MUNICIPAL YEAR 2014/2015 REPORT NO.

MEETING TITLE AND DATE: Portfolio Key Decision KD 3599

REPORT OF:

Director of Schools & Children's Services and Director of Finance, Resources & Customer Services

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Agenda – Part: 1

Item:

Subject: Approval of approach and costs for a School Expansion Programme project

Wards: Winchmore Hill

Cabinet Members consulted:

Cllr A Orhan, Cllr A Stafford

1. EXECUTIVE SUMMARY

- 1.1 This report covers proposals for detailed feasibility and design work up to planning application, within the School Expansion Programme, on providing an additional 420 primary school places in a facility at Grovelands Park. The proposal responds to the need to provide school places in the South West of the Borough as referenced in Cabinet Reports of June 2013 and July 2014.
- 1.2 Approval is sought for a three stage approach to the detailed feasibility work up to planning application, the associated expenditure and delegated authority to the Directors of Schools and Children's Services and Finance for decision making at each stage of the feasibility process. This will include all resourcing and procurement for the detailed feasibility work up to planning application and the approval of the full planning application to be submitted.
- 1.3 The total cost of the detailed feasibility work up to planning application is estimated at up to £680,000 including contingency and Council client-side costs. Any commissioned studies or technical reports will be covered by operational decisions and the contracts will be subject to competitive tender and/or sourcing through approved Frameworks. The key point for feasibility considerations will be during stage two following pre-application planning consultation and detailed discussions with relevant statutory consultees such as English Heritage.
- 1.4 The operational budget for the Phase 2 School Expansion Programme was updated in the July 2014 Cabinet Report on 'strategy and approach to delivering pupil places' the overall budget for feasibility remains within the existing allocation on the Capital Programme, which for 2014/15 to 2017/18 is £72.1m. If the project progresses past stage two of feasibility then it will be established as a capital project within the SEP element of the Capital Programme. From that point, individual project costs and any required changes will continue to be managed and reported through the quarterly SCS Capital Monitor updates to the Capital Programme.

2. RECOMMENDATIONS

- 2.1 That the Cabinet member for Education, Children's Services and Protection and the Cabinet Member for Finance approve the following:
- 2.2 The proposed three stage approach to the detailed feasibility work up to planning application for a facility to provide an extra two forms of primary entry at Grovelands Park;
- 2.3 Expenditure of up to £680,000 to meet the costs of feasibility and design work up to submission of a full planning application;
- 2.4 Delegation of decision making to the Director of Schools and Children's Services and the Director of Finance, Resources and Customer Services via operational decisions as follows:
 - Gateway approvals to proceed to Stage 2 Planning Pre-Application consultation, Stage 3 full planning application or to terminate if the scheme is not feasible. A further Key Decision will be sought for any procurement of works beyond the planning approval;
 - Resourcing, procurement and contract award for services to support the detailed feasibility work up to planning application;
 - The submission of a full planning application.

3. BACKGROUND

- 3.1 The Borough of Enfield's population is projected to rise by approximately 14,000 people between 2014 and 2022. This reflects changing patterns of migration, birth rates, comparative rents, the implications of housing benefits reform (displacement from Inner London) and numerous other factors.
- In response to demographic changes and the need of pupil places, the Council approved the establishment of the Primary Expansion Programme (PEP), renamed in 2014 as the School Expansion Programme (SEP) to reflect its wider remit. The authority for decision making within stems from the 19 June 2013 Cabinet Report (KD 3719) and continued in the July 2014 Cabinet Report on Pupil Places (KD 3943). The relevant recommendations relating to delegated decision making in the 2014 report are as follows.
- 3.3 Delegated authority to the Cabinet member for Education, Children's Services and Protection and the Cabinet Member for Finance in consultation with the Directors of Schools and Children's Services (SCS) and Finance, Resources and Customer Services (FRCS), or the Assistant Director of Strategic Property Services (SPP), to take relevant decisions on:
 - The individual schools and sites that can be expanded, and decisions on statutory expansions, to meet the need for extra pupil places, both mainstream and special, up to 2018;
 - Entering in to contractual arrangements and placing orders for any capital works required for the projects;
 - Conducting any land appropriations as required for schemes to be developed;
 and
 - Conducting any necessary land transactions, including acquisitions by way of freehold or leasehold, as individual schemes are developed.
 - Delegated authority to the Directors of Schools and Children's Services and Finance, Resources and Customer Services to take decisions on the:

- Programme management arrangements and operational resourcing, including procurement of any required support services;
- Cost estimates, budgets and spend for projects in advance of updates to the Capital Programme;
- Submission of planning applications; and
- The appropriate procurement routes for individual schemes.

4. GROVELANDS PRIMARY FACILITY PROPOSAL

- 4.1 The July 2014 Cabinet report identified the need to provide extra primary pupil places in the South West area of the Borough. A facility providing an extra two forms of entry by 2016 on the Grovelands site was listed as an option to achieve that.
- 4.2 The proposal for Grovelands is to build a two form of entry (FE) primary facility where the current sports facilities (rugby & tennis) are located in Grovelands Park. The pitches, courts & associated accommodation are under-utilised and have not been maintained.
- 4.3 This location is also a significant distance from the main area of the Park and Grade I listed House (The Priory). However, the adjacent Grovelands Park is Grade II listed with historical, ecological and archaeological significance. Therefore initial discussions have been held with English Heritage (EH) as a statutory consultee involved in the planning process. A Conservation Management Plan and Options Appraisal have been commissioned to inform thinking on the feasibility of this scheme and to better understand constraints and opportunities going forward.
- 4.4 Following initial discussions, English Heritage have advised that they require more detailed information in order to provide specific feedback on the potential heritage impacts of the proposal. It is important to have EH endorsement as part of preapplication discussions given the heritage issues associated with this site.
- 4.5 Further design development is needed to provide the detail required to enable English Heritage to provide a view on the proposal. Given the potential risks and expenditure required to develop the proposals to this level of detail, a phased approach with three stages / two gateways is proposed.
- 4.6 A Project Team will be established to review the quality, time and cost implications and regularly report to the Programme Director and Director of SCS, with support from the expertise available through the SEP Programme Executive. If the information at any stage shows the proposal is not viable then the decision to not proceed can be taken and this helps minimise abortive costs and their consequent revenue implications.
- 4.7 The tables below set out a summary of the activities at each stage that are required to progress the project and control the risk of unnecessary revenue expenditure in the event that the project cannot proceed:

