

## MUNICIPAL YEAR 2016/2017 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

#### PORTFOLIO DECISION OF:

Cllr Daniel Anderson - Cabinet  
Member for Environment and  
Cllr Yasmin Brett - Cabinet  
Member for Community,  
Arts & Culture.

#### REPORT OF:

Executive Director-  
Regeneration &  
Environment

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|   |                    |
|---|--------------------|
| <b>Agenda – Part: 1</b>                       | <b>KD Num: N/A</b> |
| <b>Subject:</b>                               |                    |
| <b>Approval of the Animal Welfare Charter</b> |                    |
| <b>Wards: All</b>                             |                    |

### 1. EXECUTIVE SUMMARY

- 1.1 The Animal Welfare Charter is a statement of intent that the Council supports the view that all animals have the right to a life free from cruel treatment and unnecessary suffering.
- 1.2 The Charter has been revised setting out the Council's operational approach towards animal welfare matters within its control.

### 2. RECOMMENDATIONS

That the Animal Welfare Charter is adopted which demonstrates and confirms the Council's commitment as a responsible and representative public body. The revised Charter can be found at Appendix 1.

### **3. BACKGROUND**

- 3.1 The Charter sets out the Council's principles, values and policy on animal welfare standards. The Council recognises that the main responsibility for animal welfare is with the owner of the animal. The Council will encourage, and if necessary enforce, owners to take their responsibilities seriously, but the Council will not take over their responsibility.
- 3.2 Enfield Council has statutory duties in respect of animals that have both a direct and indirect impact on animal welfare. These duties include, amongst other things, licensing pet shops, riding establishments, and dealing with stray dogs. The Council also has a moral responsibility for animal welfare in respect of land it owns and for which it allows the public to use or hire.
- 3.3 The purpose of the revision of the Charter was to ensure that the Council is meeting its statutory responsibilities in respect of animal welfare, taking a positive approach to animal welfare and leading by example, and to revise measures that could improve the Council's approach to animal welfare.
- 3.4 The Charter does not cover every aspect of animal welfare but it does detail those areas that are considered most important and over which the Council has control and influence. There are many areas of animal welfare over which the Council has no direct influence or control and these areas have been omitted from the Charter.
- 3.5 The main points of the Charter detail the enforcement responsibility the Council has, responsible pet ownership, and policy decisions in relation to Council activities and Council owned land. There are two prime functions of the Council, in respect of animal welfare, licensing and functions relating to dog ownership.
- 3.6 Licencing
- 3.6.1 The Council licenses certain premises. These are:
- Boarding Establishments
  - Dog Breeding Establishments
  - Riding Establishments
  - Pet shops
  - Zoos
  - Premises holding Dangerous Wild Animals
- 3.6.2 The main purpose of licensing is to ensure the animals are kept in a clean, safe environment, and to ensure any activity the animal is engaged in, is carried out in a manner that does not jeopardise the animals' welfare.

- 3.6.3 Licences are issued subject to the licensee being able to demonstrate they meet licence conditions which are linked to prescribed licensing objectives. Officers inspect premises upon application and renewal of the licence to ensure that licence conditions are met. Interim visits are made where follow up works are required or upon receipt of complaints. Officers are aware of welfare issues and liaise with the RSPCA as necessary.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

The Council has a statutory duty in respect of the Animal Welfare Act 2006 and the Charter sets out its intention to comply.

#### **5. REASONS FOR RECOMMENDATIONS**

In keeping with the Animal Welfare Act 2006, this Charter applies only to animals for which humans have responsibility for or have control over. This policy will be periodically reviewed to ensure that amendments to legislation or further developments in animal welfare and local and national circumstances can be embedded into the policy.

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

##### **6.1 Financial Implications**

There are no financial implications in adopting the revised policy.

##### **6.2 Legal Implications**

Legal have commented that there are no legal implications other than those mentioned in the report and the Charter.

##### **6.3 Property Implications**

There are no property implications.

#### **7. KEY RISKS**

- 7.1 Strategic Risks: Strategic Risks from adopting the revised Charter are considered to be low risk.
- 7.2 Financial Risks: The adoption of the Charter has no financial implications.

