pavements where illegal activity is causing the highest risk to public safety and/or where the highway is being damaged.

Proposed Programme for enforcement action

- 3.10 Based on the priorities set out in the enforcement policy, a programme of enforcement action comprising of three work streams is proposed as follows:
- i) as part of the Capital Footway Renewal Programme,
 - ii) a proactive approach on Classified roads in the borough
 - iii) high risk situations alerted by members of the public/Councillors

Footway Renewal Programme:

- 3.11 Where footways are renewed as part of the Council's Capital programme, action is currently taken where it is observed that vehicles may be crossing the public pavement to and from premises without the provision of a properly constructed vehicle crossover. Residents are asked to apply for a crossover (or extend their existing one) where their application would comply with the Council's technical standards. Residents are offered a discount on the construction cost in line with the Council's fees and charges. Where residents choose not to apply, or cannot meet the technical standards, bollards are generally installed to protect the new footway and any services below. This is an ongoing programme and it is recommended that this approach should continue.

Proactive approach on Classified roads in the borough – phase 1

- 3.12 Appendix B shows a plan of classified roads, i.e. the busiest roads in the borough, on which phase 1 of a pro-active enforcement approach will be undertaken.
- 3.13 Under the borough's Mini-Holland proposals, the Council is considering the introduction of segregated cycle lanes on a number of main routes. The arrangements for dealing with kerb-side parking have yet to be clarified and therefore it is proposed that enforcement action on these routes should be addressed as an integral part of the scheme proposals rather than in phase 1 of an enforcement programme. These routes are:
- A1010 from Colledge Gardens to the borough boundary with Herts.
 - A105 from the New River (just south of Oakthorpe Road) to Enfield Town
 - A110 from The Ridgway to the borough boundary with Waltham Forest
- 3.14 An inspection will be undertaken of all properties on roads within phase 1. Details will be recorded of all locations where vehicles may be crossing the pavement without a crossover, or straying beyond an authorised crossover. For each property, an assessment will be made of whether the construction (or extension) of a crossover would be permitted in compliance with the Council's technical standards.
- 3.15 Planning permission is also required for the construction of a crossover to a classified road and an assessment will be made in each case whether permission is likely to be granted. Where a front garden has been used to park a vehicle, which may have also involved the removal of a boundary enclosure, and/or surfacing and this can be established to have occurred for a continuous 4 year period, it may be that these works are lawful under planning legislation and therefore no enforcement action can be taken against the use of the site. In these

situations, it would be reasonable to invite the property owner to apply for a crossover, subject to them being able to satisfy the technical standards for footway crossover applications.

- 3.16 All properties on roads included within phase 1 will be inspected and assessed by 28 February 2015. This will allow the inspections to coincide with programmed safety inspections of the highway. Each property, where it is observed that a vehicle may be crossing the pavement without a crossover, will be sent a letter by 31 March 2015 advising them of their options with respect to ceasing driving across the pavement and whether they would be eligible to apply for a crossover. Any applications for crossovers will be processed in accordance with the crossover policy.
- 3.17 Each situation where the pavement or verge is being damaged or where there is a higher risk to public safety due to the proximity of bus stops, pedestrian crossing points, schools and other higher levels of pedestrian usage or poor visibility, will be classed as 'high risk'. If, after 28 days, the occupant of a high risk situation has ignored the Council's letter, enforcement action will be pursued as set out in the previously agreed enforcement policy.
- 3.18 In the majority of cases, enforcement action is likely to consist of the installation of posts or bollards, although it is proposed to pilot the serving of a s16 notice in a few situations where this is a viable option, i.e. where rights have not been established. Slimmer posts, rather than 'doric' bollards will be considered in order to reduce costs and be less obtrusive to the streetscene. It is proposed that enforcement action will be taken at all high risk locations by 31 May 2015.
- 3.19 All situations not assessed as the highest risk category will receive a follow up inspection 6 months after the first inspection. If the situation persists, a further letter will be sent and enforcement action will be taken to prevent un-authorized activity continuing in accordance with the policy. The status of each situation will be tracked on an overall monitoring schedule.

Other high risk locations

- 3.20 Enforcement action will only be taken on other roads where high risk situations, as described above, are observed. This is in order to preserve the priority of dealing with the roads identified in phase 1 first.
- 3.21 A leaflet campaign will also be used to support the above programme of enforcement, targeted to properties where unauthorised activity may be taking place.

4. ALTERNATIVE OPTIONS CONSIDERED

The implementation a footway crossing enforcement policy across the whole borough without setting priorities would be unmanageable.

5. REASONS FOR RECOMMENDATIONS

The agreed enforcement policy identifies Classified Roads as one of the highest risk categories for which enforcement action should be prioritised. This programme deals with the highest risk situations within phase 1 first in order to safeguard public safety and the Council's assets.

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

6.1 Financial Implications

6.1.1 The cost associated with the implementation of the enforcement policy including, the inspections, communications with residents and the installation of posts or bollards will be contained with existing footway crossover revenue resources and the minor improvement programme capital resources.

6.1.2 The impact of enforcement action as a preventative measure should result in less damage to the footway leading to a reduction in maintenance and repair.

6.2 Legal Implications

6.2.1 The Council has a duty under s.130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which it is the highway authority, and a power to do the same in respect of any other highway in its area. It has an additional duty under s.130(3) to prevent, as far as possible, obstruction both of highways for which it is the highway authority and, where it considers the obstruction would be prejudicial to the interests of its area, any other highway. S.130(5) provides that the Council may institute legal proceedings and "generally take such steps as they deem expedient" for the purposes of s.130. This is on top of the general power under s.222 of the Local Government Act 1972 which, amongst other things, gives the Council the power to prosecute where it considers it "expedient for the promotion or protection of the interests of the inhabitants of their area". This would include prosecuting for willful obstruction of a highway under section 137(1) of the Highways Act

1980. Where the Council has sufficient evidence of an offence under s.137, s.8 of the London Local Authorities and Transport for London Act 2003 gives it the power to issue a fixed penalty notice to the offender as an alternative to prosecution. Any criminal enforcement action must comply with the Council's own enforcement policy.

- 6.2.2 The Council has by resolution adopted s.16 of the London Local Authorities and Transport for London Act 2003 enabling it to serve notices requiring occupiers to cease driving across the footway. If the occupier breaches the section 16 notice it is an offence for which the Council can prosecute. Alternatively the Council can execute works that would prevent vehicles being taken across the footway. The cost of these works is recoverable from the occupier.
- 6.2.3 Section 184 of the Highways Act 1980 allows the Council either to construct vehicle crossings or impose conditions on the use of the footway as a crossing. Considerations are (i) the need to prevent damage to a footway or verge; (ii) safe access to and egress from premises; and (iii) the need to facilitate the passage of vehicular traffic in highways
- 6.2.4 Advice from Counsel has demonstrated that s16 enforcement powers at the Council's disposal for dealing with illegal vehicle crossings are more limited than originally hoped for. The legislation states that a s16 notice cannot be served where an occupier has converted their garden to a parking area in accordance with Permitted Development (PD) rights prior to s16 coming into operation. S16 notices will therefore only be of use where occupiers are driving across a footway into parking areas that do not comply with permitted development or do comply but were built after s.16 coming into operation
- 6.2.5 In circumstances where the powers mentioned in paragraph 6.2.2 and 6.2.3 are either not appropriate or cannot be used the Council are able to consider the installation of bollards to prevent vehicular access pursuant to powers set out in sections 66 and 80 of the Highways Act 1980 although the former carries provision for compensation.
- 6.2.6 The recommendations contained within this report are within the Council's powers and duties

6.3 Property Implications

- 6.3.1 The proposals to identify and take enforcement action against property occupiers who carry out illegal crossing by vehicles over Council footways and verges are welcome and seen as good asset management practice.
- 6.3.2 By tackling and resolving the illegal crossing this will help prevent damage to footways and verges, with the resultant savings in

maintenance and repair costs, but will keep the land in good repair and condition, reducing risks and preventing accidents for which the council will have a corporate liability.