Stage 1		English Heritage ultation	Gateway target date Jan15	Estimated Cost £60,000	Gateway Tests for decision making
	Activi	ties			- V
	- Strategic definition & Brief, for new 2FE School, any initial stakeholder engagement				Feasibility Study recommendations
	-	Prepare initial optio			are acceptable to LBE
		Specialist Planning commentary on out with English Heritag	line options and		Degree of English Heritage support

Stage 1	Initial English Her Consultation	itage Gateway target date Jan15	Estimated Cost £60,000	Gateway Tests for decision making	
	Feasibility S	r English Heritage cons Study (inc 3D visuals, de options, etc)		sufficient to proceed to next Stage	
	- English Her options & aյ	itage consultation on lo	cation	Affordability of scheme based on	
	opportunitie	t on key constraints and s, impacts and mitigation	n strategies	Order of Cost / SEP funding	
		on issues - historic, env ology and traffic impacts		4. Balance of next Stage Cost	
	- Initial order	of cost advice		against the Risk that the project	
	desktop rev	rveys, flood risk assess iews, traffic assessmen rvice locations / capacit	ts and	cannot proceed	
	 Review of a firefighting 	ccess to park & school	site/s for		
		n of BREEAM target an available for consultation			
	 Project HSE 	notification			
		tudy for viable design 'o ation to SEP Executive proval			

Stage 2	Pre-Planning Application / Public Consultation	Gateway target date Apr15	Estimated Cost £215,000	Gateway Tests for decision making
	Activities			
	- Develop Concept De English Heritage pre Pre-Application for s	ferred location, elected design	for Planning	Pre-Application feedback Report on proposed scheme / risk
	- Specialist Planning / commentary on outli with English Heritage	ne options and	consultation	assessment of obtaining Planning approval
	- Further development Heritage consultation Application consultat maker block, detailed	n and Planning tion (inc 3D visu	Pre- ıals, model	English Heritage support for finalised design.
	etc)	etc)		
	- Further consultation	with English He	eritage	Board approval of overall scheme
	 Further development ground investigation Ecological, Arboricul Archeological) 	Topographical	Survey,	including mitigation measures for conservation issues, traffic

- Develop strategies required for Planning Pre-Application (ie Building Services, Energy strategy, renewables, structural, drainage, fire and landscape)
- Detailed Traffic Impact Assessment with study of traffic volumes, school requirements, impact on locality etc. - submit with Planning Pre-Application
- Update Order of cost estimate based on selected design 'options' and abnormals from surveys, desktop reviews and assessments
- Initial procurement advice / Programme
- School Travel Plan
- BREEAM Inform design strategy e.g. green roof / ventilation strategy / renewables / SUDS etc. plus ongoing consultation & non-building issues
- SCS Facilitation of consultation with all stakeholders
- Planning Pre-Application submission
- Pre-application stakeholder consultation
- Education Statutory Notice for extra capacity
- Planning Pre-Application Report

- mitigation and property issues.
- Affordability of scheme based on Order of Cost / SEP funding
- Viability of scheme delivery based on programme against need for statutory pupil places.
- Proposed scheme addresses stakeholder issues.
- 7. Stage 3 Cost / Risk project cannot proceed
- 8. Approval from SEP Programme Executive to submit full Planning Application

Stage 3		lanning cation	Gateway target date Oct15	Estimated Cost £285,000	Gateway Tests for decision making
	Activi	ty			
	- Develop Building Scheme Design for full Planning Application submission			Full Planning approval obtained;	
	-	Develop Landscap Planning Applicati	_	gn of for full	progress to Key Decision —
	-	Heritage consultate Application consu	ment of materials for English tation and Planning Pre- sultation (inc 3D visuals, model tailed plans, landscape options,		approve to procure
	-	Further consultation	on with English He	eritage	
	**	Full Planning App	lication submissio	n	
	-	Develop detailed	Cost Plan		Base Leading
	, 30 0	Develop Procuren	nent Plan		
	3 %	Update and finalis Planning Applicati Energy strategy, r drainage, fire and	on (ie Building Se enewables, struct	rvices,	

- Update and finalise required surveys (ie ground investigation, Topographical Survey, Ecological, Arboricultural, Noise and Archeological)
- Further site investigation, as necessary to support full Planning Application
- Update detailed Traffic Impact Assessment with Traffic Mitigation proposals for full Planning Application
- Update School Travel Plan
- BREEAM Pre-assessment for full Planning Application
- SCS Facilitation of consultation with all stakeholders
- Full Planning Application submission / process to Planning Committee / Referral
- 4.8 The costs for each stage are based on estimates generated by the Council's Corporate Maintenance and Construction Team (CMCT) and can be summarised as per the table below.

