

## MUNICIPAL YEAR 2014/2015 REPORT NO.

### DELEGATED AUTHORITY REPORT

#### PORTFOLIO DECISION OF:

Cabinet Member for Housing and Estate Regeneration and the Cabinet Member for Finance and the Cabinet Member for Economic Development.

#### REPORT OF:

Director - Regeneration and Environment & Director of Finance, Resources and Customer Services

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#### Agenda – Part 1:

#### Item:

**Subject:** Meridian Water – Project Delivery – Exchange and Complete Purchase Agreements

**Wards:** Upper Edmonton & Edmonton Green

**Key Decision No:** 3931

#### Cabinet Members consulted:

Cllr Ahmet Oykenar – Cabinet Member for Housing and Estate Regeneration

Cllr Andrew Stafford – Cabinet Member for Finance

### 1. EXECUTIVE SUMMARY

- 1.1. Cabinet of 9<sup>th</sup> April 2014 delegated authority (KD: 3827) to the Lead Member for Housing and Estate Regeneration and the Lead Member for Finance, along with the Director - Regeneration and Environment and the Director of Finance, Resources and Customer Services, to exchange and complete the purchase agreements for three sites within the Meridian Water opportunity area.
- 1.2. KD 3827 further delegated authority to develop and finalise the Heads of Terms, obtain any necessary environmental liability insurance and a satisfactory level of assurance from the Environment Agency.
- 1.3. Under delegated authority, detailed in paragraph 1.2 above, a portfolio report was authorised in September 2014 (KD: 3931) that:
  - Acknowledged that the Heads of Terms for the acquisition of the 3 sites was satisfactory to the council;
  - Acknowledged that the Site Investigation Scope of Works was acceptable to the council;
  - Authorised the council to enter into an Exclusivity Agreement with the landowner;
  - Authorised the payment of an Initial Contribution towards the costs of undertaking Site Investigation Works and further contributions if required; and
  - Authorised the appointment of an Insurance Broker and the payment of a commitment fee to secure appropriate Environmental Liability Insurance.

- 1.4. Work has been advanced in accordance with the agreed Heads of Terms and is now sufficiently progressed that delegated authority is sought to exchange and complete the purchase agreements.

## **2. RECOMMENDATIONS**

It is recommended that the Cabinet Member for Housing and Estate Regeneration and the Cabinet Member for Finance:

- 2.1. To agree that the level of assurance received from the Environment Agency dated 12 January 2015 is sufficient to proceed with the acquisitions;
- 2.2. To approve the sale and exchange of contracts with authority delegated to:
  - a. The Director Regeneration and Environment & Director Finance, Resources and Customer Services authority to serve written notice in accordance with the Heads of Terms that the Environmental Condition has been satisfied
  - b. The Director Regeneration and Environment & Director Finance, Resources and Customer Services to finalise the drafts annexed to Part 2 of this report and then unconditionally exchange and complete the sales and purchase agreements (contracts),
  - c. The Director Regeneration and Environment & Director Finance, Resources and Customer Services proceed with the purchase of environmental liability insurance, as detailed in Part 2 of this report, on the terms illustrated or better; and
- 2.3. That a further post completion update report be provided for Cabinet, in accordance with KD 3827.

## **3. BACKGROUND**

- 3.1 The Cabinet of 9<sup>th</sup> April 2014 delegated authority (KD: 3827) to the Cabinet Member for Business and Regeneration, and the Cabinet Member for Finance and Property acting with the Director – Regeneration and Environment and the Director of Finance, Resources and Customer Services to exchange and complete the purchase agreements when appropriate.
- 3.2 Since Cabinet, delegated authority was obtained in September 2014 (KD: 3931) that:
  - Acknowledged that the Heads of Terms for the acquisition of the 3 sites were satisfactory to the Council following post Cabinet negotiations;
  - Acknowledged that the Site Investigation Scope of Works was acceptable to the Council;
  - Authorised the Council to enter into an Exclusivity Agreement with the landowner;

- Authorised the payment of an Initial Contribution towards the costs of undertaking Site Investigation Works and further contributions if required;
  - Authorised the appointment of an Insurance Broker and the payment of a Commitment Fee to secure appropriate Environmental Liability Insurance.
- 3.3 The authority detailed in 3.2 above, has enabled the council, working closely with its advisors, Jones Lang LaSalle and Nabarro LLP to:
- Work towards finalising the sales and purchase agreements (contracts);
  - Obtain draft offers for environmental liability insurance; and
  - Secure a formal position letter from the Environment Agency.
- 3.4 The purpose of this report is to detail the due diligence undertaken in relation to the acquisition of the 3 strategic sites.
- 3.5 Following the completion of due diligence and the detailed drafting of the sales and purchase contracts authority is now sought to unconditionally exchange and complete the sales and purchase contracts.

### **The Exclusivity Agreement**

- 3.6 The exclusivity agreement expired on 31<sup>st</sup> January 2015. The purpose of the agreement has been fulfilled, which was to allow the council sufficient time to undertake, due diligence on the land purchases, including intrusive site investigations.

### **Due Diligence**

- 3.7 Due diligence has comprised of:
- Settlement of key transaction documents;
  - Title diligence;
  - Technical diligence including an Environment Agency position statement in the form of a letter regarding the sites; and
  - Engagement with environmental insurers to secure draft quotes for Environmental Liability Insurance to mitigate, where possible, financial liabilities associated with the acquisition of the sites.
- 3.8 The **key transaction documents** have been subject to negotiation led by the council's programme director and supported by Jones Lang LaSalle and Nabarro LLP. The documents are not yet in a finalised form. Drafts are appended to this Part 2 of this report.

### **Key Transaction Documents**

- 3.9 A summary of the key transaction documents has been prepared by Nabarro LLP in the Reports on Title and are appended to Part 2 of this report.

### **Title Diligence**

- 3.10 Title diligence has been undertaken by Nabarro LLP and completed in March 2015 with the production of reports on title, which are attached to Part 2 of this report. The title issues identified have been incorporated into the valuation advice provided by Glenny LLP.
- 3.11 National Grid before finalising the Willoughby Lane documentation are making a final check regarding the land that needs to be retained by the operational business of National Grid. This check has delayed the finalisation of documents but is not expected to have a material impact on the land being transferred.
- 3.12 No issues have been identified that would prevent the council purchasing the sites although the council is also planning to take out title indemnity insurance.

### **Technical (Environmental) Diligence**

- 3.13 Please see Part 2 of this report.

### **Environmental Liabilities**

- 3.14 Under the contract terms for all 3 sites the council will accept the contractual passing of environmental risk and will provide an Indemnity for benefit of vendor and all associated companies. This means that should an environmental claim arise due to the environmental condition of the sites, the council will have accepted all liabilities and will have no recourse to the vendor apart from a few specific exceptions. The nature of the council's liabilities will be unlimited in amount and unlimited in time which is based on the vendor's standard terms meaning a similar position was reached when acquiring the land from the same vendor for the Oasis Academy.
- 3.15 The vendor will provide a warranty to the council that there are currently no imminent or expected environmental claims associated with the sites, before the transactions.
- 3.16 The vendor will retain some environmental liabilities associated with the land and all criminal liabilities prior to the transfer of the land.
- 3.17 Nabarro LLP has produced a Report on Environmental Liabilities and Mitigation the summary and conclusions are extracted and included in the Part 2 of this report and the full report is annexed in Annex 3 of Part 2 of this report.

### **Environmental Liability Insurance**

- 3.18 The council retained the services of OAMPS (UK) Ltd as an expert Environmental Liability Insurance broker. Since appointment, OAMPS (UK) Ltd was acquired by Arthur J. Gallagher Limited. The change of ownership has not affected the broker service.
- 3.19 Pollution Legal Liability Insurance and Contractor's Pollution Liability Insurance are being offered by AIG Europe Limited and an Excess layer by XL Insurance Company SE. The offer is based on the following assumptions:

- There are no known or anticipated statutory interventions associated with the risk.
- The sites are to be redeveloped into residential and commercial properties. They will fall under the control of the council in 3 stages over a period of 3 years from inception.
- Risk assessment has been completed that indicates a low risk to off-site receptors from vapour intrusion and from surface water.
- The site will be redeveloped from its current use. Final plans for the sites are to be determined but will be subject to relevant planning and controls. Redevelopment work is likely to start Q4 2015 at Willoughby Lane.

3.20 The Pollution Legal Liability Insurance will commence on the acquisition of the first site and will run for a period of 10 years. It should be noted that the environmental insurance available does not cover all environmental risks of the council during the policy period. Details of the insuring agreements are provided in Part 2 of this report.

### **Valuations**

3.21 In accordance with the council's Property Procedure Rules, Glenny LLP was commissioned in February 2015 to provide Red Book Valuations of the 3 sites.

3.22 The Valuations are summarised and annexed to Part 2 of this report.

### **Summary of the Proposed Transactions**

3.23 A summary of the proposed transactions including price, Stamp Duty Land Tax, VAT and land registration fees are provided in Part 2 of this report.