- 6.3.3 One important factor is that the proposed cause of action will prevent occupiers from claiming an easement by prescription and which the occupier would have recorded on the Council's title as 'having a benefit of right of way'. These proposals will greatly help to prevent this and burdening the Council's land.
- 6.3.4 In the event that an occupier seeks to claim a prescribed right of access it will be in the interests of the council to investigate and where possible challenge the claim from being registered.

7. KEY RISKS

Residents may challenge the Council's application of its enforcement policy, particularly where a crossover would not be permitted. The previously agreed policy itself has been developed based on advice from legal services and Counsel.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

A prioritised programme for dealing with this borough-wide problem will provide a fair and balanced approach.

8.2 Growth and Sustainability

Account has been taken of issues relating to transportation planning, streetscene and the environment, all of which contribute to the growth and sustainability of the borough.

8.3 Strong Communities

This proposal will contribute to improving the quality of the streetscene and its contribution to the public realm, thereby benefiting the local community.

9. EQUALITY IMPACT IMPLICATIONS

- 9.1. This programme supports the obligations already identified in the Cabinet and Full Council report.
- 9.2 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact

assessment/analysis is neither relevant nor proportionate for the approval of this report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The progress of this implementation programme will be monitored and reported to the Lead Member.

11. HEALTH AND SAFETY IMPLICATIONS

This programme will address situations where there is a risk to public safety and where damage to the footway has the potential to cause injury to pedestrians.

12. PUBLIC HEALTH IMPLICATIONS

As walking is the cheapest and most accessible form of transport it is recommended that pedestrians should be prioritised in the hierarchy of transport users. Work to ensure that walking is as unencumbered and pleasant as possible will therefor contribute to increasing health through physical activity and reducing the external costs of motorised transport.

Background Papers

None.

Appendix A - Policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover.

Appendix B – Map showing roads to be included in Phase 1 of Programme for Enforcement of Illegal Footway Crossings.

Appendix A

Policy for the management of vehicles crossing footways and verges without a properly constructed footway crossover

1 Enforcement where residents drive over the footway without a properly constructed footway crossover:

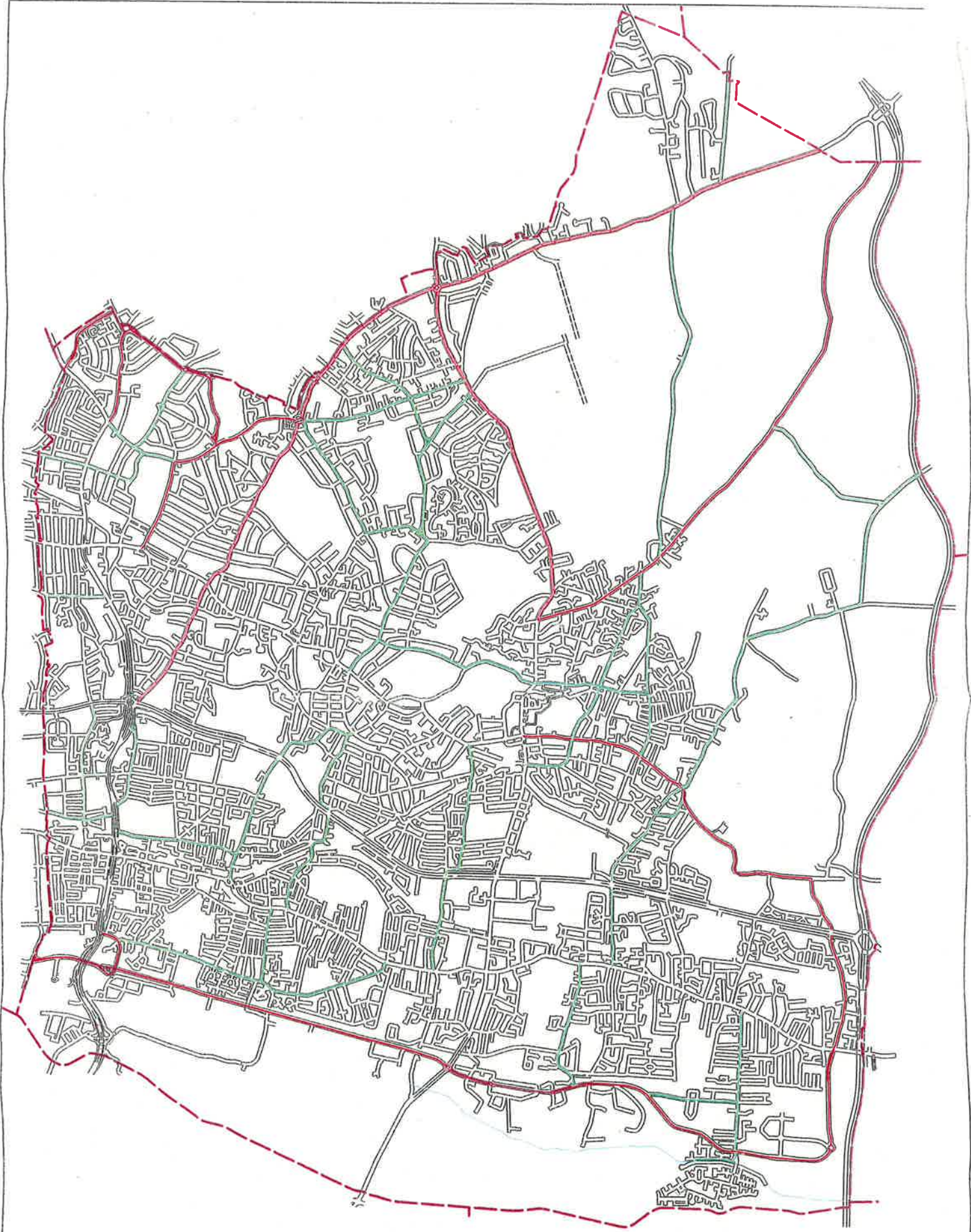
- 1.1 Where it is observed that vehicles are being driven across a footway or verge without a properly constructed footway crossover, in the first instance, the resident will be written to and advised that they are contradicting the Highways Act and that they should stop immediately.
- 1.2 Highway Services will make an initial assessment of whether the construction of a crossover would be appropriate and, if so, the resident will be sent an application form. If the resident applies, the application will be considered and progressed in accordance with the Council's footway crossover policy.
- 1.3 Where a resident chooses to ignore the Council's letter, a subsequent letter will be sent. If the resident still does not apply, the Council will consider whether to install a crossover and recharge the resident in accordance with s184 of the Highways Act. Alternatively the Council may choose to pursue alternative options as describes in 1.4 below.
- 1.4 Where the Council judges that a potential crossover will not be able to meet the technical standards, it may advise the resident that it intends to install preventative measures or, where appropriate, serve a s16 Notice (of the London Local Authorities Act), which requires the occupier to stop taking a vehicle across the footway or verge. If the occupier ignores the notice, the Council may choose to prosecute or to install physical preventative measures for which it may seek to recover its costs.
- 1.5 Although enforcement action will be undertaken on a borough-wide basis, it will be prioritised in accordance with the principles cited in the Highways Act and the resources available. The Council will take a pro-active approach to dealing with the highest priority situations first, i.e.:
 - where there is a risk to the safety of pedestrians and other users of the footway due to footways/verges being damaged by vehicle over-runs;
 - where there is a risk to the safety of pedestrians and other users of the footway or carriageway due to vehicles driving across the footway without a crossover;
 - where the Council is repeatedly repairing damage caused by vehicle over-runs;