- 7.3 Reputational Risks: The adoption of the Charter should result in an increased appreciation and reputation of the Council.
- 7.4 Regulatory Risks: The regulatory risks are managed by the Council's statutory duty and having a policy in place is good practice.

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

### **8.1 Fairness for All**

The Charter sets out the Council's position on animal welfare and the way we can both regulate and influence any impact on animals.

### **8.2 Growth and Sustainability**

In conjunction with such policies as the Biodiversity Policy, the Charter supports a sustainable environment.

### **8.3 Strong Communities**

The Charter was circulated to members of the Green Belt Forum and valuable contributions have been incorporated into the Charter. Working in partnership with such groups and animal organisations builds good relationships and ensure we tackle poor practice.

## **9. EQUALITY IMPACT IMPLICATIONS**

A full Equality Impact Analysis is not required as the level of impact is low. An equality impact screening exercise has not highlighted a positive or negative impact on any of the protected characteristics.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

There are no performance implications.

## **11. PUBLIC HEALTH IMPLICATIONS**

The protection of animals has a positive impact on the wellbeing of residents and can influence health issues (physical, mental, and social well-being).

### **Background Papers**

None

**London  
Borough of  
Enfield**

# **Animal Welfare Charter**

**Protecting and Caring for  
our Animals**

**2016**

***ENFIELD***  
*Council*



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## **Introduction**

Good animal welfare provides a range of direct and indirect benefits for both the animal and society and brings joy to the lives of individuals, families and communities. This Charter sets out the Council's policy and commitment towards a range of animal welfare issues. Enfield Council aims to safeguard and promote the good health and wellbeing of animal and believes that we all have responsibilities to our fellow creatures to keep them safe, healthy and happy.

Animals not only satisfy our social needs as pet owners and farmers, but they are also integral to other factors such as the environment, sports, recreation and they support food production. This Charter seeks to provide interested parties with information and guidance in the care and maintenance of animals and inform owners about their legal responsibilities, how best they can be met and the enforcement actions that can be taken by Enfield Council to ensure the wellbeing of animals.

## **The Scope**

Although the Council encourages promotion of awareness throughout the borough of the need to care for the welfare of animals, it recognises that not all matters are within its influence. This Charter does not cover every aspect of animal welfare, but it does aim to detail those areas where the Council has a regulatory role as a landowner, a property owner and an enforcing authority for legislation that relates to the protection of animals. Also, where it feels it can have some influences as a responsible and representative public body and where it can facilitate information.

In keeping with the Animal Welfare Act 2006, this charter applies only to animals for which humans have responsibility for or have control over.

This policy will be periodically reviewed to ensure that amendments to legislation or further developments in animal welfare and local and national circumstances can be embedded into the policy.

## **Statement of Intent**

Enfield Council is opposed to cruelty and unnecessary suffering of animals and respects the principle that all animals need to be protected from pain, suffering, injury and disease. The Council firmly believes that every animal should live in a suitable environment, including being housed with any necessary companion among its own species, be fed a suitable diet and be able to show normal behaviour.

Enforcement action can be taken against owners who fail their responsibilities towards their animals. The Council can and will enforce legislation relating to animal welfare to protect all animals within its remit.

Enfield Council fully supports the requirements of the *Animal Welfare Act 2006* that requires any person responsible for an animal to ensure that their needs are met. This includes:

- Its need for a suitable environment,
- Its need for a suitable diet,
- Its need to be able to exhibit normal behaviour patterns,
- Any need it has to be housed with, or apart from, other animals, and
- Its need to be protected from pain, suffering, injury and disease.

Where possible, Enfield Council will aim to assume an educational and advisory role to facilitate these principals while ensuring that owners/keepers comply with the relevant laws.

The Council will actively encourage the visiting of school children to parks and open spaces to help educate them on wildlife and looking after the environment.

### **Enfield Council's Statutory Role**

The Council takes its statutory duties on animal health and welfare seriously to ensure that the legislation to protect animals is complied with.