Stage	Stage description	Estimated cost
1	Initial English Heritage Consultation	£60,000
2	Pre-Planning Application / Public Consultation	£215,000
3	Full Planning Application	£285,000
	Sub-total	£560,000
	Contingency (at 20%)	£120,000
	Total	£680,000

- This includes professional costs (internal/external), external services (surveys etc.), and other LBE statutory costs (e.g. planning fees). Estimated fees are based on an scheme estimate using the average per pupil amounts established in the June 2013 cabinet report and uplifted by inflation as reported in the July 2014 cabinet report. This calculation gives a scheme value of £10million at this stage but once there is more information on the site and the complexity of the design the next cost estimate could vary considerably. Additionally, once the final scheme is tendered any impact from construction inflation will be known, which can further affect the expected costs and required budget.
- 4.10 There is a possibility that the programme, or detailed work, for the 3 stages will need adjustment as feedback is received from the previous stage in particular to satisfy key stakeholders such as English Heritage and to ensure all the key issues are addressed as part of the preparation of the full planning application. Cost and programme will be reviewed on an ongoing basis to ensure the overall timeframe is maintained. The Gateway decision at Stage 2 will be particularly important as this is the point where the project either proceeds to full Planning Application stage or is terminated on the grounds that it is not feasible (cost, time, lack of endorsement from English Heritage, stakeholder objections).
- 4.11 Decisions around procurement and resourcing will comply with the delegated authorities put in place through the Cabinet reports of June 2013, July 2014 and the operational decision on programme establishment in April 2014.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 There are no other suitable sites available in the South West pupil place planning area that can provide additional permanent primary school places from September 2016 in line with the broader demand set out in the July 2014 Cabinet report. The two other site options, Broomfield and Minchenden, have been considered as follows.
- 5.2 Broomfield Secondary is an option to provide primary capacity through expanding it into an all-through school. However, its location in terms of meeting the needs of parents and pupils from the Lakes estate is far from satisfactory in relation to the council's policy of local places for local pupils. In addition the project is not yet ready to bring forward for two main reasons:
 - 5.2.1 We have bid to central government for funding to rebuild Broomfield and if successful we will need to negotiate with them on including a primary expansion within the project. The funding announcement is not expected until December or January and with subsequent negotiations it is unlikely we'll have certainty in the project until the middle of 2015. If successful the Education Funding Agency would deliver this project and they have not confirmed their delivery timescales.
 - 5.2.2 Broomfield is currently classified by Ofsted as "requires improvement to be good" (RIG) and as such the leadership and management of the school must prioritise the improvement of educational outcomes. They currently do not have the capacity to take on the extra pressure of being involved in planning and delivering a permanent school expansion.
- 5.3 The Minchenden site has been the subject of a separate report where the intention is to enter into a lease agreement with Barnet and Southgate College. This site is less suitable for a two form of entry primary facility due to space requirements and access for 420 pupils. Additionally, this site is more suitable for the provision of extra special needs places due to its proximity to Southgate College as this provides the opportunity for improved working with the college on SEN provision to develop clear pathways for students.
- 5.4 Grovelands' location offers the opportunity of achieving a more even distribution of primary age education provision. In fully developed areas of the borough this kind of opportunity rarely occurs. Improving the distribution of schools helps parents access a more local school and when combined with a good school travel plan can mitigate against more congestion on the roads as peak times. Additionally the Council owns the Grovelands site which removes the time and cost of site acquisition. Part of the redevelopment of that site would be to improve an area of open space which meets the Council's wider objectives on the provision of quality open spaces for public access.
- 5.5 A partner school (Bowes Southgate Green) managed by the Bowes Primary School, which is rated by Ofsted as outstanding, has already been established at Broomfield Secondary to provide extra primary school places in the short to medium term. There is some flexibility around provision at this site and it effectively serves as contingency whilst Grovelands is progressed. There are options to extend the provision of places at this facility up to September 2016 if required. Capacity can also be increased from the current one form of entry to two forms. This facility will definitely take new pupils in September 2015 and when there is more certainty about the permanent provision of primary places in the South West of the borough then a decision will be taken on the arrangements for this facility.
- 5.6 Enfield Council has a statutory responsibility to provide the necessary school places. This revised strategy to provide the additional capacity and expertise to ensure that this programme is delivered on time and providing best value for the Council. Not providing places cannot be considered an option and on the basis of other available

- site options the recommendation is to proceed with this feasibility or risk not meeting the Council's statutory responsibility in September 2016.
- 5.7 Other options considered in relation to meeting the Council's statutory responsibility on school places have been considers as follows:
 - Increasing class sizes to over 30 pupils. Current legislation stipulates that Key Stage 1 classes cannot exceed 30 pupils with only one qualified teacher. This does not apply to Key Stage 2. This was rejected on the basis that school accommodation does not normally allow for more than 30 pupils in one class base.
 - The use of community halls as emergency class bases. This option has been explored with a number of head teachers in relation to the development of the Partner School initiative. This was rejected in this instance as the preference is to establish permanent expansions and only use partner schools where necessary.

6. REASONS FOR RECOMMENDATIONS

The Council has an overriding statutory duty to provide sufficient pupil places to meet anticipated demand. The strategy will deliver the additional places required in the areas of the highest demand over the short term, up to 2018.

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

7.1 Financial Implications

- 7.1.1 This report seeks approval to expenditure of up to £680k for the feasibility, design and planning approval works required to progress this proposed project. The costs associated with this proposed project have been allocated between 3 stages (see para 4.8 above) and will be incurred up to October 2015. It is understood that options for delivering the required places in this part of the borough are limited, however it should be noted that there are significant financial risks resulting from the potential difficulties associated with delivering the facility on this site.
- 7.1.2 Due to the sensitive nature of the site and the requirement to consult with English Heritage the costs of the feasibility and design work will be materially higher than other primary school expansion schemes approved in recent years. Abortive costs incurred during feasibility stage cannot be capitalised if the project does not proceed to construction and would need to be met from the SCS revenue budget. As there is no available budget to fund these costs this would add to the ongoing revenue pressures that the department faces within its revenue budget during 14/15 or 15/16. Whilst it may become apparent at Stage 1 or 2 if the project is not feasible there is a material risk that the project could be aborted as late as Stage 3 if planning approval is not gained. Expenditure incurred up to stage 2 is estimated to be in region of £275k rising to a maximum of £680k at stage 3.
- 7.1.3 There will also be additional cost implications (as yet unquantified) associated with this scheme's location in that the cost of design, construction and materials used will be higher as there will be a need to incorporate the requirements of the interested parties in order to complement and be sensitive to the buildings location. At present it is difficult to estimate the significant capital cost of the scheme. However, because of its complex nature it will potentially require additional resources over and above the £10m that is currently provisionally allocated for this scheme within the SEP element in the SCS capital programme. This would require the identification of additional capital resources

7.2 VAT Implications (PLEASE UPDATE TEXT)

7.2.1 The supply of statutory education by the Council is deemed to be a non-business for VAT; therefore the council is able to recover VAT incurred towards this supply under the provisions of S33 of VAT Act 1994 if it procures/contracts for the works, receives the supply, receives a VAT invoice in its name and pays with its own (corporate) funds.