- the highest priority areas will be based on the greatest risk, i.e.:
 - the highest use footways (category 1 and 2, i.e. around shops and schools etc),
 - Classified roads (Class A, B and C);
 - locations that are brought to the attention of the Council as causing a major concern to residents.
 - Where footways have been recently re-newed;
 - Where footways are being renewed.

2 Where residents have constructed illegal crossings:

- 2.1 Where it is evident that a resident has constructed their own arrangements to facilitate vehicular movements across a footway/verge, the Council will remove the illegal construction and, where appropriate, seek to recover its costs from the resident. The Council will adopt the management arrangements described in section 1 above.





Legend
 Principal A Roads
 Classified B and C Roads

Roads to be included in Phase 1 of Programme for Enforcement of Illegal Footway Crossings

Enfield Council
 Planning and Transport Department
 100 Enfield Way, Enfield, London EN2 8NE
 Tel: 020 8463 2000
 Fax: 020 8463 2001
 Email: enfield@enfield.gov.uk
 Website: www.enfield.gov.uk





MUNICIPAL YEAR 2014/2015 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cabinet Member for Environment

REPORT OF:
Director – Regeneration &
Environment

Agenda – Part: 1	KD Num: KD 3936
Subject: Winter Maintenance - Options for Future Service Delivery	
Wards: All	

Contact officer and telephone number: John Grimes 0208 379 2220

E mail: john.grimes@enfield.gov.uk

1. EXECUTIVE SUMMARY

This report considers the future delivery for winter maintenance services across Enfield's highway network to ensure that the priority 1 network aligns with the recommendations of the "Well-maintained Highways" code of practice for Highway Maintenance Management.

2. RECOMMENDATIONS

- 2.1 To agree the revised Priority 1 carriageway treated network for winter maintenance.
- 2.2 To maintain the existing resilience network that will only be implemented if salt shortages occur and a London "Salt Cell" is implemented.

3. BACKGROUND

- 3.1 Although there is a statutory requirement on a Highway Authority to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice, there is no prescriptive requirement in relation to winter maintenance.
- 3.2 In light of the need to review our winter service we initially considered the advice within "Well-maintained Highways" code of practice for Highway Maintenance Management which references the treatment of strategic highways, emergency facilities, public service access needs, public transport routes, main industrial and business centres of key importance to the local economy and steep gradients.
- 3.3 Along with the resilience network, of 170km, (plan attached appendix 1) previously established at a London and National level, we assessed the needs of the remaining network in line with the code of practice recommendations. As part of this review there was a focus on cross network links and key business areas.
- 3.4 In line with this focus the proposed network provides a greater level of gritted carriageways around the business districts of the borough where many residents work or go shopping..
- 3.5 Attached to this report in Appendix 2 is a plan showing the proposed Priority 1 network which has a length of 185km.
- 3.6 As part of the continuous review of the winter services on the priority routes, a thermal mapping and route optimisation process could be undertaken furthering the best value solution.

Snow Clearance

- 3.7 The overall approach to snow clearance will remain unchanged. That upon receipt of weather forecasts of snowfall the guidance criteria will be followed and the required treatment instructed. However it should be noted that roads which as a result of not meeting the Priority 1 criteria in the new proposals will no longer receive a precautionary or priority snow clearance service.

Footpaths and Pavements

- 3.8 These proposals do not affect gritting on footpaths and pavements. We will continue to grit the busiest pavements in advance of predicted snowfall.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To retain the existing treated priority 1 network.
- 4.2 To reduce the existing priority 1 network to the resilience network already established (170km). This network only treats a minority of the main business areas within the borough and its focus was on the bus network and major links

5. REASONS FOR RECOMMENDATIONS

To establish a network for carriageway winter gritting that aligns with the recommendations of the code of practice within budget requirements. The proposed Priority 1 network focuses on providing reliable access to emergency service facilities, public transport routes and main industrial and business areas and access for Council critical service provision.

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

6.1 Financial Implications

- 6.1.1 The 2013/14 budget for winter maintenance £310,720.
- 6.1.2 The winter gritting network for 2013/14 was 276km in length and cost approx. £292k to treat. This is based upon a model of using an average of 50 precautionary treatments over a season. The proposed network of 185km is estimated to cost £217k using the same model. In addition to these costs are the annual weather station and forecasting fees, which cost approximately. £21k per year. Therefore the estimated cost of the proposal is £238k.
- 6.1.3 Therefore it is estimated that based on the average of 50 precautionary treatments there will be a saving of £72k. There is a risk that a bad winter will mean more than the 50 treatments required and create a pressure on the budget.

6.2 Legal Implications

- 6.2.1 Under Section 41 (1A) of the Highways Act 1980, modified by Section 111 of the Railway and Transport Act 2003 there is a duty on the Highway Authority 'to ensure, as far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.' Section 58(1) of the Highways Act 1980 provides a defence to the absolute obligation, in that it is sufficient for the Highway Authority to "prove that the authority has taken such care as in all the circumstances is reasonably required to secure that the part of the highway to which the action relates was not dangerous to traffic". Thus an appropriate maintenance and clearance regime will assist to defend litigation arising as a result of snow and ice accumulations.

- 6.2.2 Additionally, the Traffic Management Act 2004 requires that authorities' do all that is reasonably practical to manage the network effectively to keep traffic moving.

6.3 Property Implications

None

7. KEY RISKS

- 7.1 The risks of 3rd party claims will be reduced by ensuring that the revised network has been developed based upon the criteria identified earlier in this report.
- 7.2 Ensure that the changes to the treated carriageway network are appropriately communicated to the public via the Council's web site and other sources.
- 7.3 The delivery of the winter maintenance will be performance managed through the highway term contractor to ensure compliance with instructions given.
- 7.4 A reduced network may have an effect on refuse collection and other services during periods of snowfall and may reduce their efficiency.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

We are committed to maintaining excellent services that are organised around the needs of our residents and by the treatment of a priority carriageway network across the borough this will enable residents, commuters and businesses access to the main commuter routes, including all bus routes.