The Council has a statutory duty to licence certain establishments/premises and regulate persons licensed for the breeding, sale, hire or keeping of animals within the borough, which includes:

- Pets Shops
- Dog Breeding Establishments
- Dog and Cat Boarding Establishments (Including Home Boarding)
- Riding Establishments
- Owners of Dangerous Wild Animals
- Zoos

Enfield Council will appoint qualified experts where deemed to be appropriate or necessary, to inspect premises, in addition to inspections carried out by its own officers.

The Council has statutory responsibilities relating to Animal Licensing, Stray Dogs, zoonotic animal diseases, Nuisance Animals & Dangerous Dogs. As a local authority, our power includes:

- Issuing fixed penalty notices under the *Clean Neighborhood's and Environment Act 2005* for; failing to remove your dog's mess, areas where dogs are excluded and areas where dogs are to be kept on leads.
- Seizing and detaining stray dogs under the *Environmental Protection Act 1990*.
- Investigating the noise nuisance caused by barking dogs and take the appropriate action under the *Environmental Protection Act 1990*.
- Prosecuting owners of dogs who fail to ensure their dogs are wearing a collar and tag when in a public place.
- Issuing Fixed Penalty Notices to owners of dogs who fail to ensure their dogs are microchipped with updated details under *The Microchipping of Dogs (England) Regulations 2014*.



## **Animal Disease Control**

The Council has a key statutory responsibility to enforce animal disease legislation in the event of an outbreak of an exotic notifiable animal disease within the UK (such as Foot and Mouth, Rabies and Avian Flu). The Council also has a duty to prepare and exercise emergency plans under the *Civil Contingencies Act 2004*.

Enfield Council has used the exotic notifiable animal disease contingency plan template produced by the National Animal Health and Welfare Panel and the Association of Chief Trading Standards Officers (ACTSO) for this purpose.

At times, we may also erect advisory information/notices about animal diseases/conditions.

The Council has contracts with the City of London Animal Health Inspectors who undertake inspections of animals at farms and other like premises under animal disease control legislation, ensuring that proper animal health and welfare standards are in place on all farms. The contract also includes administration of movement of animals' licenses (such as sheep, goats, pigs and deer) from premises to premises in accordance to legal restrictions.

## **Improving animal welfare through licensing and enforcement**

The Council will continue to effectively regulate premises or persons licensed for the breeding, sale, hire or keeping of animals to manage problems that may occur in such premises. Examples include overcrowding, inadequate facilities, lack of proper care and supervision and inadequately trained staff.

The Council will ensure that the premises comply with the conditions of their licence. Annual inspections will be undertaken when licences are granted or renewed and unannounced visits made as necessary to ensure that the licence conditions are being adhered to and that animal welfare needs are met, as defined under the Animal Welfare Act 2006 "Duty of care" (Section 9). Inspections of animals on farms and holdings are also undertaken on a risk based programme.

The Council recommends that pet owners use only licensed boarding establishments or, if using pet sitting services, dog sitters should be licensed under the *Animal Boarding Establishment Act 1963*.

Enfield Council is aware of the impact of firework noise on animal welfare as this can cause distress for all kinds of animals, including companion animals, wildlife and farm animals.

The Council licences, inspects and enforces premises for the storage and sale of fireworks. This is strictly controlled by legislation. The Council and Police also enforce legislation that strictly controls the use of fireworks as it is illegal to:

- Set off or throw fireworks in the street or other public places.
- Set off fireworks between 11pm and 7am, except for;

- Bonfire Night, up until midnight
- New Year's Eve, Diwali and Chinese New Year, up until 1am

Sale of Category F3 fireworks whose decibel levels exceed 120dB are restricted to organised events and cannot be purchased by the public. Category F1 and F2 with typical maximum levels of 96 decibels can only be used by the public. The Council prohibits the use of fireworks and other forms of pyrotechnics at Forty Hall, and also discourages the release of helium balloons, Chinese lanterns and floating candles on land owned or controlled by the Council.

### Stray Dog Service

The Council has a statutory responsibility under Section 149 of the *Environmental Protection Act 1990* and the *Environmental Protection (Stray Dogs) Regulations 1992*, to seize and detain any dog found on public land, or other land or premises, which it believes is stray. The Council will ensure that all strays found in the borough are treated humanely and not subjected to any further pain and distress.

