



PUBLICATION OF DECISION LIST NUMBER 36/15-16

MUNICIPAL YEAR 2015/2016

Date Published: Tuesday 27th October 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 – 27th October 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 No. |
|------------|---|---|---------------------|---|----------------------|----------------|---|----------|
| 1/36/15-16 | Director of Finance, Resources & Customer Services (James Rolfe) | Wednesday 4 th November 2015 | Part 1 & 2 (Para 3) | London Borough of Enfield Pension Fund – Investment Consultancy Services Procurement | Key Decision KD 4216 | All | Yes Tuesday 3 rd November 2015 | 1 |
| 2/36/15-16 | Director of Finance, Resources & Customer Services (James Rolfe) & Interim Chief Education Officer (Jenny Tosh) | Wednesday 4 th November 2015 | Part 1 | Procurement of Energy (Electricity & Gas) for Corporate Buildings & Schools 2016-2020 | Key Decision KD 3984 | All | Yes Tuesday 3 rd November 2015 | 2 |
| 3/36/15-16 | Leader of the Council (Cllr Taylor) & Cabinet Member for Economic Regeneration & Business Development (Cllr Sitkin) | Wednesday 4 th November 2015 | Part 1 & 2 (Para 3) | On-Lending Agreement from the Council to Lee Valley Heat Network Ltd. | Key Decision KD 4080 | All | Yes Tuesday 3 rd November 2015 | 3-4 |

DECISIONS

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

CALL – IN UPDATE

Please note no decisions have been called in for review from the following lists:

List No.34 Issued on Friday 16th October with a Call-In date of Friday 23rd October 2015

LIST REFERENCE: 1/36/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|---|----------------------------------|---|--|---|--|-------------------------------|---|
| LONDON BOROUGH OF ENFIELD PENSION FUND – INVESTMENT CONSULTANCY SERVICES PROCUREMENT | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to effect | Interest declared in respect of the Decision | Category of decision (i.e. Key, Non- Key, Council, Urgent) | Contact Details | Eligible for Call- in & Date to be called in by |
| Part 1 & 2 (Para 3) | All | Director of Finance, Resources & Customer Services (James Rolfe) | Wednesday 4 th November 2015 | None | Key Decision KD 4216 | Liam Preston 020 8379 5760 | Yes Tuesday 3 rd November 2015 |
| DECISION | | | | | | | |
| <p>AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 4th November 2015:</p> <ol style="list-style-type: none"> 1. To approve the use of the London Borough of Croydon Framework for the provision of Pension Fund Investment Consultancy Services. 2. To authorise the application of the common seal to the investment consultancy services access agreement. 3. To approve the direct call-off of investment consultancy services from the framework and the appointment of the contractor. | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| <ol style="list-style-type: none"> 1. The Council considered running the procurement process without the framework. However, the costs and staff resources required proved to be prohibitive. 2. The Council considered using the Norfolk County Council LGPS Investment Consultancy Services Framework for the procurement of investment consultancy services. However, Norfolk County Council required the payment of an access fee. Given that the PPIC has been extremely happy with the service provided by the incumbent (the contractor) and that the Fund is performing well, it was decided to use the Croydon Framework for the procurement of investment consultancy services. The Croydon Framework does not require a joining fee and enables the Council to procure the services of the Contractor in a simple and cost effective manner. | | | | | | | |
| REASONS FOR RECOMMENDATIONS: | | | | | | | |
| <ol style="list-style-type: none"> 1. The incumbent (the Contractor) has consistently provided a high quality investment consultancy service to the Fund. The incumbent (the Contractor) supported the fund in its transition to a more balanced, lower risk portfolio with a lower weighting of equities. This bucks the trend seen across the LGPS funds, as many continue to rely on equity as their main source of growth. Awarding the contract to the Contractor will ensure that the Fund continues to have access to high quality investment consultancy. 2. Running a full Office of the Journal of the European Union (OJEU) procurement process will be both time consuming and costly. The Croydon Framework offers the Council a cost effective way of procuring investment consultancy services for the pension fund. | | | | | | | |
| BACKGROUND | | | | | | | |
| Please note that a copy of the Part 1 report is available via the decision list link on the Council's democracy pages. As the Part 2 report contains exempt information it will not be available to the press or public. | | | | | | | |