8.2 Growth and Sustainability

The treatment of priority carriageways across the Council's highway network is essential to support transport and mobility and will promote Enfield as a good place to do business, focusing on attracting growth, jobs and opportunity for our residents.

8.3 Strong Communities

Work in partnership with others to ensure Enfield is a safe and healthy place to live by ensuring access to bus routes, schools, business areas and emergency services facilities.

9. EQUALITY IMPACT IMPLICATIONS

A predictive equality impact assessment is being carried out, however the proposed priority 1 carriageway network for winter maintenance includes all bus routes, provides a greater level of gritted carriageways around key business districts and emergency services facilities across the borough.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

10.1 The Contractor's performance in delivering this service will be measured against the Councils' Vision to make Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities. In order to meet the Council's objectives the Contractor's performance will be assessed from the following three sets of indicators:

- Contract management
- Customer Satisfaction
- Operational Performance

10.2 Performance monitoring will be a continuous process and key performance indicators will be reported at contractor performance meetings.

11. HEALTH AND SAFETY IMPLICATIONS

The provision of a winter maintenance service will enable the Council to so far as is reasonably practicable to ensure that users of the highway network can travel throughout the borough in a safe manner.

12. PUBLIC HEALTH IMPLICATIONS

The proposed winter maintenance service will ensure that when forecasts are received that predict ice or snow, the priority network is treated accordingly enabling pedestrian and vehicular traffic to pass throughout the borough with limited restriction thereby reducing pollution and encouraging the general public to continue their daily lifestyle.

Background Papers

None





EPPING FOREST

WALTHAM FOREST LB.

BROXBOURNE

HARINGEY LB

WELWYN HATFIELD

BARNET LB.

HERTSMERE

Scale: 1:50,000
 1 cm = 500 m
 1 inch = 12.5 miles
 1 mile = 1.6 km
 1 km = 0.6 miles
 1 mile = 1.6 km
 1 km = 0.6 miles

KEY
 Major Roads
 Other Roads



MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:
Cabinet Member for Environment & Community Safety

REPORT OF:
Director – Regeneration & Environment

Agenda - Part: 1	KD No: KD 3937
Subject: London Highways Alliance Contract (LoHAC)	
Wards: ALL	

Contact officer and telephone number:
Stephen Skinner x 3480 Email:Stephen.skinner@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report sets out the process undertaken for the development and procurement of the London Highways Alliance Contracts (LoHAC). The LoHAC framework agreements are the product of a collaborative procurement exercise between TfL and London boroughs, involving extensive engagement with the supply chain.
- 1.2 The report sets out the arrangements under which Enfield would form its own call-off contract with Ringway Jacobs, the LoHAC contractor for the north east London region, for the delivery of highway maintenance and civil engineering work.

2. RECOMMENDATIONS

- 2.1 To give notice to EM Highway Services, Enfield's current Highways and Engineering Works Contractor, to terminate their contract on 5th November 2014, ie in accordance with the 3-year break clause.
- 2.2 To form a Call-off Contract, under the London Highways Alliance Contract (LoHAC), with Ringway Jacobs, who is the successful contractor for the north east London region, to become effective as soon as possible, but no later than 6 November 2014, until 31 March 2021.
- 2.3 To use the call-off contract for the delivery of highway maintenance, improvement and engineering works, design and consultancy, and any other services from the schedule in appendix 1 as appropriate, as soon as the contract becomes effective, to align with the termination of the current

contract with EM Highway Services. The services available through the contract are listed in Appendix 1 of this report.

- 2.4 To use the call-off contract to deliver engineering and associated works for other service areas within the Council and, where appropriate, for external clients.
- 2.5 For the Head of Highway Services to be the Service Manager of the Contract. The Service Manager will delegate contractual functions in accordance with the Conditions of Contract.
- 2.6 For officers to work collaboratively with Ringway Jacobs, under the terms of the LoHAC framework, to develop and agree lump sums and target cost pricing models, where they deliver improved value for money.

3. BACKGROUND

- 3.1 The London Highways Alliance Contract (LoHAC) is a collaborative framework developed jointly by Transport for London (TfL) and London boroughs for the delivery of highway maintenance and civil engineering works. It comprises four framework agreements, each covering an area of London based on a manageable and sustainable contract size. Enfield is within the North East London region, for which the successful contractor is Ringway Jacobs.
- 3.2 The framework will allow Enfield to enter a call-off contract with Ringway Jacobs to deliver all highway maintenance works, including revenue activities, capital maintenance programmes, traffic improvement schemes funded through the LIP and other associated civil engineering projects which Highway Services currently delivers for other service areas such as Regeneration, Parks, Enfield Homes and schools.
- 3.3 Enfield currently delivers highway maintenance and civil engineering schemes through its contract with EM Highway Services (formerly Enterprise Mouchel). This contract, which started on 6 November 2011, was specifically awarded for a relatively short contract period in order for Enfield to be able to join LoHAC once the framework became established.
- 3.4 The current contract with EM Highway Services was approved by Cabinet on 24 August 2011. Approval is recorded as being given on the basis that "The contract duration of 4 years, with a break clause after 3 years, provides the potential to join the pan-London arrangements, should they be assessed to provide greater value for money". The pan-London arrangements were developed into the London Highway Alliance Contract (LoHAC).
- 3.5 Officers have discussed the possibility of invoking the break clause after 3 years, i.e. on 5 November 2014, with EM Highway Services (EM). Notice of termination would need to be given to EM by 5th August 2014, in order to terminate the contract on 5th November 2014 to join LoHAC. This date would allow a 3 month mobilisation period for the start of a new contract with

Ringway Jacobs, aligned with the start of Enfield's winter maintenance season in November 2014.

- 3.6 The LoHAC framework has been in place since 1 April 2013, with TfL contracting with Ringway Jacobs since this date. Ringway Jacobs have been delivering highway maintenance services through LoHAC to Haringey since July 2013 and Enfield has already contracted with Ringway Jacobs under LoHAC to deliver several DfT-funded resurfacing schemes. Ringway Jacobs have therefore already established themselves in the north-east region and have confirmed that a future call-off contract with Enfield through LoHAC is a key aspiration in their business model.
- 3.7 LoHAC is a key workstream of the wider programme for 'Transforming London's Highways Management (TLHM)', an initiative taken forward by TfL and the London boroughs, funded by 'Capital Ambition' to seek innovation and efficiencies in the way that highway maintenance is delivered across London. Enfield was a Board member of the TLHM group, recognising the potential opportunities derived from working collaboratively on a pan-London basis.
- 3.8 LoHAC has been developed and procured by a team led by TfL and supported by various London boroughs, including an officer from Enfield, who was seconded to assist with the preparation of the specification and evaluation of tenders. Enfield has therefore demonstrated its support and commitment to the development of the LoHAC initiative.
- 3.9 LoHAC was developed after extensive consultation with the supply chain, comprising of workshops with contractors on both a group and individual basis. The Procurement Strategy was designed to encourage competition and provide opportunity for a wide range of bidders to be involved e.g. by forming consortia or joint ventures. Contractor feedback led to the development of an 8-year framework, thereby allowing contractors to discount their mobilisation and fixed costs over a longer period, in turn leading to reduced costs.
- 3.10 In order to drive maximum value through the procurement, a multi stage evaluation process was employed:
 - (i) A rigorous pre qualification process assessed the generic capability of bidders to deliver the requirements.
 - (ii) Bidders were given a general briefing and individual meetings to ensure they fully understood the requirement.
 - (iii) Shortlisted tenders were evaluated in the traditional way based on an assessment of quality and financial aspects and an overall tender score awarded (using a quality:price ratio of 30:70). Scores in each framework area were ranked and the top tenderers were invited to the next stage.
 - (iv) Tenderers who were shortlisted for multiple framework areas were given the opportunity to demonstrate their capacity and capability to deliver multiple Lots. This approach allowed tenderers who were deemed capable

of delivering multiple framework areas the opportunity to submit bids which demonstrated the financial benefit of delivering more than one framework area.