The Council has a contract to deliver the Stray Dog Services. The contractor is responsible for the collection and return of the dog, kennelling, veterinary services needed, re-homing, charity liaison and dealing with customers directly. The contractor's staff are trained and competent in dog handling and dog welfare. The Stray Dog Service provision is as follows:

| Contact  | Days  | Open Times    | Last callout |
|--|---|---------------|--------------|
| Call: 0781 5512833<br>Customers enquiry will be dealt with first thing the next day if closed. | Mondays to Fridays<br>(including Bank Holidays) | 07:00 – 22:00 | 21:00        |
|  | Saturdays and Sundays                           | 10:00 – 20:00 | 19:00        |
|  | Closed: Christmas Day and Boxing Day            |               |              |

All dogs will be thoroughly checked for identification in an attempt to return the dog to its owner. As far as possible, we will actively seek re-homing of unclaimed stray dogs after the statutory seven-day detention period.

### Responsible Pet Ownership

Enfield Council recognises the value that pets can bring to people's lives and the commitment needed to ensure pet's protection and good wellbeing. In addition to exercising its legal enforcement powers, the Council will promote responsible pet ownership and encourage pet shops to provide suitable care and welfare information to prospective owners about the animal they are purchasing.

The Council will expect people with pets or animals to be responsible pet owners and before getting a pet or animal, consideration should be given to the commitment which it entails. The Council encourage potential owners to carry out research on the needs of the pet/animal being considered. Things to consider before getting a pet include:

- Cost of the pet including additional cost for registration, emergency, regular vet checks and vaccinations.
- Food and diet and the cost of feeding your pet.
- Your legal duties around owning the pet of your choice.
- The environment and equipment your pet will need.
- General care of the pet and what will happen if you are out of the property for long periods.
- The maintenance requirements.
- An appropriate pet if you have children.

It is a legal requirement for all dogs to be microchipped with up-to-date contact details to aid identification. A puppy has to be microchipped and registered to an approved database by the time they are 8 weeks old.

If a dog is not microchipped, a notice will be issued giving the owner 21 days to ensure microchipping is done. If the owner does not comply with the notice, we may arrange for the microchipping to be done, seek to recover all costs and the owner will be liable to pay a fine on prosecution.

Enfield Council will utilise our website to signpost dog owners to free or low cost microchipping, and will work with the Dogs Trust to provide free microchipping events. We will also signpost dog and cat owners to any known free or low cost neutering.

We will promote responsible dog ownership by enforcing legislation against persons allowing dogs to foul and not clean up afterwards, dogs failing to wear collars and tags and for dogs being off leads in designated parks and open spaces.

If we identify or become aware of any illegally imported, illegal animals kept as pets or wild birds being trapped and caught - we will contact the Metropolitan Police's Wildlife Crime Unit.

### **Dangerous Dogs**

Under the law any dog (of any breed or type) can be considered dangerous in any place if it is not kept under control. The dog doesn't have to bite anyone, it could just show aggressive behaviour that makes someone feel in fear for their safety. When we become aware of Dangerous Dogs, we will refer it to the Metropolitan Police and their status Dog Unit for their investigation.

There are a number of Orders in place in our parks and open spaces to ensure that dogs are kept under control by being kept on a lead (either by direction or in some places at all times) and there are certain parks and open spaces where dogs are excluded (such as children playgrounds). Consideration is currently being given to limiting the number of dogs that one person can walk and be in control of in parks and open spaces.

## **Banned Breeds**

Certain breeds or 'types' of dogs in the UK are banned. It makes it illegal to own, breed, sell, or give away the following types of dog:

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

When we become aware of dangerous dogs, we will refer them to the Metropolitan Police Dog Unit for their investigation.

## **Circuses, Performances, Exhibitions and Displays of Animals**

The Council will let only to circuses which are active members of the Association of Circus Proprietors and that do not include live animal acts including birds, reptiles or equines in their programmes.

All other applications to hold performances, exhibitions or displays of animals on any council-owned land or premises will be considered individually and the decision to grant or refuse such applications will be based on a wide range of considerations.

The Council will discourage the use of performing animals in premises or on land not in the Council's ownership.