## **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 The following options have been considered:

- Declining the possible purchase of the land potentially available to the council has been considered, but rejected due to the uncertain timescales associated with the vendor bringing the land to market and securing development and consequent benefits for the community.
- The use of compulsory purchase powers to acquire the land that comprises the opportunity, either as a package or individually has been considered, but this is not the council's first preference given the negotiations that are currently taking place with the land-owner, terms have been agreed and the sales and purchase contracts are drafted.

## **5. REASONS FOR RECOMMENDATIONS**

5.1 To provide a greater level of certainty over the timescales associated with the development of three early start sites in Meridian Water and their relationship with significant rail and education infrastructure, and to increase developer and stakeholder confidence in the delivery of the Masterplan.

5.2 Acquisition and therefore the control of land within the Meridian Water Masterplan area will help accelerate housing delivery.



5.3 The purchase of the sites will support the Meridian Water Housing Zone bid.

## **6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

### **6.1 Financial Implications**

6.1.1 Please see Part 2 of this report.

### **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. Section 120 of the Local Government Act 1972 (LGA 1972) also gives Councils a specific power to acquire land for the benefit, improvement or development of their area.

6.2.2. When considering an acquisition the Council must act in accordance with the Property Procedure Rules.

6.2.3. The Council has legal obligations to ensure value for money in regard to its acquisition of land. The Council also has a duty to consider its fiduciary duty to all ratepayers and the requirement to make decisions on ordinary business principles unless there is a sound reason for not doing so. 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.

6.2.4. All documentation relating to purchase of land shall be approved by the Assistant Director, Legal Services and Governance.

6.2.5. The recommendations in this report are in accordance with the Council's powers.

### **6.3 Property Implications**

Please see Part 2 of this report.

## **7. KEY RISKS**

Key risks considered are associated both with the liabilities associated with the acquisition and development of the sites, but there are also risks to the council's ability to deliver its Meridian Water vision if the sites are not acquired.

### **7.1 Environmental**

The Council will be acquiring three sites with identified environmental issues. The Council has to date put considerable effort into further investigations into the state and condition of each site and has to date procured:

- A series of historical reports undertaken on the sites;
- The factual and interpretative Environmental Investigation Reports;
- Engagement with the Environment Agency resulting in a letter dated 12 January 2015 expressing the Agency's views on matters going forward.

In addition to this the Council's retained consultants, AMEC Foster Wheeler have undertaken a range of further analysis, seeking to risk profile the various environmental risks which has involved allocating provisional sums to address the remediation of these sites (see Part 2 report). The Council is now much better informed as to the state and condition of these sites and through the Reports and further information has a much better understanding of the implications for both ownership and future development.

If the Council is now satisfied as to the results of the various financial, environmental, property appraisal and valuation and legal diligence, as set out and referred to variously in this Report it will then commit itself to entering into legally binding Contracts for Sale and Purchase on each of the three sites.

Following acquisition, the Council will inherit all the attendant liabilities, in particular the environmental liabilities, relating to each of the three sites which have been identified in the Report on Environmental Liabilities and Mitigation from Nabarro LLP, which is appended to Part 2 of the Report. The Council will also acquire all the relevant title issues and liabilities identified in the respective Reports on Title relating to each of the three sites.

At completion the Council is also entering into Overage Deeds with National Grid, and that will make the Council responsible for sharing in future uplift and development gain from the development of the three sites or the disposal of the three sites where an overage gain occurs. This will need to be recognised in the future financial projections, calculations and management of the scheme going forward.

Contractor's Pollution Liability Insurance will be sought to reduce the council's potential liability should an incident occur during development.

#### Financial

- There is a risk that the council may not be able to recover all the money that it has expended to acquire the sites, because of a wide range of economic and financial issues that are always present in regeneration activity. However, there is a clear requirement for all regeneration projects to at least break even and, preferably, create a positive return for the council.
- **Consequently detailed valuation advice from Jones Lang LaSalle shows that having completed development appraisals, that the land price can be recovered. Glenny LLP has produced Red Book Valuations for all three sites that confirm that the current market value for the land is consistent with the price that the council has agreed to buy the sites for.**
- Development appraisals are sensitive to fluctuations in build cost and housing prices, because the developments are built out over time.
- **This risk is mitigated by undertaking sensitivity analysis of the development appraisals, combined with securing an up to date Red Book Valuation before proceeding with the transaction.**

- Following ground investigation works AMEC Foster Wheeler produced a draft cost plan to understand the remediation costs associated with the sites. This remediation estimate fed into the Jones Lang LaSalle development appraisals. The bill of quantities is supported with a risk register where assumptions are detailed and explained. If actual costs to remediate the sites are greater than those anticipated, then this will impact on the land value and the opportunity for the council to recover its costs.
- **This risk can be mitigated by modifying the nature of the development to drive up value, to neutralise any higher than anticipated costs of remediation. For example, by revising the housing mix or increasing the quantum of development. Elements of this risk can be passed onto a delivery partner.**

### Development

- Due to the contaminated nature of the land, the development assumptions may be difficult to deliver, in particular piling to enable tall buildings may not be possible across enough of the site to achieve the development assumptions.
- **This risk has been mitigated by working with architects to demonstrate how a sufficient scale of development can be delivered to support the land valuation. This risk will be mitigated further by working with environmental consultants and the Environment Agency to prepare and agree piling techniques.**
- The development assumptions are based on Angel Road Station being upgraded in concert with investment in the railway line to achieve a 4-trains-per-hour service. Should the rail investment be delayed or fail to materialise, then the development densities assumed will not be able to be achieved. Not to achieve the development assumptions will affect land value and the ability for the council to recover its costs.
- **This risk has been mitigated by taking plans for three tracking and the new station to an advanced stage of agreement with Network Rail and the Greater London Authority (GLA). The final funding package for three tracking is to be agreed by the end of March 2015 and for the station in April 2015, by which point the probability of this risk materialising decreases significantly.**
- There is a risk that development could be affected by flooding given the provisions of the Strategic Flood Risk Assessment, where some of the land is with-in a 1:100 year flood risk area.
- **This risk can be mitigated through the measures set out in the Masterplan and through the implementation of appropriate design solutions. In short this particularly allows for an appropriate amount of flood storage. Providing that proper attention is paid to design, which will be tested by the Environment Agency through the planning process, there is no reason why residential development here should prove any more problematical than anywhere else, in so far as flood-risk is concerned.**



- There is currently no residential market at Meridian Water and therefore levels of sales and values assumed in the development appraisals, produced by Jones Lang LaSalle, are yet to be tested.
- This risk is mitigated by the financial appraisal work undertaken by JLL which, relies in part on numerous large scale comparable developments and smaller local developments to determine sales values. All sales values are based upon the value of new homes today and do not include speculation.

## **8. IMPACT ON COUNCIL PRIORITIES**

The acquisition of the land described in this report would enable the early development of new homes in Meridian Water in conjunction with the delivery of new education and rail infrastructure. Their subsequent development would be guided by the Meridian Water Masterplan which, amongst other things, seeks to achieve fairness for all, sustainable growth and development of strong communities.

## **9. EQUALITIES IMPACT IMPLICATIONS**

- 9.1 The draft Meridian Water Masterplan was subject to an initial Equalities Impact assessment/Analysis (EqIA) to ensure that consultation promoted equal opportunities. During the master-planning process, demographic data was collected in relation to residents of Edmonton in order to determine which groups to target for community engagement and to also help assess the equalities issues the Masterplan proposals will need to consider.
- 9.2 These issues were summarised in the final EqIA report that was reported to the Local Plan Cabinet Sub-Committee at its 11<sup>th</sup> September 2013 meeting.
- 9.3 Any further equalities impact issues will be examined at the planning application stage on individual sites.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 10.1 Delivery of a comprehensive regeneration scheme at Meridian Water is a corporate priority within the Council's Business Plan for 2012-15. Completion of the Masterplan, and the delivery of phased infrastructure improvements including increased rail services, station improvements and new homes will help to meet Outcome 2.10 of the Business Plan; to improve the quality of life of residents through the regeneration of priority areas and to promote growth and sustainability.

## **11. PUBLIC HEALTH IMPLICATIONS**

There are no Public Health Implications directly arising from this land acquisition, but the intention to remediate and develop the site will have positive benefits.

## **12. HEALTH AND SAFETY IMPLICATIONS**

A component of the Masterplan concerns the need to improve access to healthy living corridors. Meridian Water adjoins the Lee Valley Regional Park, the rivers and open spaces within which offer significant recreational and environmental benefits as do the series of reservoirs immediately to the south of the area. The Masterplan seeks to maximise this potential for existing and new residents by improving east/west and north/south connections through a network of open spaces. Improved connections will help deliver healthy living into the heart of the new development and reconnect the nearby communities with the Park. The Masterplan creates opportunities for formal and informal recreation and leisure, urban agriculture and outdoor learning. It draws the community and landscape together combining healthy living into the daily structure and form of Meridian Water. In accordance with the Core Strategy it required the delivery of new health facilities to support the new communities and suggests these should be located within Meridian Central neighbourhood or where benefits from the co-location of services can most appropriately be realised.