7.3 Legal Implications

- 7.3.1 Section 14 of the Education Act 1996 requires that an authority ensures that sufficient school places are available within its area for children of compulsory school age.
- 7.3.2 Section 111 of the Local Government Act 1972, includes the power to do anything ancillary to, incidental to or conducive to the discharge of any of its statutory functions. The recommendations within this report are in accordance with these powers
- 7.3.3 All procurement for the necessary works/services/goods (where applicable) will need to be in accordance with the Councils Constitution, in particular Contract Procedure Rules.
- 7.3.4 The land is subject to various restrictive covenants. The beneficiaries of some of these covenants are unknown. These covenants can be tested at full planning stage where objectors, successors in title and beneficiaries of the covenants may come to light.
- 7.3.5 As the land is 'open space', section 122(2A) of the Local Government Act 1972 provides that a local authority may not appropriate any land consisting or forming a part of open space without first providing public notice for two consecutive weeks in a local newspaper, with a 28 day period for any objections to be considered. The Council must act reasonably in considering any objections. This statutory requirement of public notice consultation and consideration of objections must be observed. Furthermore, the provisions of the Town and Country Planning Act 1990 regarding commons and town or village greens, must also be considered, if applicable.
- 7.3.6 Any land transactions, including dealing with users of the land will need to comply with the Council's Property Procedure Rules. Furthermore the proposals for development would also be subject to the usual statutory consents.
- 7.3.7 All legal agreements will need to be in a form approved by the Assistant Director of Legal Services.

7.4 Property Implications

- 7.4.1 The Strategy set out in this report will provide additional primary places in local areas of need if a school could be feasibly cited on the preferred location.
- 7.4.2 Any school development will have to take account and be aware of the fact that Groveland's Park is listed within English Heritage's Historic Parks and Gardens (Grade II*) through its links with the famed landscape architect Humphrey Repton and architect John Nash. The park is also an outstanding example of the work of Thomas Mawson, a landscape architect of the early 20th Century and president of the Town Planning Institute.
- 7.4.3 The park is also a Site of Importance for Nature Conservation (SINC) and therefore any development and subsequent planning application would require various surveys at differing times of the year to ensure that all habitats and the presence of any protected species is understood.

- 7.4.4 The proposed location of the school is also located in proximity to the Mansion House a Grade 1 Listed Structure and hence any proposed development will need to carefully consider its potential impact on the Listed building's setting. A visual assessment/appraisal may therefore be required to support the planning application and there may also be a requirement for a desktop archaeological study to support the planning application.
- 7.4.5 The Park is designated Metropolitan Open Land (MOL) which is given the same protection as Green Belt in the National Planning Policy Framework and is also within a conservation area, due to this there will be a requirement for early consultation with major stakeholders such as the GLA and relevant conservation bodies.
- 7.4.6 The built form, function and structure of any new development will therefore need to be appropriate and sympathetic to the Park and the Priory Hospital's special character, namely the scale, massing, orientation, pattern, materials to be used and the architectural detail and to this end applications will need to demonstrate how the proposals will respect and enhance the Parks landscaped character.
- 7.4.7 Grovelands Park, and the Bourne in particular, is subject to various restrictive covenants that need to be carefully considered prior to deciding to proceed with the scheme. There are a variety of options available to the Council to negotiate the removal of these covenants.
- 7.4.8 The proposed scheme is located in designated open space and as such its disposal or use other than open space will need to be consulted and appropriate notice will need to be given pursuant to Section 122 of the Local Government Act 1972.
- 7.4.9 If the development obtains planning permission then the Council will have to serve notice under Landlord & Tenant Act 1954 on various occupiers within the Bourneside Sports Ground. Depending on the scheme footprint, the Council may enter into a negotiated acquisition of the Thames Water land to the north east of the proposed school site. Thames Water is aware of our proposals and has intimated that they will be amenable to an approach from the Council.

8. KEY RISKS

Project level risks will be managed through the SCS led project team and established working practices primarily between SCS, Corporate Property Services and the Corporate Management and Construction Team. Risk reporting and escalation will be to the Programme Director and Programme Executive Core Group, which acts as the proxy project board for all schemes, with subsequent escalation to the full Programme Executive which supports the Senior Responsible Officer.

8.2

RISKS

Failure to secure English Heritage (EH) approval as part of formal statutory consultation as part of planning submission - The development is in close proximity to a Grade II registered historic park and within the curtilage of a grade I listed property. The park is on EH's register of Heritage at Risk in London. English Heritage (EH) is a statutory consultee in the planning process and they can advise the Secretary of State to 'call in' the planning application for determination. They can also advise the Secretary of State against granting approval. It is essential that any discussions (such as accessing Heritage Lottery Fund), via English Heritage are conducted in a way that avoids negative impact on other heritage projects being delivered or planned by the Council.

Mitigating Actions:

Consult extensively with EH during Stages 1 & 2 to maximise the

RISKS

possibility of an acceptable scheme which they can support.

- Prepare robust statement & evidence as to why this is the most suitable location for the development how the proposal would deliver mitigation and enhancements to the heritage assets.
- Report back to Director of SCS at the end of each stage with EH feedback and opportunity to abort or continue with the project.
- b Property Implications associated with Restrictive Covenants The land is subject to various restrictive covenants. The beneficiaries of some of these covenants are unknown. These covenants can be tested at full planning stage where objectors, successors in title and beneficiaries of the covenants may come to light.