Any evidence of cruelty or mistreatment will be reported to the appropriate authority which may include the RSPCA and/or the Police.

## **Giving Animals as Prizes**

The Animal Welfare Act prohibits the giving of pets as prizes to unaccompanied children under the age of 16. Enfield's policy will impose a total restriction on the the giving of any pets (including fish) as prizes.

It is Council policy that the conditions for hiring or letting any of the Council's parks that the giving of pets, including goldfish, as prizes and the inappropriate exhibition of animals is prohibited.

## **Pony, Donkey and Horse Rides**

It is an offence under the *Riding Establishment Act 1964/1970* to provide riding lessons, trekking or pony/donkey rides without the appropriate licence. Anyone offering such activities on council-land should be from a licensed establishment. Enfield Council encourages other landowners to apply similar strict conditions.

## **Horses**

The Council will enforce the Animal Welfare Act 2006 and will not allow the long-term tethering of horses and ponies as a method of keeping equines on a permanent basis when there is no regular daily exercise, in an open environment, on any land owned or managed by the Council. If tethering is

temporary or regular daily exercise is provided then the code of practice, *Welfare of Horses, Ponies, Donkeys and their Hybrids*, issued by the Department of Environment, Food and Rural Affairs (DEFRA) should be followed.

Where horses are kept on enclosed outdoor land, we will encourage the owners to erect signs on the fences so that they can be contacted in cases of emergency, such as horses escaping or becoming ill or injured.

### **City Farms**

The Council will support the establishment of city farms and pet corners, etc. provided such facilities are properly designed and managed in the belief that this will lead to a greater appreciation, by the general public of the countryside and its animals.

### **Shooting**

The Council prohibits the unauthorised use of guns, air weapons crossbows or catapults on any council-owned public open space, woodlands and parks.

### **Angling**

Enfield Council recognises the recreational purpose of angling and encourages anglers to join a legitimate fishing club and follow responsible fishing practices and care taken to discard fishing tackle, including hooks, weights and line, as it causes needless suffering to wildlife, entangling waterfowl and other birds.

This Council recommends that anglers follow the National Angling Trust, *Code of Conduct for Anglers*, which is designed to complement the existing legislative framework and provides a common sense guide to values and behaviour to which anglers should aspire.

Anyone fishing with a rod and line for salmon, trout, freshwater fish, smelt and eel must hold a *rod fishing licence*, purchased from the Environment Agency, and comply with the byelaws that cover the waters where they are fishing.

Children under 12 don't need a licence. However, if you take a child under 12 fishing and hold the rod or help hold it you must buy a licence for yourself. Enfield Council strongly recommends that any children angling under the age of 12 should be accompanied by an adult.

In regards to un-leased waters, the Council allows angling for recreational purpose to take place, as long as those participating obtain an Environment Agency Rod License and the fish are returned to the water.

Angling is banned in some Council controlled parks and open spaces. The Parks Service do lease water bodies to bone fide angling clubs, but this will always be in agreement that can demonstrate that they comply with Environment Agency best practice for fish and wildlife welfare which includes; Statutory Close Season, Poaching and Responsible Fishing.

We recognise that illegal activity and poor practises are detrimental to wildlife such as discarded fishing lines. In response to this we will explore options with local fishing clubs to lease and manage waters within our parks in order to have uniformity in the borough.

You can be fined for fishing without a rod licence and it is a criminal offence to fish for, take, kill or attempt to take or kill freshwater fish during the statutory close season.

The Council controls fishing activities within Parks and Open Spaces as follows;