### **Background Papers**

None.

## MUNICIPAL YEAR 2014/2015 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

**PORTFOLIO DECISION OF:**  
Cabinet Member for Economic  
Development

**REPORT OF:**  
Director – Regeneration &  
Environment

**Agenda – Part: 1**

**KD Num: KD 4075**

**Subject:**

Designation of a) Hadley Wood  
Neighbourhood Planning Forum and b)  
Hadley Wood Neighbourhood Planning Area

**Wards: Cockfosters**

**Contact officer and telephone number:**

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### 1. EXECUTIVE SUMMARY

This report seeks approval to undertake public consultation on applications to set up a neighbourhood forum and neighbourhood area within Hadley Wood.

### 2. RECOMMENDATIONS

That the Cabinet Member for Economic Development agrees for public consultation to be undertaken on the application to designate a neighbourhood forum and neighbourhood area in Hadley Wood.

### **3. BACKGROUND**

- 3.1 The Localism Act 2011 enables local community groups, subject to specified procedures, to apply to the Council for designation as Neighbourhood Forums and for the designation of Neighbourhood Areas. Should approval be given for both, then the Forums are entitled (although not obliged) to commence the preparation of Neighbourhood Development Plans and/or Neighbourhood Development Orders.
- 3.2 A summary of the neighbourhood planning process is set out in Appendix 1.
- 3.3 The principle of neighbourhood planning is that the local community is given more control over development in their area. An adopted neighbourhood plan would form a part of the Council's own local plan, with which it is required to be consistent. The neighbourhood forum would lead on the preparation of the plan/order, but the Council is required to support and facilitate the process in specified ways.
- 3.4 On receipt of a formal submission Council must consider whether the application is valid and therefore able to proceed to public consultation.
- 3.5 Once public consultation has been carried out any representations received will be considered alongside an assessment of the proposals against the relevant legal requirements.

### **4. ANALYSIS**

#### *The Forum*

- 4.1 The Neighbourhood Planning regulations provide that specific information should be supplied in making an application for a neighbourhood forum. These are itemised below with a comment indicating what information has been supplied.

#### **1. Name of the proposed neighbourhood forum**

The Forum is named Hadley Wood Neighbourhood Planning Forum.

#### **2. Copy of its written constitution**

A copy of the constitution has been supplied setting out matters such as the name, purpose, membership and term of the organisation.

#### **3. Name of the neighbourhood area to which application relates and a map which identifies the area.**

The name for the neighbourhood area is Hadley Wood Neighbourhood Planning Forum.

**4. Contact details of at least one member that can be made public**  
Esther Kurland (resident) has supplied details as the main contact.

**5. Statement explaining how the proposed forum meets the following conditions:**

**a) Is established to promote or improve the social, economic and environmental well being of an area that consists of or includes the neighbourhood area for the neighbourhood development plan (this can also relate to businesses)**

This objective is expressly referred to in the constitution as the purpose of the forum.

**b) Has 21 individual members and membership is open to the following groups :**

- **people living in the area;**
- **people who work there; and**
- **County council, district or London borough councillors for the area.**

Membership is comprised primarily of residents but includes a number of businesses and 2 ward councillors. 45 individuals have been identified as being members. The constitution sets out eligibility for membership which is consistent with the above stipulation. Appendix 3 shows the distribution of membership across the area.

**c) Has a written constitution**

The constitution has been supplied with the application and appears to cover each of the basic requirements in the Regulations. A fuller analysis will be provided after the consultation stage.

- 4.2 It is considered that sufficient detail has been supplied for this to be regarded as a valid application on which to consult. An analysis of the merits of the application will be undertaken at the next stage including consideration of any representations received.

*The Neighbourhood Area*

- 4.3 The information that should be submitted to the LPA is:

**a) A map identifying the area**

A plan has been supplied identifying the area which takes in the whole of Hadley Wood up to the borough boundary, includes Slopers Pond Farm to the north, the golf course in the south. It does not include the separate settlement along Cockfosters Road. The merits of the area will be considered at the next stage following consultation.



**b) Statement explaining why it is considered an appropriate neighbourhood area**

The application includes a detailed discussion of how the area was chosen and why it is considered appropriate.

**c) Statement that the organisation making the application is a relevant body.**

The application includes a statement confirming that the organisation is a relevant body in the context of Section 61 G of the Town and Country Planning Act 1990 (as amended).

**5. OTHER MATTERS**

Should the applicant complete the process of producing a Neighbourhood Plan or Order they will benefit from 25 percent of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area.

**6. NEXT STEPS**

**6.1 Statutory requirements for consultation are as follows:**

- placing details of the application on the website and publicising through other means in order to bring it to the attention of people who live, work or carry out business in the neighbourhood area and invite representations for a period of not less than 6 weeks.
- the information to be publicised is:
  - a copy of the area and forum application;
  - details of how to make representations;
  - details of the deadline for representations, not less than 6 weeks after the date of publication; and
  - statement that once a neighbourhood forum has been designated for the area, another cannot be designated for the area until the existing one expires or is withdrawn.

**6.2 Notification will take the form of written notification of all entries on the local plan consultation database. There will be a 'leaflet drop' of all addresses in Hadley Wood area will be carried out. The leaflet will contain a factsheet setting out information on this stage of Neighbourhood Planning as well as details of the application. Information will be forwarded to existing local networks and social media. Arrangements will be made to notify neighbouring authorities and areas.**

**7. ALTERNATIVE OPTIONS CONSIDERED**

There are no alternatives to consider as the Council has a statutory obligation to consult on these proposals on receipt of a valid application.

## **8. REASONS FOR RECOMMENDATIONS**

The applicant has provided all of the details required to make a full application for a neighbourhood area and a neighbourhood forum and therefore the Council is obliged to publicise this matter in accordance with the Neighbourhood Planning Regulations.

## **9. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS**

### **9.1 Financial Implications**

9.1.1 The estimated cost to process and designate a Neighbourhood Forum and Neighbourhood Area will be approximately £10k; this can be funded from the strategic Planning revenue budget.

9.1.2 As an incentive the government has identified over successive years a fund which will grant money to Local Authorities on the basis of designated neighbourhood forums and neighbourhood areas. Subject to an overall cap the current rate is £5,000 for each forum and for each area (i.e £10k total). The government has confirmed this is to be extended to the 2015/16 financial year shortly. This would allow the costs in 6.1.1 to be offset. The Strategic Planning and Design team will be responsible for claiming this grant.

9.1.3 The Community Infrastructure Levy Regulations require that 25% of CIL collected in an area with an adopted Neighbourhood Plan is allocated to that area. A Neighbourhood plan must be in place to attract the 25% CIL, it is not due retrospectively and it is not subjected to an annual cap. The financial implications arising are difficult to establish at this stage as it depends on future development proposals that are likely to take place within the area.

9.1.4 Any future proposals arising with cost implications would need to be subject to separate reports and full financial appraisal.

### **9.2 Legal Implications**

9.2.1 By virtue of s.116 of the Localism Act 2011 the Town and Country Planning Act 1990 was amended to bring into effect a power for qualifying organisations to make Neighbourhood Development Orders in Neighbourhood Areas.

9.2.2 The Neighbourhood Planning (General) Regulations 2012 set out the procedure for designating a Neighbourhood Forum and Area including requirement to publicise for a minimum of six weeks. Officers are satisfied that the application complies with relevant criteria, and as such, the recommendation that the application is progressed to consultation complies with the Councils duties and responsibilities

under the Town and Country Planning Act 1990 as amended by the Localism Act 2011.

- 9.2.3 The Neighbourhood Planning (General) (Amendment) Regulations 2015 provides a prescribed date by which a decision must be made on a neighbourhood area i.e. "the date 13 weeks from the date immediately following that on which the application is first publicised." This is considered under '9. Key Risks' below.

### **9.3 Property Implications**

The decision to consult has no direct property implications.

## **10. KEY RISKS**

- 10.1.1 The Neighbourhood Planning (General) (Amendment) Regulations 2015 provides a prescribed date by which a decision must be made on a neighbourhood area i.e. "the date 13 weeks from the date immediately following that on which the application is first publicised."

- 10.1.2 Approval of the Neighbourhood Area and Neighbourhood Forums is currently a decision of the Council (having first been reported to Local Plan Cabinet Sub Committee and Cabinet). This process of seeking Council approval means that it may not be possible to determine the application within the 13 week period detailed in 10.1.1.

- 10.1.3 It is intended that the terms of reference for the Local Plan Cabinet Sub Committee are reviewed to alter the decision making process. This will help speed up decision making. This will be the subject of a separate report.

## **11. IMPACT ON COUNCIL PRIORITIES**

### **11.1 Fairness for All**

The decision to consult on the Neighbourhood Plan and Area are important in terms of ensuring that everyone who lives or work in the area can comment. This process can help give local people more direct control of the planning of their area.

### **11.2 Growth and Sustainability**

The decision to consult has a negligible effect on this priority. It will facilitate planning work at the neighbourhood level which will have an effect on growth and sustainability which will be considered once progress on that stage occurs.