Mitigating Actions:

- Project team to involve Corporate Property and Corporate Legal teams on scheme development through stages to understand impacts on timescales of resolving property issues through legal process.
- Report back to Director of SCS at the end of each stage with a recommendation on whether to continue the project.
- Stakeholder Engagement and Reputation Risk In addition to EH, other groups & individuals could also object to the development. For this scheme, there is a wide range of stakeholders with an interest, ranging from heritage and amenity organisations, park users, to groups seeking extra places in this area of the borough. Effective stakeholder engagement will be essential as part of the pre-application staged process to log concerns and provide a coherent response and to mitigate against stakeholders furthering individual agendas.

Mitigating Actions:

- Create & execute comprehensive stakeholder engagement strategy to mitigate against potential reputational damage.
- Ensure proposals maximise the possibility of compliance with all local & national planning policies.
- Create a Planning Panel with the local community.
- Extend the pre-planning application (Stage 2) to external stakeholders as well as internal stakeholders, such as Conservation Action Group, resident & community groups, national groups listed above etc.
- Abortive Costs £275,000 approx. of revenue costs (excluding contingency) could be incurred to achieve a degree of certainty about the project's likelihood of success with a planning application. Ultimately £680,000 is at risk as there is no guarantee of approval from the Secretary of State to the planning application. If the scheme proves not to be feasible or the planning application fails then the revenue costs cannot be capitalised.

Mitigating Actions:

- Create a staged process to feasibility with cost & time implications outlined to ensure transparency prior to commencement.
- Ensure the involvement of the Corporate Property and Corporate Legal teams in the project and utilise planning expertise in developing proposals.
- Report back to Director of SCS at the end of each stage with a

RISKS

recommendation on whether to continue the project.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for All

This proposal will result in pupil places being created across the Borough in order to meet demand in the relevant geographical areas which will also create employment opportunities for teaching and support staff. Further improvement and investment in school buildings will provide greater opportunities for enhanced community use.

9.2 Growth and Sustainability

By ensuring that places are provided in areas of highest demand, this will ensure that pupil mobility across the Borough is kept to a minimum. This therefore means that increased road travel is minimised and families can be encouraged to walk to school.

9.3 Strong Communities

The proposals outlined in this report will provide additional places in parts of the Borough where pressure on local schools is forecast to be greatest. The extra places provided in the neighbourhoods of highest demand will help satisfy demand in these specific areas and will ensure that young children will not have to travel unmanageable distances to and from school.

The proposals in this Strategy will allow the Authority to have greater control over the provision (and potential future reduction) of pupil places, allowing more opportunities to stabilise local communities and ensure that there are local places for local children.

10. EQUALITIES IMPACT IMPLICATIONS

10.1 An equality impact assessment was completed for approval of the strategy in June 2012 and for PEP2 in December 2013 and by extension the SEP. The strategy was developed to ensure that there are sufficient places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to high quality education. In accordance with the publication of statutory notices, it will be necessary to complete full consultation with residents and parents where there is a proposal to permanently expand a school.

11. PERFORMANCE MANAGEMENT IMPLICATIONS

11.1 The provision of additional places at the schools identified in this report will enable the Authority to meet its statutory duty to ensure the availability of sufficient pupil places to meet demand. The strategy presented in this report is consistent with the national agenda for expanding schools to meet local requirements.

12. HEALTH AND SAFETY IMPLICATIONS

As all of the PEP projects will involve contractors working on existing school sites, the Council will ensure that contractors provide the highest level of Health and Safety on site. There are no specific health and safety implications other than the impact of additional traffic, generated by increased numbers at the PEP schools. Working with Highways, funding has been included in the cost summary to allow for traffic mitigation measures on each of the schemes. As part of the planning approvals process, traffic impact assessments have to be submitted for

each scheme, and the Planning committee will have to give approval. Garfield Primary School Travel Plan gained Bronze Accreditation in June 2014.

13. PUBLIC HEALTH IMPLICATIONS

13.1 Providing primary school places in the areas where there is demand will encourage parents and carers to walk to school. This will impact on the health and well-being of the public in Enfield. Walking to school will encourage healthy lifestyles, and reduce pollution caused by traffic.

MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TAKEN UNDER DELEGATED AUTHORITY

PORTFOLIO DECISION OF:

Cabinet Member for Economic Development

REPORT OF:

Director – Regeneration & Environment

Agenda – Part: 1	KD No: N/A	
Subject: Santa's Cr	uise Event	
Wards: Ponders En	nd	

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1. EXECUTIVE SUMMARY

- 1.1 Evaluation of previous events, including the Lock to Lock festival 2013, Christmas Glow 2013 and Meridian Water Festival 2014, revealed that there is strong support to introduce further leisure activity on Enfield's waterways.
- 1.2 The Council has prepared an event outline for a 'Santa's Cruise' event on the Lee Navigation in Ponders End, for the Christmas period from 29th November to 21st December 2014.
- 1.3 This Event sets out Enfield Council's commitment to its aims for fairness for all, growth and sustainability, and builds strong communities in a regeneration priority area.

2. RECOMMENDATIONS

That the Lead Member for Economic Development notes the indicative costings for the proposed Santa's Cruise event during December 2014, and agrees the proposed contribution to move forward delivery.

3. BACKGROUND

- 3.1 The Christmas Glow Festival has been running in North East Enfield since 2011, delivered by Enfield Council, in collaboration with community partners, funded through the Outer London Fund (OLF) rounds 1 and 2.
- 3.2 The highlight of the Christmas Glow 2013 was the Santa's Cruises, which consisted of a visit and present from Santa on a Christmas themed canal boat during a 90 minute trip. The trips were pre booked, and hit capacity a week after release so additional boat trips were sourced, approx. 500 passengers took part.
- 3.3 Community interest in activity on the waterways was identified in the draft Ponders End Framework for Change document and further evidenced in evaluations for 2013-2014 events, and oversubscription at the Meridian Water Festival in September 2014.
- 3.4 There is a developing partnership to open access to the waterways with a local boat operator and local businesses. The proposed event would keep momentum going for water-based activity and encourage the boat operator to invest in Enfield. In future, there will be significant scope to increase water based activity at Meridian Water.
- 3.5 Branding, literature and event processes already exist from the 2013 programme, which will result in resource and time savings to this project.
- 3.6 Since OLF2 drew to a close, community cohesion events have been limited in North East Enfield, so there is an opportunity to provide activity that fits with the Council's aims and community aspirations whilst also supporting regeneration engagement.
- 3.7 The Council has experience in successfully delivering events, engagement and consultation activities.
- 3.8 The event would build on existing partnerships and develop new relationships with the local community, which could increase participation in future consultation activity in Ponders End and Meridian Water.