- (v) Tenderers successful in qualifying for multiple framework areas, plus those who were shortlisted for a single framework area were then invited to submit best and final offers (BAFOs).
 - (vi) At the BAFO stage, the award of framework areas was based solely on which combination of shortlisted tenderers' financial submissions offered the best value for London. The BAFO stage was completed in August 2012, culminating in the frameworks being effective from 1 April 2013.
- 3.11 LoHAC encourages joint working between the 4 LoHAC contractors and there have been examples where a joint-contractor approach has supported London boroughs such as dealing with the flooding earlier this year in south London. A London salt stock of over 25,000 tonnes is also held centrally. This arrangement provides improved resilience for the individual boroughs.
 - 3.12 The framework allows Enfield to enter into its own contract with Ringway Jacobs, for which we will have direct ownership and set our own priorities, whilst benefiting from the London-wide contract documentation, a common specification and a consistent approach. There is no need for Enfield to undertake its own tender exercise.
 - 3.13 The conditions of the call-off contract are based on the NEC3 Term Services Contract, which have been amended to enable authorities to tailor their individual service requirements.
 - 3.14 Enfield has had extensive dialogue with Ringway Jacobs over the past 6 months in order to understand Ringway Jacobs' appetite and capability. Under the terms of the contract, Enfield will use the tendered schedule of rates to deliver work programmes, projects and other core services. Open book dialogue has recently enabled Ringway Jacobs to provide lump sum prices for some revenue-funded services including the repair of highway defects and winter maintenance (fleet and depot provision).
 - 3.15 Enfield is already a member of the North East Area Management Board, working in a collaborative environment with other boroughs within our area and having access to any innovation developed across London.
 - 3.16 The terms of the contract allow the facility for Enfield to move from lump sums to target costs from April 2015 onwards, if there is a mutual desire to do so and if a financial benefit can be demonstrated following analysis of Ringway Jacobs' costs (captured through open book accounting arrangements). One benefit of target costing is that both parties benefit through a shared mechanism if actual costs come in lower than the pre-agreed target. Therefore there is clear incentive for the parties to work collaboratively to decrease costs.
 - 3.17 A volume rebate clause has been included in the contract to incentivise more boroughs to join as the rebate increases in line with the volume of work

procured through the framework. Enfield will therefore benefit financially as more boroughs join the framework.

- 3.18 Ringway Jacobs have already sourced a new depot in Picketts Lock Lane, from which they will serve Enfield, and which will also provide them with a strategic location to expand their business to service TfL and other borough clients in the north east London region.
- 3.19 The chair of Strategic Procurement Board has agreed this report.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not signing up to LoHAC will require Enfield to undertake a comprehensive procurement exercise, in accordance with OJEU rules. This exercise would need to start within the next few months, in order to achieve a contract start of 6 November 2015.
- 4.2 A separate procurement exercise will mean that Enfield will not benefit from the collaboration and joint working already undertaken on a pan-London basis.
- 4.3 A separate procurement exercise may not necessarily achieve the same level of savings achieved through LoHAC, although this will only be known if a tender exercise is undertaken.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The LoHAC framework agreements are the product of a rigorous and collaborative procurement process based on extensive engagement with the supply chain and an evaluation model based on quality and price.
- 5.2 Ringway Jacobs have already been awarded a framework contract for the north east region of London, allowing Enfield to enter a call-off contract with them without the need for a further tendering exercise.
- 5.3 The formation of a contract with Ringway Jacobs will ensure that the Council has the ability to fulfil its obligations under the Highways Act, in maintaining the borough's highway infrastructure through to the end of the framework period, i.e. 31 March 2021. The contract also provides a delivery mechanism for a range of other Council projects and programmes.
- 5.4 Financial evaluation, based on a suite of highway programmes and projects typically undertaken during a 12 month period, has shown Ringway Jacobs' costs to be lower overall than Enfield's current contract with EM Highway Services. Details of the financial evaluation are contained within the Part 2 report.
- 5.5 Terminating the current contract with EM Highway Services with effect from 5 November 2014, will allow Enfield to achieve the benefits from delivering highway maintenance through the LoHAC contract sooner, rather than waiting for the current 4 year term to expire.

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

6.1 Financial Implications

Please refer to the Part 2 report for financial implications.

6.2 Legal Implications

6.2.1 As a Highway Authority, the Council has powers and duties under the Highways Act 1980 including in relation to the maintenance and improvement of public highways. The Council further has a duty under both the common law and legislation including the Occupiers Liability Acts 1957 and 1984 to take such care as is reasonable in all the circumstances to ensure that individuals do not suffer injury on its premises and that it does all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. Under the Environmental Protection Act 1990, the Council is responsible for keeping its land clear of litter and refuse and its highways clean. In addition, the general power of competence in s.1 (1) of the Localism Act 2011 states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. By virtue of s.111 of the Local Government Act 1972, the Council has the power to do anything (whether involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of its functions. The recommendation contained within this Report to enter into a call-off contract for the provision of highway maintenance and associated services is in accordance with these powers.

6.2.2 The Council's Contract Procedure Rules permit the use of frameworks. In utilising the LoHAC Framework the Council must ensure compliance with the terms of the framework, and the call-off contract must be in a form approved by the Assistant Director of Legal Services.

6.2.3 The client has confirmed that the procurement process for the relevant framework agreement was carried out in full compliance with EU legislation and the Public Contract Regulations 2006 following the publication of an OJEU notice which was published on 03 October 2011.

6.2.4 Notice to terminate the contract with the current contractor must be given in accordance with the terms of the current contract, or it may be deemed invalid.

6.3 Property Implications

None

7. KEY RISKS

- 7.1 A comprehensive and collaborative procurement exercise has been undertaken, led by TfL, in compliance with OJEU requirements and supported by London Procurement Officers, incorporating extensive engagement with the supply chain. This approach reduces the risk of potential challenges from unsuccessful contractors and increases the opportunity to maximise value for money.
- 7.2 The formation of a call-off contract with Ringway Jacobs, effective from 6 November 2014, aligned with the termination of the current contract with EM Highway Services, will ensure arrangements are in place to maintain Enfield's highway infrastructure.
- 7.3 Discussions have already taken place with EM Highway Services regarding the potential termination of their contract after only 3 years. EM, who are the LoHAC contractor for the South London Region, have committed to working collaboratively with Ringway Jacobs to ensure a smooth the transition and reduce potential risks during the handover.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The continued maintenance of the council's carriageways and footways, including minor highway improvements, provision of dropped kerbs and street scene improvements, will improve the road and footway network for all, particularly those with mobility and those with sight difficulties.