### **11.3 Strong Communities**

The constitution of a Forum is a positive tool in developing a strong and active community.

### **12. EQUALITY IMPACT IMPLICATIONS**

Carrying out consultation on this subject is important in ensuring that all members of the community are engaged. There is no specific requirement for an Equality Impact Assessment/Analysis at this stage but if the Forum wishes to produce a Neighbourhood Plan that will need to be the subject of such an Assessment/Analysis. The Forum has taken this issue seriously and incorporated equalities information in their application.

### **13. PERFORMANCE MANAGEMENT IMPLICATIONS**

Neighbourhood Planning work is an additional call on the services of the Planning Policy Team. It is more difficult to plan for these since they can emerge at any time and in any part of the borough and are not directly within the Council's control. As such this does not feature in the work programme as set out in the Local Development Scheme. It is often the case that potential applicants approach the Council for advice early on which does allow some resource planning to take place.

### **14. PUBLIC HEALTH IMPLICATIONS**

None.

### **Background Papers**

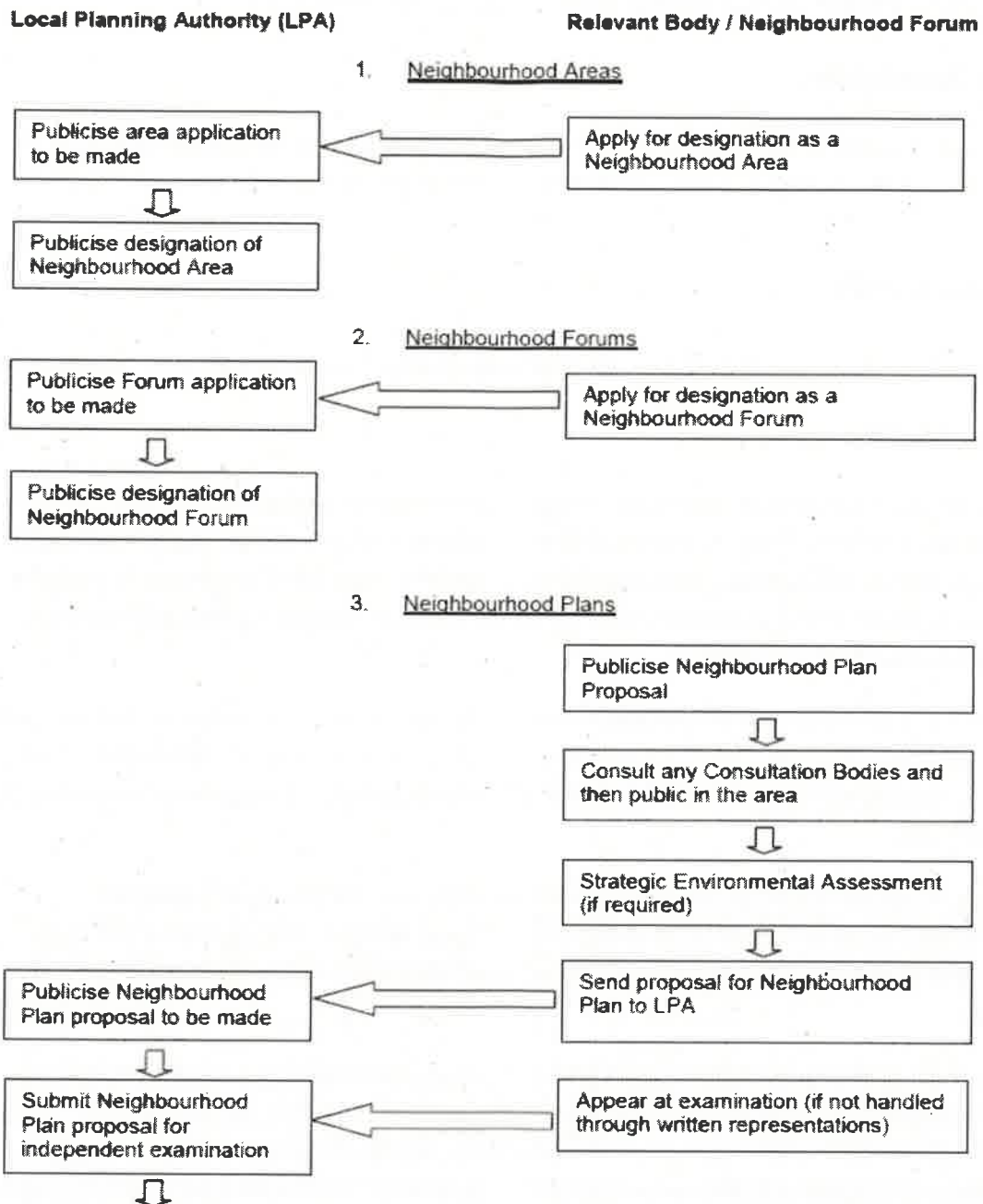
None





## Appendix 1: Neighbourhood Planning Process

This diagram summarises the roles of Neighbourhood Forums and the Local Planning Authority in developing Neighbourhood Plans.



## **Appendix 2: Hadley Wood Neighbourhood Planning Forum and Area Application**

### **Hadley Wood Neighbourhood Planning Forum**

#### **Our Application**

We wish to apply to be recognised as the Hadley Wood Neighbourhood Planning Forum. A list of founding members, a map showing the extent of the area and our constitution are attached.

**January 2015**

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#### **Introduction**

Hadley Wood is a distinct residential community on the north western edge of the London Borough of Enfield. It has developed around its railway station and, over the last one and a half centuries, has become a thriving commuter suburb. Some 3600 people live in the area. There is a church, primary school, small parade of shops, community centre, golf course, hotel and public open spaces.

In terms of planning policies, the area is covered by the London Plan, Enfield's Local Plan and there is a Conservation Area Statement for the area around the station. The land abutting the currently built up area of Hadley Wood falls with LB Enfield, LB Barnet and Hertsmere DC Green Belt.

There are no significant development sites within the area but change is typified by residential extensions and the knocking down or remodelling of existing homes and the building of additional detached homes or blocks of luxury flats within the original curtilage areas.

We envisage that our neighbourhood plan will include development management policies relating to both extensions and new build homes, policies regarding the long term use and management of our open spaces, proposed uses for locally generated CIL receipts, and proposed improvements for our public realm. We will also look to influence green belt and other policies and decisions within and around our area.

#### **Our relationship with existing community groups**

Hadley Wood is not a parished area. However it has an existing, active residents group called the Hadley Wood Association (HWA). Our application, although made under the requirements of the Localism Act 2010, has been developed in partnership with the HWA. As such, although we recognise that our Neighbourhood Forum must stand as its own body, we wish to point out that the HWA is supportive of the Forum, it's chair is a member of the

Forum and the Forum chair will be involved in the HWA. There will be strong links between the existing organisation and our emerging planning work.

We have been in contact with the Coombe Close Residents Association, who represent people living in the far south of area towards Cockfosters. This area is within LB Enfield but the boundary with LB Barnet runs directly to its south.

We have met representatives from the Barnet Society, Hadley Residents Association and the Barnet Town Team, all of whom operate in LB Barnet. These organisations may wish to develop neighbourhood plans in their areas, and we will work with them across the borough boundaries as much as possible.

Within our area, we have invited existing groups and organisations to join the Forum. This has led to representatives from religious organisations and businesses being involved. A full list of members is attached.

## **How we have chosen our area**

Unlike many neighbourhoods, Hadley Wood is relatively naturally contained. We have chosen an area which includes the exiting built up area and adjacent land within LB Enfield which influences on the character of the area and, if built upon in the future will effectively become functioning part of our built area.

The area sits alongside the LB Barnet and Hertsmer DC. We do not wish to set up a forum that straddles boundaries and so have used the administrative boundaries to inform the extent of our area.

To the west the area includes all land within LB Enfield running along the borough boundary. This includes homes on Camlet Way, Crescent West and Wagon Road, and open space that sits as a neighbour to these. These open spaces include the fields off Bartmans Lane and Crescent West and the LB Enfield portion of Slopers Pond Farm. Almost all of these spaces are within the Green belt, and we wish to include them so the forum can appropriately plan for their future should any changes to green belt policy or boundaries take place in years to come. If they are built upon the homes and new streets will become integral parts of our neighbourhood with identities very similar to existing streets, and we therefore wish to have a say about their long term future within our plan. We may also wish to include policies regarding public access and use of those areas open to all.

To the south our proposed boundary again mirrors the borough boundary, which runs along the back of homes in Hadley Wood and the golf course. South of this lies areas of Hadley Common and Hadley Woods within LB Barnet. This area has its own trustees who do an excellent job managing the much valued public common and woodland.

To the east our boundary follows Cockfosters Road, from the northern tip of the LB Enfield on Stag Hill. It runs down the eastern edge of Stage Hill highway land until it meets west lodge Hotel and the buildings that surround it. The hotel complex is the only built up area to the east of Stag Hill/Cockfosters Road. These buildings sit at the end of the main route through Hadley Wood (Beech Hill) and we believe that this area has a functional and visual

relationship with the core of our area and so have included the hotel and its surrounds up to its access road in our area.