4. PUBLIC CONSULTATION

- 4.1 Previous events that have involved water-based activity have been highly successful. The event evaluations evidence the community's interest in activity, especially the Santa's Cruise 2013, where the event was positively received and the common feedback theme was to repeat the event in December 2014.
- 4.2 This feedback warranted exploring a Santa's Cruise 2014 programme, which would satisfy the community's desire for continued activity, and build the Council's reputation within the community to develop and deliver projects within this priority regeneration area.

- 4.3 Small improvements will be made to the 2014 programme based on 2013 feedback to help build community ownership and build trust.
- The proposed event will provide an opportunity for community integration across the borough, which would be measured through evaluation.

5. ALTERNATIVE OPTIONS CONSIDERED

The alternative to do nothing was considered but discounted as the community benefits and opportunities within this priority regeneration area outweigh the risks. The event could encourage investment in Enfield by enabling a more resilient partnership with the boat operator, local businesses and the community.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Agreement to deliver the Santa's Cruise event would enhance the Council's reputation in the community to deliver events that they have proposed.
- 6.2 Supports Core Policy 41 which seeks to introduce leisure activity at Ponders End Waterfront.
- 6.3 The event will contribute to the growth and sustainability of Ponders End by attracting visitors and investment.
- 6.4 The event will encourage borough-wide participation and could improve perceptions of the north east of the Borough.
- 6.5 Sponsorship will be sought to reduce the contribution from the Council.

7. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

7.1 Financial Implications

- 7.1.1 The 2014 Santa's Cruise Event has to meet the income targets required to cover the majority of the Show costs, along with other funding from sale of boat trips and merchandise. The expected cost of the show is £12,625 based on 32 Santa Cruise trips over eight days. The majority of the planned expenditure should be met by the funding streams assuming the income received in sales for the 2013 show is repeated for the 2014 Show. The total income generation of £9,686 is based on 2013 demand. The £2,939 shortfall will be met within the Neighbourhood Regeneration revenue budgets.
- 7.1.2 Should the 2014 Show fail to raise £9,686 through ticket sales and sale of merchandise, any shortfall will be met within the Neighbourhood Regeneration revenue budgets. The cost to the

service is based on passenger demand (assuming 2013 passenger profile) as follows.

Cost to the service	Passenger
	demand
£2,939	Based on 100%
	passenger
	demand
£4,985	Based on 75%
(8)	passenger
	demand
£7,030	Based on 50%
	passenger
	demand

7.1.3 There is a risk that the event fails to generate income for any or combination of the following reasons, Income target could not be met due to low take up as the prices have increased from last year and adverse weather conditions result in decreased attendance.

7.2 Legal Implications

- 7.2.1 By virtue of s.1 of the Localism Act 2011 the Council has the power to do anything that a private individual may do, subject to the limitations listed in s.2 of the Act and any other enactment or regulation. The provision of a Santa Cruises is in accordance with this power.
- 7.2.2 Any sponsorship secured to assist in meeting the costs of the delivery of the Santa Cruises must be transparent and open to all, in addition there would need to be strict conditions attached to the sponsorship to ensure that any advertising of the sponsorship was proportionate, that the Council was not seen to be promoting the sponsor in anyway and not bring the Council into disrepute.
- 7.2.3 The procurement of services under this scheme must be in accordance with the Councils Constitution, in particular Contract Procedure Rules.
- 7.2.4 Sponsorship agreements and any other agreements, such as legal agreements to use the boats must be in a form approved by the Assistant Director of Legal Services.

7.3 Equalities Implications

7.3.1 The event is proposed in a regeneration priority area, which will encourage community cohesion for all protected characteristics. Although, the event celebrates Christmas it is not religious therefore does not exclude participation from other cultural and religious backgrounds. The event is accessible for wheelchair users and special

requirements will be accommodated where possible. Appropriate risk assessments, Health and safety checks including CRB's will be put in place.

7.3.2 The event has considered equalities implications, and made necessary adjustments to make the event accessible to all and limit adverse impact on the community.

7.4 Property Implications

There are no direct Property Implications, but this event may help more water based economic and leisure activity develop at Meridian Water.

8. KEY RISKS

- 8.1 Minimal financial risk as pricing structure increase could negatively affect bookings which would increase the Council contribution to the event.

 Mitigation: There is evidenced community interest from three previous events. Community interest and sponsorship will be sought to mitigate the risk of additional contribution from the Council's budget.
- 8.2 The Council's reputation could come under scrutiny if the event fails and costs are not proportionate to the benefits. **Mitigation**: Market research and seeking additional sponsorship.
- 8.3 Water safety risk: **Mitigation:** Appropriate risk assessments, public liability and insurance from the Boat operator and this risk will be owned by them. Appropriate checks will be made to approve documentation including safety measures.

9. IMPACT ON COUNCIL PRIORITIES

9.1 Fairness for all

Provide a unique activity that is accessible to all, and will encourage cross borough community integration.

9.2 Growth and Sustainability

- 9.2.1 Increase footfall in North East Enfield and contribute to its growth and sustainability.
- 9.2.2 Encourage investment from a local boat company to operate a 2015 programme and initiate conversations to draw up a Service Level Agreement with local partners including The Canal and Rivers Trust and local businesses.
- 9.2.3 Provide better opportunities for the local community that they may have never experienced in an innovative way.