8.2 Growth and Sustainability

A number of benefits have been incorporated into the contract including

- Payment of the London Living Wage
- There is a contractual requirement for the contractor to appoint one apprentice per £3m spent through the framework. Enfield's contract will therefore potentially generate 4 apprentices per year.
- Euro V/VI compliant and cycle proximity indicator fleet leading to environmental benefits

8.3 Strong Communities

LoHAC includes the following:

- Local Small and medium employers (SME) supply chain supported
- Smoothing traffic flows through joint forward planning and improved collaboration on works.

- Better and more consistent customer experience through reduction in interfaces and the use of common specifications.
- Developing a consistent approach to efficiency and performance management, to allow accurate comparisons of the supply chain performance across London to be made.
- Under LoHAC, Ringway Jacobs will be required to join TfL's Fleet Operator Recognition Scheme (FORS) and all vehicles exceeding 3,500kg (including those used by subcontractors) will be required to have sideguards, close proximity sensors and prominent signage to warn cyclists about the dangers of passing on the inside of the vehicle

9. EQUALITIES IMPACT IMPLICATIONS

No specific assessment has been undertaken as part of this report, however the contractor has submitted an equalities policy, which met the required standards of the tenderer's quality submission.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

- 10.1 The LoHAC frameworks promote a consistent approach to efficiency and performance management, through individual contract performance meetings at Enfield and also at Area Board level and London Strategic level.
- 10.2 A contract reduction mechanism has been developed to incentivise the LoHAC contractors to achieve key performance indicators. Review of performance against these indicators will take place annually and failure to achieve the indicator targets will result in the duration of the framework agreement and all associated call-off contracts being reduced by six months. Performance on all clients' call-off contracts will be considered. The contractor will have the opportunity to win back these six months by improving their performance against the failing indicator(s) in the following year. Reduction of duration in two consecutive years gives Enfield the right to terminate.

11. HEALTH AND SAFETY IMPLICATIONS

- 11.1 The contract will assist Enfield Council, as highway authority, to fulfil its duty to maintain its highway network to ensure, so far as reasonably practicable, the safety of the travelling public.
- 11.2 The safety of the public and workforce is a Primary Performance Indicator against which Ringway Jacobs' service delivery will be monitored.

12. HR IMPLICATIONS

Discussions have already taken place between Ringway Jacobs and EM Highway Services regarding TUPE implications of their staff. No Enfield staff are affected.

13. PUBLIC HEALTH IMPLICATIONS

Ringway Jacobs' are registered under the 'Considerate Constructors Scheme' for this contract having due regard for people's health whilst undertaking construction activities involving dust, noise etc.

Background Papers

None.

Appendix 1

There are 25 discrete service areas which are covered by the London Highways Alliance Contract, which are listed below:

- 1 Safety Inspections
- 2 Service Inspections
- 3 Inspection of Highway Structures
- 4 Site Investigations and Surveys
- 5 Design Services
- 6 Road Pavements (including minor repairs and resurfacing)
- 7 Kerbs, Footways and Paved Areas
- 8 Traffic Signs
- 9 Road Markings
- 10 Lighting (including electrical work for signs, etc)
- 11 Fencing
- 12 Road Restraint Systems (including pedestrian guardrailing)
- 13 Drainage (excluding gully cleansing)
- 14 Earthworks
- 15 Landscape and Ecology
- 16 Street Cleaning (sweeping and litter picking)
- 17 Street Cleaning (including gully cleansing; excluding sweeping and litter picking)
- 18 Bridges and other Structures
- 19 Tunnels
- 20 Street Furniture (excluding signs, lighting columns and pedestrian guardrailing)
- 21 Winter Service
- 22 Emergency Call-Out Service
- 23 Civil Engineering Support Works
- 24 3rd Party Damage
- 25 Updating *Employer's* Asset Management System for Core Services.

MUNICIPAL YEAR 2014/2015 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cabinet Member for Environment &
Community Safety

REPORT OF:

Director – Regeneration &
Environment

Contact officer and telephone number: Liam Mulrooney 020 8379 3550

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Agenda – Part: 1	KD Num: K0 3964
Subject: Local Implementation Plan Programme 2014/15 – Amendments to Proposed Schemes and Measures	
Wards:	All

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval to amend the Local Implementation Plan (LIP) programme 2014/15 agreed in the 24 March 2014 report “Local Implementation Plan 2014/15 (Settlement and Programme of Works) and Borough Cycling Programme 2014/15”.
- 1.2 Specifically it amends traffic schemes under the Corridors, Neighbourhoods & Supporting Measures and Local Transport programmes and Ponders End Major Scheme.

2. RECOMMENDATIONS

- 2.1 To agree the revised Corridors, Neighbourhoods & Supporting Measures and Local Transport programmes and Ponders End Major Scheme detailed in Appendix A of this report.
- 2.2 To agree that any future minor changes to the 2014/15 LIP programme, amounting to less than 10% of the overall LIP allocation, can be approved by officers in consultation with the Cabinet Member for Environment and Community Safety.

3. BACKGROUND

- 3.1 The Council's programme for 2014/15 of LIP funded schemes was set out in the report "Local Implementation Plan 2014/15 (Settlement and Programme of Works) and Borough Cycling Programme 2014/15". This report was approved by the Cabinet Member for Environment on 24 March 2014. This report included schemes and measures under the headings Corridors, Neighbourhoods & Supporting Measures and Local Transport programmes and Ponders End Major Scheme. Each of these schemes was allocated funding by Transport for London based on a budget estimate provided by officers in July 2013.
- 3.2 Since March 2014 officers have refined the programme and this report seeks approval for amendments to the LIP programme. The amendments are based on the design work and developments that have taken place since March 2014.

4. PROPOSALS

- 4.1 It is proposed to amend the Corridors, Neighbourhoods & Supporting Measures and Local Transport programmes and Ponders End Major Scheme to that detailed in the tables in appendix A.
- 4.2 Appendix A is based on tables in the March 2014 report and shows all the schemes and measures originally proposed for 2014/15. Where it is proposed to change the allocation for a scheme the new figure has been highlighted in yellow, together with some explanatory text. Appendix A also shows schemes new to the 2014/15 programme.
- 4.3 The most significant change to the programme relates to road safety schemes (see page 2 of Appendix A). Previously it was the Council's intention to introduce a safety scheme on Fore Street which also incorporated significant urban realm improvements. However in March 2014 the Council won £27m of Mini-Holland funding. Our Mini-Holland proposals include safety and urban realm improvements for Fore Street so the LIP road safety scheme funding has been reallocated.
- 4.4 Some of the road safety scheme funding has been reallocated to the new Quieter Neighbourhood programme. Six neighbourhoods have been selected where residents have raised concerns about through traffic and road safety. The Council wishes to address these concerns and make residential streets safer and more conducive to walking and cycling. Officers will liaise with local residents to fully understand their concerns and identify the solutions they wish to see introduced. Most of the £200k 2014/15 allocation will be spent on community engagement and design work, with implementation planned for 2015/16.