Moving south along the Cockfosters Road we propose to include a 150m strip of land within the fields to the east of the road up to the start of Trent Park. These fields have a visual and functional link to Hadley Wood, and if built on at some point will effectively become part of our built up neighbourhood. We therefore wish to have involvement in what might happen in this area as it fronts Cockfosters Road.

The south east corner of our proposed area runs along the boundary of the golf course until it meets the borough boundary. We did approach the Coombe Close Residents Association, who represent people living on the eastern part of Cockfosters Road and the residential streets that run north from it to the golf course to see if they wished to be included in our area. Unfortunately they had not indicated a preference to date so we have not been able to include them.

## **Our Forum Members**

We have taken great care to ensure all in our area know about our proposed Forum and have had the opportunity to join. We held a public meeting in June 2014 and around 80 local people came along. We posted a flyer about this meeting to every home and business in the area, and put up notices where passers-by could see them.

We have also written a series of articles explaining what neighbourhood planning is about and explaining how people can join in our local newsletter, which is delivered to all homes. We have set up a distinct HadleyWoodPlan email address for people wanting more information or to offer suggestions and ideas, and are in the process of setting up a website.

We produced an application form to formalise the membership process. This form was reproduced in the Hadley Wood news which was sent to every home in the area. We also printed copies of the form and left them with local businesses to fill in and distribute.

As a result we have received 46 valid applications. These include 5 people who work in the area (1 of which also lives in the area). These represent 4 of the shops/businesses within the parade on Crescent West and Hadley Wood Golf Club. The local hotel, nursing home, nursery and some of the builders operating in the area have also been contacted. Other members have indicated that they represent the church, the Hadley Wood Association and other local clubs. Two local councillors have joined.

We asked people about their age, length of association with the area, whether they lived and/or worked in the area etc. The results are attached.

Hadley Wood is not a particularly diverse area, but we do have members from across the age range, the youngest in their twenties and the oldest in their nineties. Many members did not want to give information about ethnicity, religion etc. but the results from those who did show representation from a range of backgrounds.

Our members have long standing interests in the area. Approximately 80% of members who gave details have been connected to the area for over 15 years, with 17 members connected for over 25 years.

We have invited people to join our email news list if they do not want to be fully fledged Forum members, and will keep people up to date in this way.

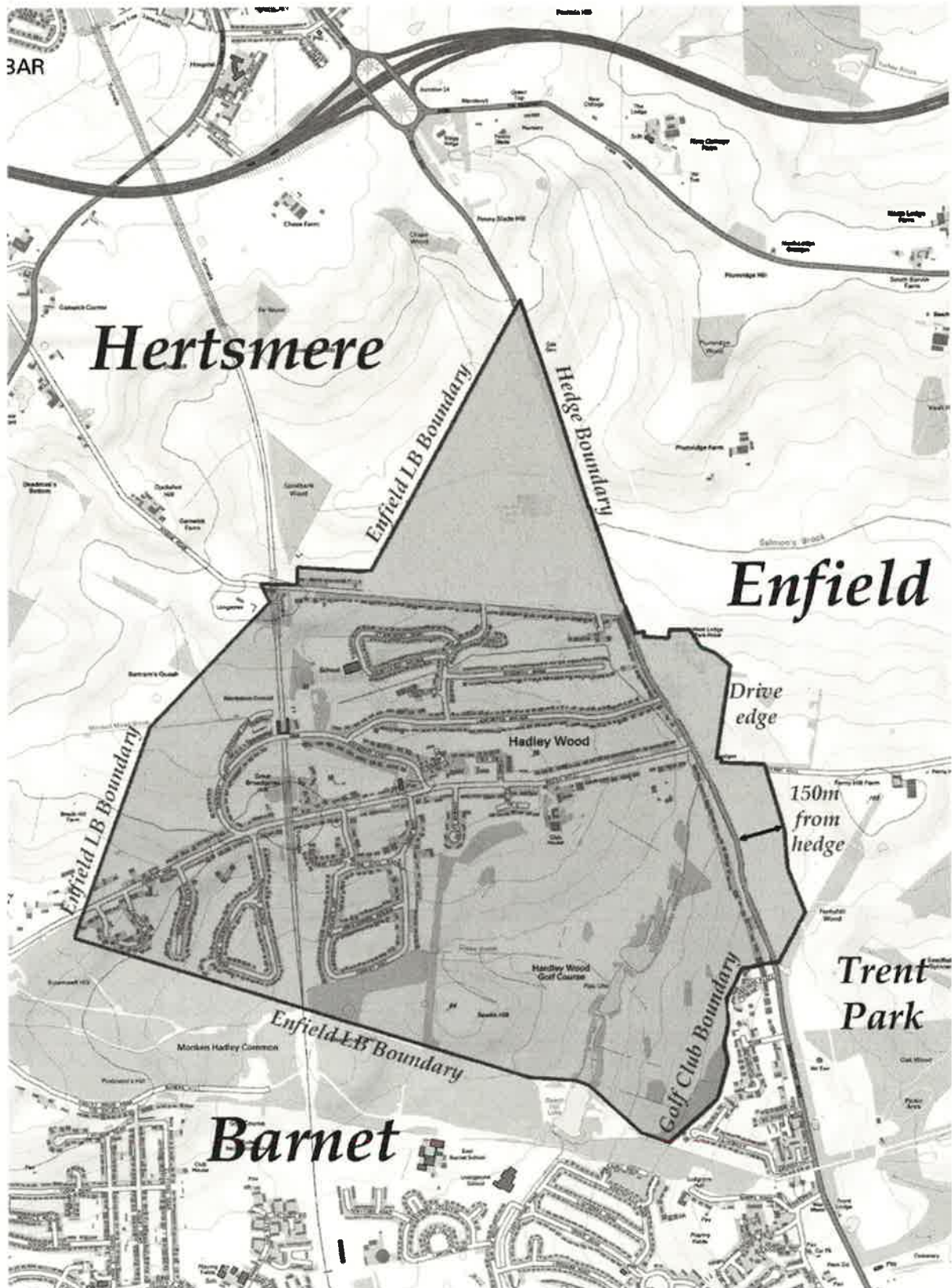
## **Our Constitution**

This is attached and is hopefully self-explanatory. We have set out the purpose and means of operation of the Forum. Members have been asked to comment on a draft version and the content was discussed and amended through an open meeting held on 6th December 2014.



## Appendix

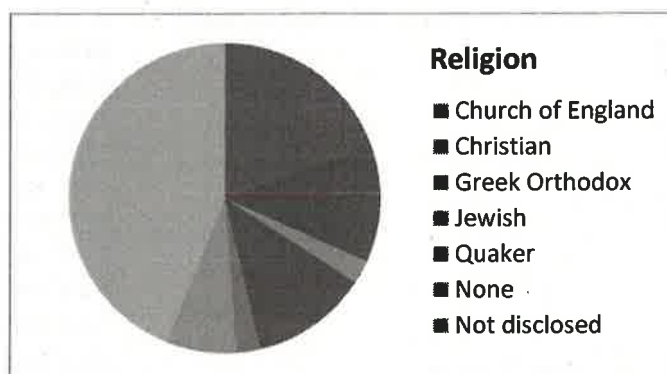
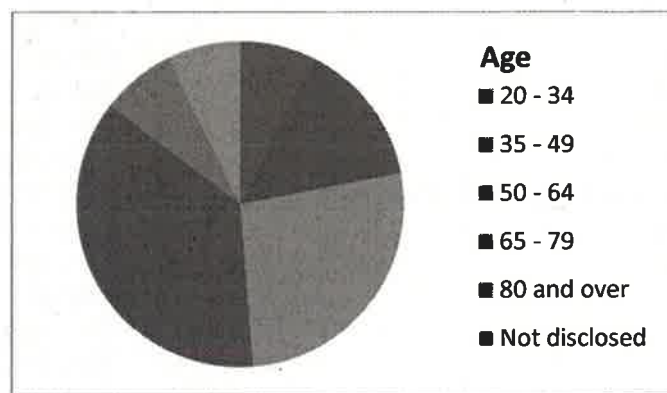
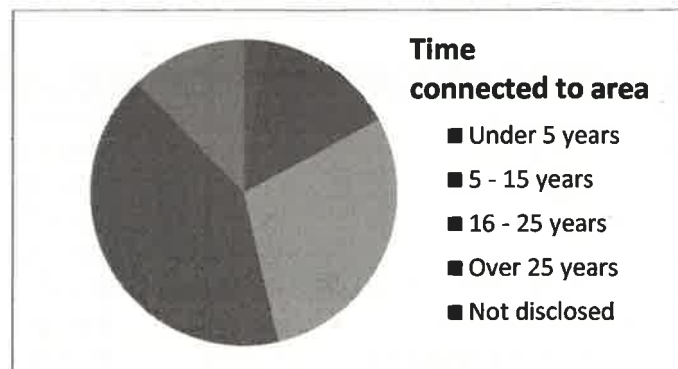
### Proposed Forum Boundary



