



## **PUBLICATION OF DECISION LIST NUMBER 67/14-15**

### **MUNICIPAL YEAR 2014/2015**

Date Published: Thursday 2<sup>nd</sup> April 2015

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

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

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

If you have any queries or wish to obtain further report information or information on a decision please refer to:

– James Kinsella (ext.4041)

*Phone 020 8379 then extension number indicated*

### INDEX OF PUBLISHED DECISIONS – 2<sup>nd</sup> April 2015

List Ref	Decision Made by	Date Decision to come into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page Number
1/67/14-15	Cabinet Member for Education, Children's Services & Protection (Cllr Orhan)	Tuesday 14 <sup>th</sup> April 2015	Part 1	Release of Targeted Basic Capital to Expand Oasis Hadley by One Primary Form of Entry	Key Decision KD 4098	Ponders End	Yes Monday 13 <sup>th</sup> April 2015	1
2/67/14-15	Director of Health, Housing & Adult Social Care (Ray James)	Tuesday 14 <sup>th</sup> April 2015	Part 1 & 2 (Para 3)	New Avenue Developer Partner Indemnity Agreement	Key Decision KD 3793	Cockfosters	Yes Monday 13 <sup>th</sup> April 2015	2-3

#### DECISIONS

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

**LIST REFERENCE: 1/67/14-15**

<b>SUBJECT TITLE OF THE REPORT</b>							
RELEASE OF TARGETED BASIC CAPITAL TO EXPAND OASIS HADLEY BY ONE PRIMARY FORM OF ENTRY							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision to come into effect</b>	<b>Interest declared in respect of the Decision</b>	<b>Category of decision (i.e. Key, Non-Key, Council, Urgent)</b>	<b>Contact Details</b>	<b>Eligible for Call-in &amp; Date to be called in by</b>
Part 1	Ponders End	Cabinet Member for Education, Children's Services & Protection (Cllr Orhan)	Tuesday 14 <sup>th</sup> April 2015	None	Key Decision KD 4098	Keith Rowley 020 8379 2459	Yes Monday 13 <sup>th</sup> April 2015
<b>DECISION</b>							
<p><b>AGREED:</b> subject to no call-in being received, the following decision will come into effect on Tuesday 14<sup>th</sup> April 2015:</p> <ol style="list-style-type: none"> <li>That the contents of this report is noted.</li> <li>That the LA's has implemented due diligence in monitoring the project development, design and procurement process compliance with statutory obligations undertaken by Oasis Hadley Academy. In addition, the Oasis Hadley Academy has met the terms of the funding agreements of both the Education Funding Agency and with Enfield;</li> <li>To approve the release to Oasis Hadley the Targeted Basic Need Programme Capital Grant payment received by Enfield to the value of £1,860,341.</li> <li>To authorise the allocation of £171,967.80 Basic Need Capital Grant in support of the project funding shortfall.</li> </ol>							
<b>ALTERNATIVE OPTIONS CONSIDERED:</b>							
There are no alternative options. The funding is earmarked for use for the Oasis Hadley Academy only. If the accommodation is not constructed, the Education Funding Agency (FSA) will insist, as per the funding agreement that the money is returned to them and the additional places will not be made available.							
<b>REASONS FOR RECOMMENDATIONS:</b>							
<ol style="list-style-type: none"> <li>The decision is necessary to provide authority for the release of the Targeted Basic Need Programme (TBNP) funds to Oasis Hadley Academy if the funding to be spent by the required deadline of 31<sup>st</sup> August 2015, under the Terms and Conditions of TBNP grant funding which have been formally agreed and signed by the Director of Schools and Children's Services.</li> <li>The existing primary accommodation is already full to capacity and there is no possibility of taking any additional pupils without the proposed additional accommodation. Any delay will severely affect the ability of the school to jeopardise meeting the EFA deadline of 31<sup>st</sup> August 2015 for the expenditure of the grant funding</li> <li>The shortfall of funding means there is a possibility the project may not go ahead and the expansion will not be achieved unless the Council supports the expansion by providing additional funding of £171,967.80.</li> </ol>							
<b>BACKGROUND:</b>							
Please note that a copy of the Part 1 report is available via the Decision list link on the Council's Democracy pages.							