| <b>Council Controlled Parks</b>  | <b>Rules</b>   |
|--|--|
| <b>Trent Park</b>  | We allow free fishing as long as the person fishing has a valid Environment Agency Rod license |
| <b>Forty Hall</b>  | Fishing lakes are leased to the Enfield Anglers Consortium                                     |
| <b>Boxers Lake</b>   | Leased to a private Fishing Club   |
| <b>Enfield Town Park</b>   | All fishing is banned  |
| <b>Warwick Road Open Space</b>   | All fishing is banned  |
| <b>Grovelands Park</b>   | We allow free fishing as long as the person fishing has a valid Environment Agency Rod License |
| <b>Fishing guidelines</b><br>All of Enfield's angling waters are 'catch and release' where any fish caught need to be released back unharmed. <ul style="list-style-type: none"> <li>▪ You have a rod licence to fish, if you are over 12 years of age.</li> <li>▪ You may only use two rods or poles per person.</li> <li>▪ You may only fish from angling stations or designated areas.</li> <li>▪ You must follow UK laws on type of tackle, gaffs and hooks that can be used.</li> <li>▪ No fishing at night (between dusk and dawn).</li> <li>▪ No fishing during closed season, 5th March until the 15th June each year.</li> <li>▪ No tents or bivouacs are allowed within the park and lake area, unless you have permission.</li> <li>▪ No use of floating bait because any birds it attracts might get caught up in hooks and line.</li> <li>▪ Put all litter and fishing line in the rubbish bins in the park or take it home.</li> </ul> |  |

Parks staff will approach anglers to check if they have a rod licence. Also, if there is intelligence that suggests a problem with fishing at night or in the close season, we will task this to enforcement officers. If we identify or become aware of any illegally angling activities we will contact the Environment Agency enforcement team and the police, where appropriate.

If you witness a suspected wildlife crime in action call 999 immediately and ask for the police. For all other enquires call 101. For your own safety, do not approach suspects yourself or touch anything at the scene.

### **Animal Hoarding**

Where we come across persons keeping animals in inappropriately large numbers and/or unsuitable conditions, including privately owned animal sanctuaries, we will liaise with the RSPCA or other suitable animal welfare organisation. We will encourage owners to neuter their pets and signpost them to providers of these services and discounted schemes.

People are encouraged to report any suspected instances of animal hoarding to the Council, if nuisance is being caused. In cases where animals are being mistreated or neglected, please contact the RSPCA.

### **Pets in Council Housing and Accommodation**

Enfield Council values the social benefits of owning pets and believes a healthy, happy and well cared for pet can enrich one's life. Permission to keep a pet in council accommodation will be subject to the individual tenancy agreement. The Council generally allows tenants to have one pet in permanent council accommodation and tenants must seek written permission, from the housing office, to keep more than one pet.

The Council will promote responsible pet ownership to its tenants and will take tenancy action if pets are causing a nuisance to others, or being treated inappropriately or cruelly.

If a tenant owns a pet when they need to move into temporary accommodation, the Council will attempt to place them with a housing provider that allows pets in their properties.

However, for tenants who are currently in temporary accommodation the Council prohibits them from acquiring a pet or replacing a pet that has died as this may prevent them from moving to permanent accommodation, since some landlords and housing associations do not allow pets in their properties. Instead, the Council encourages tenants to visit and experience animals in environments such as zoos and animal rescue centres.

### **Pets Emergency Contingency Planning**

Council emergency plans, including those drawn up for mass evacuation, will include provision for companion and other animals so far as is practicable, bearing in mind that the saving of human life always takes priority.

In the event of an emergency where an area is evacuated due to such incidents, the following will apply:

#### Pets at Reception Centres

It will be the decision of the Reception Centre Manager, and the owner, occupier or manager of such premises, as to what action is taken in respect of any animals brought to a Reception Centre.

#### Other arrangements for pets

In the event that pets cannot be kept at reception centres, or left with friends and family, the Council has a list of organisations that are able to temporarily keep pets in such circumstances such as the Trent Park Animal Centre, RSPCA and voluntary organisations.

Alternatively, the Council's arrangements for any animal or pet will be at the discretion of the Social Services Management Team. Social Services will make appropriate arrangements for kennelling/detaining and the owners will be expected to reimburse the Council for the cost of any necessary kennelling and veterinary treatment.

### Wildlife

Enfield is one of London's greenest boroughs. With the Lee Valley Regional Park, private gardens and 123 parks and public open spaces, 37 allotment sites, more than 300 hectares of woodland and 100 kilometres of rivers and streams, we have a wealth of biodiversity right here on our doorstep.