## List of Hadley Wood Neighbourhood Planning Forum Members

Name	Eligibility	Postcode
Pat (Thora Patricia) Taylor	Resident	EN4 0ED
John Leatherdale	Resident	EN4 0EH
Joycelin Hobman	Resident	EN4 0EH
Francesca Caine	Resident	EN4 0EJ
Philip Caine	Resident	EN4 0EJ
Bharti Modi	Owner/works at Take 7 Dry Cleaners	EN4 0EJ
Ollie Pia	Owner/works at Panini Café	EN4 0EJ
Effie Varnavas	Owner/works at Crème Beauticians	EN4 0EJ
John Bolton	Resident	EN4 0EL
William Dave Carrington	Resident	EN4 0EN
Rod F. Armstrong	Resident	EN4 0EQ
Elizabeth Snape	Resident	EN4 0EQ
David Prentis	Resident	EN4 0EQ
Kate Ferguson	Resident	EN4 0EQ
David Hawkins	Resident and Treasurer St Paul's Church	EN4 0EQ
Barbara Blake	Resident	EN4 0EU
Fiona Stockwell	Resident	EN4 0EX
Patricia Stockwell	Resident	EN4 0EX
Alex Evans	Resident	EN4 0EX
Maria Evans	Resident	EN4 0EX
John Uttley	Resident	EN4 0EY
Alan Nicholls	Resident	EN4 0HL
Jason Charalambous	Resident and local Councillor	EN4 0HR
Sandra O'Brart	Resident	EN4 0HS
Anthony O'Brart	Resident	EN4 0HS
Benjamin Weland	Resident	EN4 0HS
George Touli	Resident	EN4 0JA
Helen Touli	Resident	EN4 0JA
David Jackson	General Manager of HW Golf Club	EN4 0JJ
Rupert MacKay	Resident, Chair of HWA, Minster St Paul's Church	EN4 0JP
Lakis Pavlou	Resident	EN4 0JS
Anthony Floyd	Resident	EN4 0LL
Michael Wise	Resident	EN4 0LS
Priscilla Wise	Resident	EN4 0LS
Gillian Henley	Resident and works at Howard Marshall Dentistry	EN4 0LT
John Henley	Resident	EN4 0LT
Joe Mari	Resident	EN4 0NN
Maurice Kurland	Resident	EN4 0NP
Esther Kurland	Resident	EN4 0NP
James Singer	Resident	EN4 0NR
Brian Kern	Resident	EN4 0NS
Pam Kern	Resident	EN4 0NS
Sam Okoronkwo	Resident	EN4 0NU
Paul Ugo	Resident	EN4 0NW
AnneMarie Pearce	Resident and local Councillor	EN4 0NL

## Further information about our members



# **Hadley Wood Planning Forum Constitution**

## **1. Name**

The name of the organisation is the "Hadley Wood Neighbourhood Planning Forum" ("the Forum").

## **2. Purpose**

The purpose of the Forum is to promote or improve the social, economic and environmental well-being of the neighbourhood area. The aforementioned objectives shall be pursued through neighbourhood planning. The forum It shall operate without distinction or discrimination on the grounds of gender, disability, sexual orientation or race, or of political, religious or other beliefs and will actively engage with other groups.

## **3. Area**

The Forum shall cover the area agreed when the Forum was recognised as a Qualifying Body for the purposes of neighbourhood planning and shown in Annex A.

## **4. Membership**

### **a. Membership shall be open to:**

- i. individuals who live in the area
- ii. individuals who work in the area,
- iii. community organisations which operate in the area, through their duly appointed representatives
- iv. businesses, educational establishments or other entities which operate in the neighbourhood area, through their duly appointed representatives
- v. individuals who are elected members of London Borough of Enfield for any part of the Area
- vi. individuals who have a material and ongoing social, cultural, economic or financial interest in or involvement in the area

who support the aims and objects of the Forum and provide the Secretary with satisfactory evidence of eligibility and contact details which may be used by the Forum.

- ### **b. Applications and evidence of eligibility will be provided using the Membership Form. Completed forms are to be submitted to the Secretary who will decide**

on eligibility. If members wish to resign from the forum they must notify the Secretary in writing.

- c. The Management Committee may refuse to accept, or may revoke, membership of any individual or organisation which in its opinion fails to meet the criteria for membership or which acts in a way inimical to its Purpose. Any person or organisation whose membership is revoked shall have the right to appeal to a General Meeting of the Forum.
- d. It should be noted that there is a legal requirement that the Forum should have at least 21 members. Therefore if membership falls below 23 the Management Committee should take steps to encourage additional members.

## **5. Management Committee and Officers**

- a. The day-to-day business of the Forum shall be conducted by the Management Committee ("the Committee"). Subject to decisions of any General Meeting, the Committee shall comprise up to 13 members elected by a General Meeting. The Forum shall strive for the Committee to reflect the diversity of people eligible for membership.
- b. The term of office of any member of the Committee shall expire at each AGM and members shall be eligible to stand for re-election for a continuous period not exceeding five years.
- c. The Committee shall elect from among its members a Chair, Deputy Chair, Secretary, Treasurer, and any other officers as it sees fit. The roles of these officers to be defined by the Committee.
- d. The Committee shall meet at least four times per year and 5 members shall constitute a quorum.
- e. The Committee may appoint groups to carry out specific roles or projects as it sees fit and these shall co-opt such persons as necessary to enable it to perform its function
- f. Decisions of the Committee shall be by consensus or by a simple majority of those present and voting
- g. Decisions on the content of the neighbourhood plan to be put to public consultation shall be subject to agreement at a General Meeting
- h. The Committee shall record its proceedings which shall be publicly available
- i. Any member may attend any meeting of the Committee and may speak at the discretion of the Chair but may not vote.



- j. Committee members can be elected at any General Meeting
- k. Councillors elected to public office who represent any part of the neighbourhood Area shall not be eligible for election, but shall be members of the Committee whilst councillors if they request this.

## **6. General Meetings**

- a. The general meeting of all members shall be the controlling body of the Forum.
- b. An AGM shall be held on a day to be appointed by the Committee within 15 months of the previous AGM.
- c. The business of the AGM shall include
  - i. a report from the Chair on the activities of the Forum since the previous AGM and its plans for the forthcoming year;
  - ii. a report from the Treasurer as to the financial position of the Forum;
  - iii. consideration of and, if thought fit, approval of the accounts of the Forum for the previous financial year together with an independent report on those accounts;
  - iv. appointment of an independent inspector to report to the following AGM on the accounts for the current financial year;
  - v. any other business as required by the Constitution or as directed by the Committee;
  - vi. consideration of any motion which has been submitted by at least 5 members of the Forum in time for circulation with the notice of the AGM;
  - vii. election of the Committee for the forthcoming year.
- d. Members shall give all members at least 21 days written notice of the time and place of the AGM. Such notice shall include details of all business to be transacted at the meeting.
- e. Applications for election to the Committee shall be invited in advance of the AGM in writing by members or at the meeting by the discretion of the Secretary. Applications shall be duly submitted to the Secretary of the Forum not less than 2 days prior to the date of the AGM.
- f. Election of members of the Committee may be taken by a show of hands or if requested by a member by a ballot of those present at the AGM. Voting shall be ranking the candidates in order of preference. The meeting shall agree to the appointment of one or more scrutinisers to act as returning officers and to advise the Chair on the results.
- g. The AGM may, by a vote of not less than two-thirds of those present, agree to consider any urgent or important business which has arisen since dispatch of the notice of the meeting.



- h. Other General Meetings of all members shall be called within 28 days of receipt by the Secretary of a request in writing signed by no less than 5 members, stating the purpose for which the meeting is required, or by agreement of the Committee.
- i. Twenty members (or one-fifth of the membership if less) shall constitute a quorum.
- j. Voting at general meetings shall be by show of hands, except as provided in paragraph 6.f. for election of Committee members
- k. A member shall be entitled to appoint a proxy to vote on his or her behalf. Notice of appointment of a proxy must be received by the Secretary not less than 24 hours before the meeting.
- l. A record of each General Meeting shall be produced and made publicly available
- m. Conflicts of interest must be declared. Members with a conflict of interest beyond the fact that they work or live in the area should withdraw from discussion and voting on the issue in question. The Chair of the Committee will decide if withdrawal is required.

## **7. Finance**

- a. The Forum's accounting period shall be annual ending on 30 September.
- b. Accounting records shall be maintained for a period of six years or until the winding up of the Forum and such records shall be available for inspection by any member on giving not less than 10 days' notice.
- c. If necessary the Forum shall open and maintain a bank or other appropriate account in its name of the Forum which shall be controlled by a mandate requiring the signature of no fewer than two of the Officers
- d. The Forum's accounts shall be made publicly available within two months of the AGM.
- e. The Forum may raise funds by donation, grants, or other means to be used in furtherance of the Forum's purpose.