LIST REFERENCE: 2/36/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|--|---|---|---|---|---|--------------------------------|--|
| PROCUREMENT OF ENERGY (ELECTRICITY & GAS) FOR CORPORATE BUILDINGS & SCHOOLS 2016-2020 | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to effect | Interest declared in respect of the Decision | Category of decision (i.e. Key, Non- Key, Council, Urgent) | Contact Details | Eligible for Call- in & Date to be called in by |
| Part 1 | All | Director of Finance, Resources & Customer Services (James Rolfe) & Interim Chief Education Officer (Jenny Tosh) | Wednesday 4 th November 2015 | None | Key Decision KD 3984 | Andrea Latter 020 8379 3089 | Yes Tuesday 3 rd November 2015 |
| DECISION | | | | | | | |
| <p>AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 4th November 2015: To approve the recommendation to commit to Local Authorities South East Region's (LASER) rolling two + two year bilateral electricity and gas contracts, up to a maximum period of four years, from 1st October 2016 – 30th September 2020.</p> | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| The detailed alternative options considered are set out in full in section 4 of the report. These included “do nothing” and an alternative procurement option. | | | | | | | |
| REASONS FOR RECOMMENDATIONS: | | | | | | | |
| <p>The detailed reasons for the recommendations are set out in full in section 5 of the report.</p> <p>LASER provides risk-managed Office of the Journal of the European Union (OJEU) compliant flexible contracts as recommended by CCS's (Crown Commercial Service's) (formerly Office of Government Commerce) Pan Government Energy Project which recommends that “all public sector organisations adopt aggregated, flexible and risk-managed energy procurement”.</p> | | | | | | | |
| BACKGROUND | | | | | | | |
| Please note that a copy of the Part 1 report is available via the decision list link on the Council's democracy pages. | | | | | | | |

LIST REFERENCE: 3/36/15-16

| SUBJECT TITLE OF THE REPORT | | | | | | | |
|---|---|--|---|---|--|-------------------------------|--|
| ON-LENDING AGREEMENT FROM THE COUNCIL TO LEE VALLEY HEAT NETWORK LTD. | | | | | | | |
| Part 1 or 2 (relevant exempt Paragraph) | Wards affected by decision | Decision taken by | Date Decision comes in to effect | Interest declared in respect of the Decision | Category of decision (i.e. Key, Non-Key, Council, Urgent) | Contact Details | Eligible for Call- in & Date to be called in by |
| Part 1 & 2 (Para 3) | All | Leader of the Council (Cllr Taylor) & Cabinet Member for Economic Regeneration & Business Development (Cllr Sitkin) | Wednesday 4 th November 2015 | None | Key Decision KD 4080 | Jeff Laidler 020 8379 3410 | Yes Tuesday 3 rd November 2015 |
| DECISION | | | | | | | |
| <p>AGREED: subject to no call-in being received, the following decisions will come into effect on Wednesday 4th November 2015:</p> <ol style="list-style-type: none"> 1. To approve entry into the On-Lending and a £12 million Loan Back Agreement, noting that the loan may be structured as more than one agreement to reflect the different sources of funds or may be consolidated into one agreement. This funding will only be released once both LBE and Lee Valley Heat Network (LVHN) have signed the On-Lending Agreement and ancillary Loan-Back Agreement. 2. To approve entry into necessarily ancillary agreements to the above, for example providing a second State Aid opinion prior to any interest rate adjustment. 3. To delegate authority to approve upward adjustment of the interest rate payable under the On-Lending and Loan Back Agreement to both the Director of Regeneration and Environment, and the Director of Finance Resources and Customer Services, if recommended by financial advisors (to avoid being classed as State Aid) and agreed by LVHN's OpCo Board as a loan still worth taking. 4. Any additional borrowing over and above the £3.022 million previously authorised by Cabinet, is Condition Precedent upon the Council's main investment decision in LVHN, which is scheduled for summer 2016 5. To authorise a separate £500k Working Capital Facility for LVHN, funded from the Council's general borrowing, which is separate to the On-Lending agreement. | | | | | | | |
| ALTERNATIVE OPTIONS CONSIDERED: | | | | | | | |
| Do nothing: The full details are in the Part Two Report. | | | | | | | |

REASONS FOR RECOMMENDATIONS:

1. To avoid breach of the LEEF loan agreement. To enable funds to be drawn by LVHN (per previous authorisation). To do so on terms compliant with the conditions of the LEEF loan.
2. State Aid compliance is assured by default through use of an exemption. However, advice is being sought as to the interest rate that would need to be charged for the loan so as not to be considered State Aid. This would be better for LVHN. An adjustment in the interest rate under the loan may be required to ensure State Aid compliance and financial advice is being sought on the appropriate rate. An upward only adjustment would mean no risk of financial detriment to the Council resulting from any such adjustment.

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.