9.3 Strong Communities

- 9.3.1 This event will encourage borough-wide participation, and deliver a positive community experience which will indirectly improve perceptions of North East Enfield and support the creation of strong communities.
- 9.3.2 Santa's Cruise will enable community cohesion through the celebration of Christmas and the waterways.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

- 10.1 Ponders End was identified as a priority regeneration area in 2006 based on opportunity and need. It is identified as an opportunity area in the Upper Lee Valley Opportunity Area Framework and in the borough's planning framework. Since the creation of the draft Ponders End Framework for Change in 2009, the Council has developed the regeneration programme for Ponders End in tandem with the local community. There is now significant political and community momentum behind the programme.
- 10.2 The London Borough of Enfield was granted funding by the Greater London Authority, for OLF Round 2 funding totalling £1.9m to deliver a series of projects including a programme of community cohesion events during the Olympic year and beyond. This event would continue the programme of community cohesion events in Ponders End and link to existing regeneration projects.
- 10.3 Publicise and raise awareness of Ponders End and North East Enfield.
- 10.4 Enhance partnership working between the Council and local stakeholders, and foster strong community ownership and involvement.

11. COMMUNITY IMPLICATIONS

- 11.1 The Event will bring people together from across Enfield to celebrate Christmas/Winter, and increase footfall in a priority regeneration area.
- 11.2 It is an opportunity for the community to discover the waterways in Enfield
- 11.3 Local volunteering opportunities through work experience and short term employment.
- 11.4 Publicise and raise awareness of Ponders End and North East Enfield.
- 11.5 Enhance partnership working between the Council and local stakeholders.
- 11.6 Develop Waterways partnership and business opportunities.

- 11.7 Continue previous Waterways Events (Lock to Lock and Christmas Glow).
- 11.8 Strong community ownership and involvement.
- 11.9 Will provide a unique Christmas experience for all the family.

12. PUBLIC HEALTH IMPLICATIONS

- 12.1 The Santa's Cruise event will be accessible, and encourage activity along the waterways, including using the cycle and pedestrian pathways along the canal towpath.
- 12.2 It will promote community cohesion which can assist in promoting good mental health. Being on the water and in open green space can enhance mental health.

Background PapersNone.

Appendices:

- Appendix 1 Cost profile for 2013 and 2014
- Appendix 2 Indicative costs
- Appendix 3 Feedback from Christmas Glow 2013

Appendix 1: Cost profile 2013 and 2014

Actual Passenger Demand 2013

Total Christmas Glow Passengers 2013		476
Days operated		4
Average passenger demand per day		119
Actual Passenger Profile	Adults	Children
Christmas Glow - Average Passenger profile	55%	45%

2014 Projected Daily Passenger and Income Profile

	Adults 55%	Children 45%	Total
Pax	26	21	
Price	£4.99	£5.99	
Revenue	£128.99	£126.69	£255.68

Trips per Day	4
Daily Revenue	£1,022.72
Passengers per day	188
Total Passengers	1504
Operational Days	8
Or Weekends Required	4

Appendix 2: Indicative Costs

		Estimated expenditure		
Logistics	Santa Cruises: 2013	Notes	Expected Costs: 2014	Notes
Marketing and Communication	1600	25% of Festival marketing	2000	flyers, posters, banners and consultation material)
Canal Boats	3500	did not include site management	2600	Discounted rate @ £700 per day
Site management	720	Local organisation	0	是一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个一个
Licenses	161.7	TEN, PPL, PRS, CRT	200	TEN, PPL, PRS, CRT
Administration & Bookings	1525	based on £50pd	1750	could be reduced
Supply Goody Bags for Boat	1350	450 presents (£3)	17.15	572 presents (£3)
Santa	0	Volunteers	400	expenses x 8 (could potentially be a volunteer)
Christmas decoration	800	Incl hire of santa costume	200	This maybe sponsored by Tesco
Volunteer expenses	295.62	local volunteers	160	based on 2 volunteers per day - expenses £20
Merchandise	373,19		300	Xmas Hats &table games
POP up photo studio	The Other Manager	local photgraphy company - discounted prints	0	local photgraphy company - discounted prints
Total Expenditure	10325.51	5 days of Santas Cruises (13 trips)	12625	based on 8 days of Santas cruise (32 trips)
Funding	6250	25% OLF2 funding allocated	0	
		Income generation		
Santa Hats and Glow sticks	182	limited availibility	1504	50% take up
Boat trips	1248	Based oncosts at £3 Adult/£5 child	8182	Based on 2013 demand and costs at £4.99 Adult/ £5.99 Child
Total income generation	1430	Banked	9896	
Sensitivity analysis: contribution	8895.51	2013 costs	2939	Based on 100% passenger demand
	Sensitivity analysis: contribution Sensitivity analysis: contribution	bution ibution	4984.5 7030	Based on 75% passenger demand Based on 50% passenger demand

Please note: the assumption has been made on the passenger demand is based on 2013 passenger profile (adult 55% and child 45%)



Portfolio Report: Santa's Cruise Event

Appendix 3: Feedback from Christmas Glow Festival 2013 Evaluation Report

Feedback from Christmas Glow 2013

Overall the feedback about what people enjoyed about the event was overwhelming and all positive. The reoccurring comments throughout all events are detailed below;

- It was well organised with a variety of events
- Proud of the community spirit and to be an Enfield resident
- Good value for money and local
- There was something for everyone, all ages and accessible
- It had a festive feel, with nice decoration and a good atmosphere
- Friendly staff
- Lots of refreshments available
- A unique family experience
- Santa's Cruise not a conventional grotto but a great novelty to be on a boat on the River
 Lee Navigation
- Great to see Father Christmas and spend time with the kids
- Loved everything about the event
- Cruise was delayed but organisers went out of their way to accommodate us
- Would do it again as it was well organised and peaceful
- Very happy, brilliant, loved it
- Glad the Council is bothering, thank you and well done
- Carry on the good work
- Please do this again next year and every year
- Have similar events for other occasions
- Great staff, service and customer service skills
- Well priced, cheap and value for money
- Kids loved it
- More advertisement
- Great for the local community and we appreciate it
- More events like this and more frequently

Improvements:

- Santa could have sung Christmas carols to interact with the customers
- Bigger activity pack and games on board
- More decoration
- Could increase price
- Increase the service over the whole period of December
- Warmer boat
- Evening cruises

MUNICIPAL YEAR 2014/2015 REPORT NO.

ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

OPERATIONAL DECISION OF:

Director – Regeneration and Environment

Agenda – Part: 1 KD Num: 3992

Subject:

Approval of Contract Award for Legal Support Services to Lee Valley Heat

Network

Wards: All

Contact officer and telephone number: Jeff Laidler, 0208 379 3410

E mail: Jeff.Laidler@Enfield.gov.uk

1. EXECUTIVE SUMMARY

Following a Part B Service tender process this report summarises the outcome of the tender evaluation phase and makes a recommendation for the award of the contract in respect of the provision of external legal services to LVHN.

The procurement was a Part B Service, therefore the Authority did not need to publish an OJEU Call for Competition Notice for Expressions of Interest, but placed an advertisement on Procontracts seeking expressions of interest from legal practises.

2. RECOMMENDATIONS

It is recommended that the Authority award the legal support services contract for the Lee Valley Heat Network to Supplier C, as set out in the Part Two report.

3. BACKGROUND

- 3.1 The London Borough of Enfield ("The Authority") is seeking to commission a suitably experienced legal firm to support the successful development of a heat network across the Lee Valley (the Lee Valley Heat Network).
- The procurement was a Part B Service in accordance with the Public Contracts Regulations 2006. The Authority did not need to publish an OJEU Call for Competition Notice for Expressions of Interest, and simply placed an advertisement on Procontracts seeking expressions of interest from legal practises in accordance with procurement rules.
- 3.3 The Authority is setting up an arm's length, local authority controlled company to deliver the heat network, called Lee Valley Heat Network Ltd, (LVHN). Whilst the Authority will initially commission the successful legal firm and rely on their advice, LVHN when formed will also need to rely on the firm's advice, along with other local authorities who may participate in the scheme at a later date.
- 3.4 The service contract is expected to commence in November 2014 for an initial contract term of 1 year, subject to funding and satisfactory performance the contract may be extended for up to a further 3 years in 12 monthly extensions.
- 3.5 See Part 2
- 3.6 See Part 2

4. ALTERNATIVE OPTIONS CONSIDERED

See Part 2.

5. REASONS FOR RECOMMENDATIONS

Following a robust technical and financial evaluation process, the Suppliers were scored as follows;

Total Score Ranking

Supplier A	Supplier B	Supplier C
78.18%	79.68%	87.95%
3	2	1

It is recommended that the authority award the contract to Supplier C whose technical and financial submission proved to be the most economically advantageous. In particular, the depth of experience of the individuals being allocated to the contract in this specialist sector was demonstrated to be of a very high standard which will be important in:

- Keeping contract costs as low as possible by using previous template agreements
- Maintaining programme on the delivery of the scope
- Minimising operational risks within LVHN business

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

6.1 Financial Implications

See Part 2.

6.2 Legal Implications

- 6.2.1 The Council has power under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way. In addition, section 111 of the Local Government Act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. Therefore the Council has the necessary powers to appoint the legal advisors required for this project.
- 6.2.2 The procurement for the legal advisors has been carried out in accordance with the Councils Constitution, in particular Contract Procedure Rules and Part B Services requirements under the Public Contracts Regulations 2006. Legal Services was part of the evaluation process that was robust and transparent.
- 6.2.3 The contract for the services will be in a form approved by the Assistant Director Legal and Governance.

7. KEY RISKS

7.1 The procurement process has had regard to commercial and operational risks during PQQ and ITT stages and the contract proposed has been subject to scrutiny by the Council's Procurement, Financial and Legal teams.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

LVHN aims to charge all of its customers a fair price for heat. Importantly for customers, LVHN Ltd is being set up as an 'ethical operator' in what is currently an unregulated heat market. This will help protect local consumers by ensuring fair price & customer service terms.

8.2 Growth and Sustainability

- 8.2.1 LVHN is one of over 50 key large-scale sustainability projects in the Enfield 2020 Action Plan, helping to deliver the Sustainability programme's 'Managing your Energy' and 'Regenerating the Borough' themes. It will also deliver significant carbon reduction, helping to meet Enfield 2020's 40% carbon reduction target for the Borough by 2020, as compared to a 2005 baseline.
- 8.2.2 To find out more and how this project is part of something bigger please visit www.enfield.gov.uk/enfield2020.

8.3 Strong Communities

Not applicable.

9. EQUALITY IMPACT IMPLICATIONS

- 9.1 Supplier C has an Equality and Diversity Policy (not enclosed) and is authorised and regulated by the Solicitors Regulation Authority. The firm collects diversity data every year and it is published on their website.
- 9.2 For the approval of this report 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 to award the contract for legal support.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The new contract includes robust performance management controls.

The Authority requires quarterly meetings with the Contractor to review performance against KPIs and costs to date.

KPIs:

- Attendance of key members of team at quarterly meetings
- Availability of key members of team for meetings within a reasonable timeframe (5 days)
- Delivery of Services by dates specified within the Specification
- Provision of estimates of time required to complete each Service output
- Completion of each Service output within estimated time

11. HEALTH AND SAFETY IMPLICATIONS

All tenderers have been subject to a health and safety assessment during the pre-qualification stage.

12. PUBLIC HEALTH IMPLICATIONS

12.1 LVHN will deliver significant economic, environmental and social benefits

Climate change is a major threat to public health. The Lee Valley Heat Network will help to reduce its impact. The carbon footprint of a home due to heating will be reduced at least 50% compared to conventional fuel

12.2 LVHN will deliver competitively priced heat to new homes, and possibly, at a later stage of development to existing homes. Well heated homes help to promote the general health of the people that live in them.