## **8. Constitution and Interpretation**

- a. In the event of any question arising where the interpretation of this Constitution is in doubt or where it is silent, the Committee shall have the power to act according to its own interpretation and at its discretion.
- b. Other than as may be required by law, amendments to this Constitution may only be made by a majority representing two-thirds of the members present and voting at a quorate General Meeting.
- c. Any requirement in this Constitution for notices or reports to be distributed to members of the Forum shall be deemed to have been satisfied if such notice or reports have been sent by e-mail, by posting on the Forum's website or by other electronic means. An individual member may request hard copies and in such a case the Committee reserves the right to make a charge to cover the extra cost incurred.
- d. The Hadley Wood Neighbourhood Forum is affiliated to the Hadley Wood Association. Both organisations has distinct membership.
- e. Any reference to in writing refers also to electronic communications through emails, websites or electronic documents. The forum is not responsible for any misdirected communications.

## **9. Term**

- a. The duration of the Forum shall be for five years from the date of adoption of this Constitution unless it is previously wound up or extended by resolution of a General Meeting.
- b. In the event of dissolution of the Forum any remaining assets shall be distributed to the community organisations which remain as members at that date in proportions to be decided by the Committee, which shall retain responsibility for completing such distribution for a period ending six months from the date of dissolution.

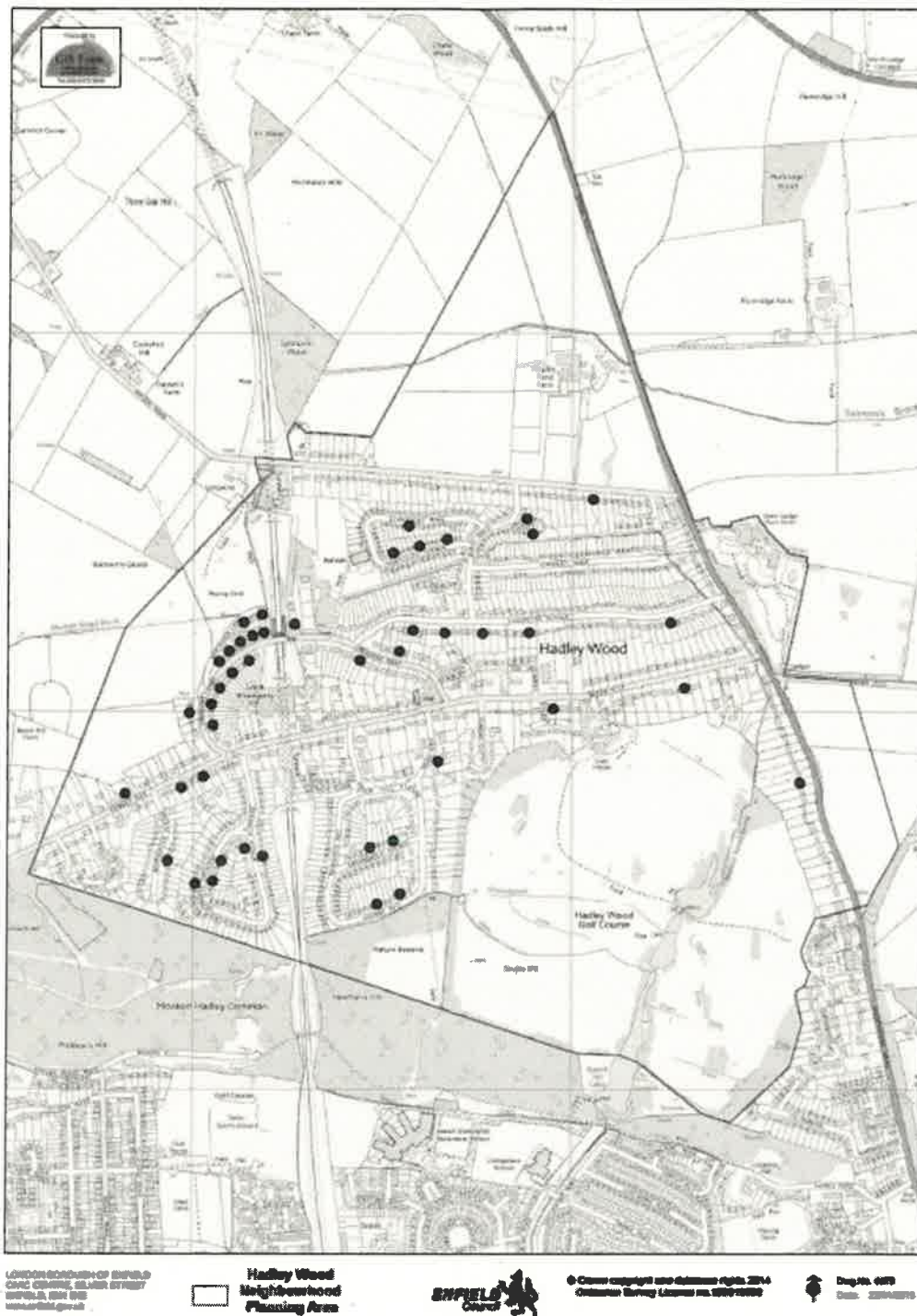
**Date**

## **Contacts**

**Email – [hadleywoodplan@gmail.co.uk](mailto:hadleywoodplan@gmail.co.uk)**

**Main contact – Esther Kurland, 34 Parkgate Crescent, Hadley Wood  
EN4 0NP email - [e@kurland.co.uk](mailto:e@kurland.co.uk)**

## Appendix 3: Neighbourhood Area





# MUNICIPAL YEAR 2014/2015 REPORT NO. **KD 4048**

## MEETING TITLE AND DATE:

Delegated Authority Report

## REPORT OF:

Director of Finance,  
Resources and Customer  
Services

### Agenda – Part: 1

### Item:

**Subject:** Appointment of contractor for the Phase One Civic Centre remodelling

**Wards:** Town directly and all other wards indirectly

**Key Decision No:** KD 4048

**Cabinet Member consulted:** Councillor Andrew Stafford

Contact officers and telephone number:

George Grant, ext. 5299, Email: George.grant@enfield.gov.uk

Chris Stroud, ext. 2030, Email: Chris.stroud@enfield.gov.uk

## 1.0 EXECUTIVE SUMMARY

- 1.1 Following Cabinet approval in November 2012 to proceed with the Civic Centre refurbishment, considerable work has been undertaken to develop the concept design and cost estimates for the tower block (A Block) floors 2 to 9 into a detailed scheme ready for tender. The detailed scheme has been developed through extensive staff consultation and has received the agreement of senior management team.
- 1.2 In February 2014 approval (KD 3845) was given to a two phase procurement strategy to enable the Civic Centre refurbishment to progress. This to comprise an initial EU tender for floors 2 to 9 of the tower block (Phase One), followed by a later separate EU tender for the 1<sup>st</sup> and ground floor areas once the desired customer offering is better understood and developed. This approval also delegated authority to the Cabinet Member for Finance and Property to approve the award of contract for the phase 1 works.
- 1.3 A suitable multi-disciplinary design team has been appointed to work with Enfield to develop the design and specification of the works to floors 2 to 9 of the tower block and to prepare tender documents for the physical works. The procurement included tenders for omitting floor 2 of the tower as this is currently subject to a review of the catering facilities.
- 1.4 Following an EU compliant tendering process, involving the short-listing of five pre-qualified contractors, the subsequent issuing of tenders and then tender evaluation a preferred contractor has been identified as providing the economically most advantageous bid. This report seeks Cabinet Member for Finance and Property approval to appoint this contractor to undertake the Phase One works, excluding the 2<sup>nd</sup> floor.



## **2.0 RECOMMENDATIONS**

- 2.1 To approve the appointment of the Contractor as set out in the Part 2 Report.
- 2.2 To approve that the Council pursues Tender B (floor 2 omitted).

## **3.0 BACKGROUND**

- 3.1 As previously reported the Civic Centre is around 40 years old and requires some significant work to ensure it remains fit for purpose in the medium to longer term. In November 2012 Cabinet agreed to proceed with Option C (phased renewal of plant and equipment and refurbishment of the office space over ten years) to undertake the refurbishment at an estimated cost of £15.5m. It also agreed to commissioning detailed feasibility, project management and planning work to enable the remodelling to proceed.
- 3.3 In February 2014 KD 3845 agreed to pursue a two phase procurement option for the remodelling works. This to comprise an initial EU tender for floors 9 to 2 of the tower block (Phase One) followed later by a separate EU tender for the 1st and ground floor areas, including B Block.
- 3.4 Consultants were appointed summer 2014 to develop the detailed designs and prepare tender documentation for Phase One of the remodelling.
- 3.5 A procurement process was then undertaken to obtain tenders for the Phase One works as detailed in section 4.0 below, including option to omit floor 2.
- 3.6 The refurbishment will improve the energy performance of the building and its efficiency in terms of the usage of office space. This in turn will enhance the opportunity to let floors of the building in the future should the situation arise.