- 4.5 Other additions to the road safety programme include:
- Small grants to schools to assist them with pursuing their school travel plan ambitions
 - Improvements to existing pedestrian crossings that were identified in an earlier review.
- 4.6 The other significant changes to the programme relate to controlled parking zones (CPZs) and Ponders End Major Scheme.
- 4.7 Funding has been allocated for CPZs in response to a number of petitions from local residents asking that a CPZ be introduced.
- 4.8 The funding allocation for Ponders End Major Scheme has been reduced to reflect how much is likely to be spent on design, community engagement and implementation in 2014/15. Subject to scheme approval TfL will make over £1m available for implementation in 2015/16.

5. ALTERNATIVE OPTIONS CONSIDERED

Do nothing – If the programme agreed in the March 2014 report is not amended it will result in the funding allocation from Transport for London being poorly used, and Enfield Council failing to realise the benefit of the schemes listed in appendix A.

6. REASONS FOR RECOMMENDATIONS

Approving the amendment of these programmes will allow the Council to realise the benefit of the schemes listed in appendix A.

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

7.1 Financial Implications

The amended Corridors, Neighbourhoods & Supporting Measures and Local Transport programmes and Ponders End Major Scheme will facilitate the effective and full use of the LIP funding allocation from Transport for London.

7.2 Legal Implications

The Mayor's Transport Strategy provides the framework for the development of Local Implementation Plans (LIPs) by London Boroughs. Under the Greater London Authority Act 1999 (GLA Act) Section 145, each London Borough Council must prepare a Local Implementation Plan (LIP) containing its proposals for implementing the Mayor's Transport Strategy TS2. The GLA is empowered to allow TfL to

impose conditions on any financial assistance it provides to the Council and any changes to the submitted LIP must comply with any limitations imposed on the funding

7.3 Property Implications

There are no identifiable property implications arising directly from the amended LIP proposals, however, as individual schemes progress, there may be an opportunity for specific input in respect of the Council's land and property portfolio.

8. KEY RISKS

No significant risks have been identified.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

Extensive consultation will be undertaken on many of the schemes listed in appendix A to ensure that the views of all stakeholders have been taken into account in a fair and consistent way.

9.2 Growth and Sustainability

Most of the schemes in appendix A will improve safety for pedestrians and cyclists. This in turn will encourage people to walk or cycle and hence support the aim of encouraging the use of more sustainable means of travel.

9.3 Strong Communities

The delivery of the proposed measures will involve working closely with the local community to deliver successful schemes that respond to local needs.

10. EQUALITY IMPACT IMPLICATIONS

10.1 Boroughs have a duty under current race, disability and gender legislation to carry out an EQIA of their LIP. This should identify whether or not (and to what extent) a LIP has an impact (positive or negative) on a particular equality target group, or whether any adverse impacts identified have been appropriately mitigated. The Disability Discrimination Act 2005 specifically requires local authorities to promote equality for disabled people, and to have regard to the needs of disabled people, both in developing and implementing plans. The general duty under the new Equality Act 2010 also requires authorities to assess the impact of relevant proposals on all disadvantaged groups, and the proposed consultation around transport issues will inform this work.

10.2 In developing the workstreams in Enfield's LIP, an Equality Impact Assessment had been undertaken to ensure that the proposals presented do not discriminate against equality groups and that equality is promoted whenever possible. The amendments to the LIP programme recommended in this report maintain this position.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

11.1 The Neighbourhoods, Corridors and Supporting Measures funding stream contributes directly to four of the five core performance indicators defined by the Mayor:

- Modal share of non-car modes including cycling and walking levels
- Bus reliability
- Road casualty reductions
- Levels of CO₂ emissions from ground based transport

11.1.1 In addition, the Council's Local Implementation Plan has also proposed local indicators relating to:

- Reliability of bus services
- Improved bus stop accessibility
- Provision of cycle training

11.2 The proposed programme of works has been designed to help improve all of the above indicators.

11.2.1 Finally the proposed programme meets a number of the aims in the Council's Business Plan. In particular Aim 2.6, (Reduced number of casualties on Enfield's road), and Aim 2.5, (Improved sustainability of transport and reduce its impact on the borough – Introduce cycle lanes to link Enfield's network to the London Greenway), are addressed by this programme.

12. HEALTH AND SAFETY IMPLICATIONS

The schemes in appendix A will improve road safety.

13. PUBLIC HEALTH IMPLICATIONS

The Corridors, Neighbourhoods and Supporting Measures programme will improve public health in a number of ways. Some of the main ones are:

- Safety schemes and Quieter Neighbourhoods will reduce road casualties. By reducing the perception of road danger they will also encourage walking and cycling.
- Greenways will encourage walking and cycling.
- Bus schemes will encourage the use of public transport and reduce car use and thereby reduce air pollution.

- The Smarter Travel programme will encourage sustainable travel and thereby reduce air pollution.

More people walking and cycling will increase passive surveillance and may contribute to reducing both crime and fear of crime.

Background Papers

Local Implementation Plan 2014/15– Settlement and Programme of Works
(Portfolio report 25 March 2014).

APPENDIX A – Amendments to 2014/15 LIP Programme

TRANSPORT FUNDING THEME: CORRIDORS & NEIGHBOURHOODS – APPROVED ALLOCATION: £2,518,000

SCHEME NAME	SCHEME DESCRIPTION	Proposed LIP allocation (£ 000's)	Current LIP allocation (£ 000's)
WALKING & CYCLING			
Meridian Water - Enfield Town Quietway	Implementation of a cycle route using low trafficked roads or traffic free paths and including improved crossings of main roads. Allocation has been increased following preparation of more detailed design.	500	0
Edmonton - Enfield Town Quietway	This scheme and the one below are now both included within the Meridian Water – Enfield Town Quietway above.	0	250
Salmons Brook Quietway	See above.	0	176
Lea Valley Road Cycle Route	It had been hoped to build a cycle track in verge beside Lea Valley Road during 2014/15 but delays with Thames Water mean that we will only complete £25k worth of design work in 14/15.	25	400
Alma Road - River Lea Quietway	Implementation of a cycle route using low trafficked roads or traffic free paths and including improved crossings of main roads. Allocation has been reduced to following reassessment of work that can be completed in 14/15.	100	200
Enfield Playing Fields – Brimsdown Greenway	Completion of Greenway route. New addition to programme.	50	0
The Ridgeway – Hadley Wood Greenway	Design and consultation of upgraded path to encourage walking and cycling. New addition to programme.	15	0
Prince of Wales Greenway	Construction of walking and cycling path across Prince of Wales open space. £50k of funding will come from s106 from local development. New addition to programme.	23	0