**LIST REFERENCE: 2/67/14-15**

<b>SUBJECT TITLE OF THE REPORT</b>							
NEW AVENUE DEVELOPER PARTNER INDEMNITY AGREEMENT							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision to come into effect</b>	<b>Interest declared in respect of the Decision</b>	<b>Category of decision (i.e. Key, Non-Key, Council, Urgent)</b>	<b>Contact Details</b>	<b>Eligible for Call-in &amp; Date to be called in by</b>
Part 1 & 2 (Para 3)	Cockfosters	Director of Health, Housing & Adult Social Care (Ray James)	Tuesday 14 <sup>th</sup> April 2015	None	Key Decision KD 3793	Geoffrey Richards 020 8375 2179	Yes Monday 13 <sup>th</sup> April 2015
<b>DECISION</b>							
<p><b>AGREED:</b> subject to no call-in being received, the following decision will come into effect on Tuesday 14<sup>th</sup> April 2015:</p> <ol style="list-style-type: none"> <li>1. That the indemnity agreement be approved so the Council can being work with the preferred developer and their appointed architects, prior to the Development Agreement being engrossed. This will allow both a flood risk assessment to be undertaken in time to inform the development proposals, and allow residents to be fully consulted before a planning application is submitted by the end of 2015 as planned.</li> <li>2. Note that the costs covered by the proposed Indemnity Agreement are costs that will be met by the developer under the terms of their tender proposals. The Council will only be liable for costs in the event that the pending Development Agreement is not exchanged.</li> <li>3. Note that both parties will use their best endeavours to engross the contact by 31<sup>st</sup> May 2015. To mitigate the risk to the Council, of sharing any costs associated with pursuing the planning application, the date for not being in contract before the Council would be liable for any planning costs has been extended to 31<sup>st</sup> December 2015.</li> <li>4. Note that in the unlikely event that the Development Agreement is not exchanged any associated costs up to the agreed sum will be shared and evidenced on an open book basis. This is commercially sensitive information so included in the Part 2 Report.</li> <li>5. Note that the preferred developer will grant the Council an irrevocable perpetual, royalty-free, non-exclusive licence to use and reproduce all designs prepared by, or on behalf of the developer in connection with the site.</li> <li>6. Note that the value of such intellectual property will be twice any potential cost to the Council so going forward would represent a considerable saving to LBE in the unlikely event that the contract is not agreed.</li> <li>7. Note that points 2.3, 2.5 and 2.6 of the Report, will further increase the likelihood of the Councils preferred developer entering into contract with the Council to develop New Avenue.</li> </ol>							

**ALTERNATIVE OPTIONS CONSIDERED:**

1. Developer to work at risk until the Development Agreement is engrossed. The developer is only prepared to share the risk so this is not an option.
2. Put the planning works on hold until the Development Agreement has been engrossed. This would cause delay in delivering the project and so damage the Council's reputation with the New Avenue Panel Board and local residents.

**REASONS FOR RECOMMENDATIONS:**

1. The Council and the preferred developer are currently using their best endeavours to complete the contract.
2. It is important that the above matters are progressed without delay if stakeholders are to meet the planned timeline for submitting a planning application by the end of 2015 and subsequently a December 2016 start on site.
3. Any associated costs up to the agreed sum will be shared and evidenced on an open book basis. Please refer to the Part 2 paragraph 2.2.
4. The intellectual property rights that the Council would hold as a result of the work undertaken to pursue a planning application for New Avenue, detailed at point 2.4 and 4.2, would both mitigate the risk of the developer walking away from the project and represent a significant saving to the Council going forward should the contract not be agreed.

**BACKGROUND:**

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