## **4.0 SHORT-LISTING OF CONTRACTORS, ISSUE OF TENDERS AND TENDER EVALUATION PROCESS**

- 4.1 The estimated value of the phase one remodelling works exceeds the EU threshold for works and consequently the tender process is governed by European Procurement Rules (Services Directive) and the Public Procurement Regulations 2006.
- 4.2 Accordingly a European Journal Notice was placed on 4<sup>th</sup> September 2014 requesting interested contractors to apply (via the London Tenders portal) by submitting a Pre-Qualification Questionnaire (PQQ) for evaluation to be short listed to tender. By the closing date of 12 noon 6<sup>th</sup> October 2014 a total of 14 on time submissions had been received

- 4.3 The OJEU Notice stated that following evaluation of the submitted PQQs, it is the Council's intention to restrict the number of organisations to be invited to tender to a maximum of five contractors. If more than five contractors meet the criteria detailed in the PQQ for selection, those five scoring the highest number of points on the evaluation criteria will be invited to tender.
- 4.4 The PQQ detailed the evaluation criteria to be used to assess the applications split into five elements as follows: Financial, Health and Safety, Equality and Diversity, Quality Management and Technical Capacity.
- 4.5 Each element was scored out of 100% but with a weighting in order to arrive at an overall score and ranking for each applicant.
- 4.6 This process arrived at a total score and ranking of each applicant. In accordance with the EU notice the top five ranked contractors all of whom met the criteria detailed in the PQQ were then invited to tender.
- 4.7 Tender documents were issued on 8<sup>th</sup> December 2014 for return on Friday 13<sup>th</sup> February 2015. The tender evaluation and subsequent recommendation for award has been made on the basis of a quality price model as detailed in the Part 2 report. The tender submissions have been evaluated on both the tenderer's quality and their price within a quality price model.
- 4.8 The tenderers quality has been assessed on the basis of their response to a number of questions set by the Council concerning construction programme, mobilisation, noise and disruption, customer care, quality of workmanship and Community Benefit.
- 4.9 The tender submission gaining the highest overall points score (Price plus Quality out of 100) is then considered to represent the economically most advantageous bid.
- 4.10 In order to explore alternatives on how best to programme the works and the extent of works four tenders were sought from each contractor as follows.

Tender A: Remodelling of floors 2 to 9 of Block A to the Civic Centre to the Council's programme.

Tender B: As Tender A but to omit the works to floor 2.

Tender C: As Tender A but to the contractor's own proposed programme.

Tender D: As Tender B but to the contractor's own proposed programme.

- 4.11 As detailed in the Part 2 report it is recommended that the Council pursues Tender B as providing the best option for the Council.

4.12 The programme for the works is as follows:

Stage	Date
Tender Approved	06 March 15
Call in, Alcatel Period and Contractor's Lead In/Mobilisation	09 March to 24 April 15
Start on Site	27 April 15
Complete Floor 9	04 Sept 15
Complete Floor 8	18 Sept 15
Complete Floor 7	11 March 16
Complete Floor 6	15 April 16
Complete Floor 5	19 August 16
Complete Floor 4	23 Sept 16
Complete Floor 3	10 Feb 17
Complete Lift Works	17 March 17
Contract Complete	17 March 17

## 5.0 ALTERNATIVE OPTIONS CONSIDERED

Various options were considered as to how the delivery of Phase One of the remodelling could be achieved such as remodelling two floors at a time as separate contracts. This however would require a series of contracts to be let which would involve increased costs to procure and lose the advantages of economies of scale as well as a lack of continuity of approach between floors. Alternatives were however considered in terms of programming the works and scope of works as detailed in the tender process above.

The original Deloitte report, that the Cabinet report was based on, also looked at the broader options as to how we could ensure fit for purpose accommodation for our staff. The range of options included "Do nothing" and "Do minimum", as well as complete and staggered refurbishment, and a potential rebuild. Of these options, the most cost effective option was to phase the renewals of key plant and equipment, as well as refurbishment of the office space.

This option remains valid, despite tenders being higher than budget provision. The increase costs of the phased approach would be mirrored in the other

options. Also the potential to generate income through leasing makes retention of the Civic Centre an increasingly attractive proposition.

## **6.0 REASONS FOR RECOMMENDATIONS**

- 6.1** The recommended contractor has been through a procurement exercise and subsequent tender evaluation to ensure they have the required expertise and capacity and represent value for money. The recommended contractor has provided the economically most advantageous bid for Tender B as detailed in the Part 2 report.

## **7.0 COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **7.1 Financial Implications**

Please refer to the Part 2 report for financial implications.

### **7.2 Legal Implications**

7.2.1 The Council has the general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may generally do provided it is not prohibited by legislation. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

7.2.2 The Council is required to comply with the Public Procurement Regulations 2006 as the value of the proposed contract is in excess of the EU threshold. This report confirms that an EU compliant tender and evaluation process has been conducted. The Council must continue to comply with the Public Procurement Regulations in respect of the contract award procedure and notification of unsuccessful bidders.

7.2.3 The Council must comply with its obligations with regards to obtaining best value under the Local Government (Best Value Principles) Act 1999. This report confirms that the successful bid was considered (on the basis of pre-determined criteria) to be the most economically advantageous.

7.2.4 This is a Key Decision and as such the Council must comply with Key Decision procedure.

7.2.5 All legal agreements arising from the matters described in this report must be approved by the Assistant Director of Legal Services.

### **7.3 Property Implications**

The Property Implications are largely contained in the main body of this report. The wider case for the need for refurbishment of the Civic Centre, including adaptations to make it fit for current and future purposes, has been made in previous reports.

FM has been involved with the tender process and has highlighted the need for the appointed contractor to have experience of working in occupied buildings. The contractor has provided evidence that previous works have included sites where there are occupants.

## **8.0 KEY RISKS**

The following key risks have been identified below:

- 8.1** The quality of work is not to the required standard. The existing governance boards in place for the Civic Centre Remodelling Steering Group will oversee all deliverables from the project. In addition the recommended contractor has been through both a rigorous shortlisting process and a quality assessment to ensure that as far as practical they have the necessary capacity and capability to carry out the works.
- 8.2** The cost of the works exceeds the tender sum. The contract and budget contains contingencies to allow for unforeseen works and a change management process will be operated the project manager and overseen by the governance structure to control and manage any variations to the works.
- 8.3** Any further risks identified throughout the project delivery will be managed by the project manager and escalated and managed via the governance structure.

## **9.0 IMPACT ON COUNCIL PRIORITIES**

### **9.1 Fairness for All**

The design proposals for provision of back-office facilities in the Civic Centre are not envisaged to have a direct impact on the provision of services to Enfield residents.

### **9.2 Growth and Sustainability**

The continued location of the Civic Centre in Enfield Town will help to ensure the economic prosperity of the town centre. Linked to the regeneration initiatives across the Borough, particularly in Edmonton, north-east Enfield and Ponders End, the Council has a comprehensive approach to ensuring economic growth wherever possible.

By remodelling the Civic Centre with high standards of office accommodation it should be possible to attract partner organisations to lease space within the building from us. The occupation levels we are seeking to achieve should leave two to three floors available for leasing to provide a regular income stream and increase the workforce using the town centre.

The recommended contractor has made commitments with regards to Community Benefit as part of their quality submission and as detailed in the Part 2 report.

### **9.3 Strong Communities**



The Civic Centre is and is planned to continue to be a major hub for use by community groups, primarily in the evenings after normal working hours. By operating this facility for community groups, the Council provides a considerable resource that is well used and appreciated by users. Further work will be undertaken to increase community use of the building wherever possible.

## **10 EQUALITIES IMPACT IMPLICATIONS**

The Civic Centre already has a high level of compliance with relevant disability legislation. The remodelling works will ensure that this high level of compliance continues in the future. In particular the works include improvements to the toilet provisions, induction loops on each floor, enhanced signage and increased and improved lift capacity, particularly for users of wider wheelchairs.

## **11 PERFORMANCE MANAGEMENT IMPLICATIONS**

Enfield commenced its New Ways of Working programme in 2009. The required changes to policies, the training and change management activity and provision of the IT infrastructure has been undertaken with all teams located in the Civic Centre. This has enabled most staff to be far less reliant on being based in the office to do their work. Although there will be potential disruption as teams are located on to different floors, It is not currently anticipated that this will have a negative impact on service delivery.

## **12 HEALTH AND SAFETY IMPLICATIONS**

All of the options considered above address the underlying health and safety issues with the Civic Centre. The recommended option ensures that these health and safety issues are addressed effectively and at reasonable cost, as well as providing assurance that the risk of them recurring over the medium term is low.

The short listing process has ensured that all of the tenderers have sound procedures and processes regarding health and safety and hold third party accredited health and safety registration.

The appointed contractor will be required to submit method statements for all key activities prior to commencing the works.

## **13 HR IMPLICATIONS**

There are no HR implications at this stage. Staff will continue to be consulted and briefed regarding the design and construction process and will be informed of the project outcomes.

## **14 PUBLIC HEALTH IMPLICATIONS**

Development of the Civic Centre has public health implications for the working environment of Enfield staff. Improvements to the general infrastructure will be useful. The health of both staff and residents could be improved further by encouraging active travel – integrating physical activity into everyday life and



reducing traffic pollution. The inclusion within the project of new showers to each floor is therefore welcomed.

**Background Papers**

Not applicable.