SCHEME NAME	SCHEME DESCRIPTION	Proposed LIP allocation (£ 000's)	Current LIP allocation (£ 000's)
River Lea Towpath	Addition to s106 money to improve cycle route under A406. New addition to programme.	20	0
ROAD SAFETY		645	1000
Road Safety Schemes to be identified through national Technical & Economic Criteria	Borough wide analysis of personal injury collision data is being carried out to identify locations for treatment. Appropriate safety schemes will then be designed, consulted on and implemented. The programme will consist of 3-4 junction treatments + Mollison Avenue route treatment. Allocation has been significantly reduced following success of Mini-Holland bid. Previously extensive safety measures were proposed on main roads but this work will now be subsumed into Mini-Holland projects.	100	1000
Quieter Neighbourhoods	Measures in residential areas to reduce through traffic, improve road safety and encourage walking and cycling. 6 areas to be consulted on and designs agreed in 14/15, with delivery in 15/16. Rolling programme of neighbourhood schemes thereafter. Areas for design in 14/15 are Connaught Gardens Area, Fox Lane Area, Tottenham Road Area, Fernleigh Road Area, Haselbury Road Area and Main Avenue Area. New addition to programme.	200	0
School Travel Plan schemes	Measures to encourage walking and cycling to school. New addition to programme.	100	0
Junction Protection	Programme of double yellow lines at junctions to improve visibility and safety. New addition to programme.	50	0
The Grangeway	Zebra crossing. New addition to programme.	45	0
Pedestrian Crossing review	Measures to improve existing pedestrian crossings. New addition to programme.	150	0

SCHEME NAME	SCHEME DESCRIPTION	Proposed LIP allocation (£ 000's)	Current LIP allocation (£ 000's)
BUS RELIABILITY & ACCESSIBILITY			
Bus Stop Accessibility	Ongoing programme to bring all bus stops in Enfield up to the TfL BSA standard (as per revised targets detailed in Chapter 5 of Enfield's LIP).	100	100
Reducing Delays to Buses	Programme of measures to reduce delays on key bus routes (as per targets detailed in Chapter 5 of Enfield's LIP).	100	100
FUTURE CORRIDORS AND NEIGHBOURHOOD SCHEMES			
Schemes for 2015/16 & 2016/17	Investigation and design of traffic, road safety & environmental improvement schemes for implementation in future years.	200	200
CORRIDOR IMPROVEMENTS & TRAFFIC SIGNS REVIEW			
Reducing Clutter – traffic signs review	Application of new traffic signs policy aimed at reducing street clutter.	45	45
Upper Lea Valley Corridor Investigation	Investigation & development of proposals for future years in Central Leaside, NCR area in South West Enfield.	10	10
Legible London	Investigation & development of proposals for key town centres. New addition to programme.	25	0
RIGHTS OF WAY IMPROVEMENTS			
Rights of Way Improvement Plan as per Chapter 3 of Enfield's second LIP	Implementation of improvements to Enfield's rights of way network.	20	20
AIR QUALITY & TRAFFIC			
Air quality	Maintain & monitor at 12 monitoring sites. Fuel efficiency increase of own fleet & other measures to improve air quality.	75	75
Lorry ban	Complete implementation of Enfield / Haringey cross border lorry ban. Funding needed to complete of 2013/14 scheme.	220	0

SCHEME NAME	SCHEME DESCRIPTION	Proposed LIP allocation (£,000's)	Current LIP allocation (£,000's)
Montagu Road	Investigation into lorry movements on Montagu Road and possible mitigating measures. New addition to programme.	20	0
SMOOTHING TRAFFIC & CLIMATE CHANGE MITIGATION			
	Measures to smooth traffic on key routes. Allocation reduced to accommodate new schemes added to the programme.	10	100
CPZs			
Southgate CPZ	Re-consult and implement extension to existing CPZ. New addition to programme.	50	0
North Mid Hospital CPZ	Re-consult and implement changes to existing CPZ. New addition to programme.	50	0
Grange Park CPZ	Implement approved extension to CPZ. New addition to programme.	20	0
Holtswright Hill CPZ	Consult and implement on new CPZ requested by residents through a petition. New addition to programme.	50	0
Palmerston Crescent CPZ	Consult and implement on new CPZ requested by residents through a petition. New addition to programme.	50	0
Marlborough Road CPZ	Consult and implement on new CPZ requested by residents through a petition. New addition to programme.	50	0
Queen Anne's Gardens CPZ	Re-consult and implement extension to existing CPZ. New addition to programme.	50	0

PONDERS END MAJOR SCHEME	Design and consultation of traffic and urban realm improvements. Allocation reduced to better reflect the phasing of the project. Additional funding is expected to be made available by TfL in 2015/16 for scheme implementation.	400	1000
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TRANSPORT FUNDING THEME: SUPPORTING MEASURES – ALLOCATION: £553,000

WORK CATEGORY	WORK CONTENT	Proposed LIP allocation (£ 000's)	Current LIP allocation (£ 000's)
ROAD SAFETY – EDUCATION , TRAINING & PUBLICITY			
In Car Safety Advice Service	Provision training & advice on correct child restraints to people carrying child passengers	10	10
Junior Road Safety Officers in Schools – Road Rangers	Development of a Road Rangers project in schools to enable children to take a lead promoting road safety and travel awareness to their peers.	20	20
Safe Drive Stay Alive	Provision of theatre based education project for year 12 pupils by Entfield Road Safety Partnership. New addition to programme.	50	0
Road Safety – Public Engagement	Engagement with the public in priority areas of Road Safety – Concentrating on areas of deprivation, language difficulties and areas identified as priority for accident prevention; provision of theatre based education; interventions through community events	35	35
Enforcement Project	Targeted enforcement aimed at excessive speeds, seat belt non-use and mobile phone use whilst driving	20	20

SCHOOLS TRAVEL PLANS		56	5
STP Development - Training	Training of school staff in writing, reviewing and promoting STP. Increased allocation to accommodate expansion of this programme.	56	5
CYCLE TRAINING		100	100
Cycle Training	Provision of Bikeability nationally accredited cycle training to adults and children.	100	100
ACCESSIBILITY for IMPAIRED USERS		65	65
Shopmobility	Support for Shopmobility service for impaired shoppers	65	65
SMARTER TRAVEL CHOICES		117	145
Travel Awareness	Co-ordination of travel awareness – development of joint initiatives with adjoining boroughs and Support, Implementation and development of Car Club schemes. Increase in allocation to reflect up to date estimate.	85	75
Promotion of environmental awareness and Cycling	Projects, publicity & promotion of Travel Awareness initiatives and promotion and support for cycling through the Biking Boroughs Action Plan activities. Reduction in allocation to reflect up to date estimate.	32	70

TRANSPORT FUNDING THEME: LOCAL TRANSPORT FUNDING – ALLOCATION: £100,000

GENERAL TYPES OF WORK	Proposed LIP allocation (£ 000's)	Current LIP allocation (£ 000's)
<p>Overground Station Improvements – Improvements to station surroundings and station access in priority areas of the borough in order to complement other associated improvements. It is anticipated that the focus will be on some or all of the railway stations that will become part of the London Overground operation in 2015 (Silver Street, Edmonton Green, Bush Hill Park, Enfield Town, Southbury and Turkey Street). Reduction in allocation to allow funding of school crossing patrols (see below). Additional funding from TfL for station improvements is anticipated.</p>	50	100
<p>School crossing patrols Contribution towards provision of school crossing patrols. New addition to programme.</p>	50	0