Enfield Council believes that wildlife and the natural processes within needs space to thrive and a healthy natural environment is fundamental to our wellbeing and our basic needs such as food and water. We encourage the personal and social benefits gained from positively engaging with our land, open spaces and heritage which promotes health and happiness.

The Council will work closely with the Wildlife Police to enforce legislation in respect of relevant habitats and protected species and continue to support measures aimed at conservation of wildlife in respect of local nature reserves, trails and conservation areas within the borough.

The Council will display a summary of the *Wildlife and Countryside Act 1981* on parks notice boards to inform users of the legal requirements for the protection of wildlife.

The Council has a community leadership role and responsibility to conserve, protect and enhance our natural habitats. The Management of council parks, gardens, and open spaces will, where possible, give priority to ecological considerations. This is covered within our *Biodiversity Action Plan*. The biodiversity plan is a working document and all service areas in the Council will adhere to it. Uncontrolled public access will be denied in relation to the most sensitive areas or habitats if necessary and/or possible aiming to conserve and enhance the biodiversity of the area.

The Council has a policy in the management plans in the Green Flag parks of not using herbicide unless it is absolutely necessary. This principle will be



applied to all parks with the use of herbicide restricted to where there is no alternative to eradicate invasive species such as Japanese Knotweed and Giant Hogweed.

The Council has a maintenance regime with its contractor for the pruning of hedgerows on council-owned highway land. This is to ensure that hedgerows do not obstruct visibility alongside the highway. However, the pruning regime is planned to avoid the bird nesting season. The contractors are required on each visit to check for nesting birds before carrying out any pruning works, and to report back on any areas that have not been pruned due to nesting birds.

## **Planning**

The Council opposes the indiscriminate destruction of animal habitats and we will use powers under the *Town and Country Planning Act 1990* to prevent and control works taking place without the approval of the Local Planning Authority.

When we receive planning applications, we always consider the effect on local wildlife. If your work will affect protected species or habitats, you need to carry out an ecological assessment. You will also need an ecological assessment if the work is on or near:

- sites of importance for nature conservation
- Biodiversity Action Plan habitats
- rivers and green corridors

The Council has a duty to consider biodiversity when assessing planning applications and will always ensure that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

Where there is a reasonable likelihood that a planning proposal might affect important protected species or habitats, the Council will require information on the species and habitat likely to be affected, and an assessment of the impacts of the proposals will be assessed in line with local and national policy guidance.

Further information can be found on the Council's website section *Ecological assessments for planning applications*.

Ecological assessment surveys should be carried out by qualified ecologists and, if European Protected Species are being surveyed, they may need to hold a survey licence. Applicants should seek advice as early on as possible, as some steps are time-dependent and could cause delays. Survey standards and further information can be found on the *Institute for Ecology and Environmental Management* website.

## **Pest Control**

The Council recognises that it may also be required to enforce statutory powers relating to pest control. In such circumstances, the Council will only treat pest

species where they represent a public health risk to the health or well-being of the local community on Council owned Housing and Council owned Land.

The Council promotes and supports the use of safe and humane methods of pest control. The Council encourages householders to seek expert advice on pest control, rather than over-the-counter preparations, to prevent harm to non-target species, humans and the environment. Further information on the provision of Pest Control Services can be found on the Council's website.

Squirrels can get into properties and premises owners are advised to seek advice from a qualified pest controller about the safe trapping and release of squirrels.

The Council does not provide a service for dealing with foxes. Further information regarding deterring foxes from gardens can be found by contacting the "*The Fox Project*" via their website, [www.foxproject.org.uk](http://www.foxproject.org.uk).

### **Council Purchasing of food**

The Council will endeavour, where possible to purchase and state through its contracts the supply of meat and other food that are accredited through a food or farm assurance scheme, such as Red Tractor, a product certification programme that comprises a number of farm assurance schemes for food products, animal feed and fertilizer.

The Council has been recognised in Sustain's 'Good Food for London Borough League table' for our commitment to issues such as animal welfare and sustainable fish. The Council's current examples of good practice include:

- Enfield Catering Services (School meals)
  - Enfield Catering Services have obtained the following awards:
    - Good Egg award from Compassion in World Farming (CIWF) for only using free-range eggs that are locally-sourced
    - Good Dairy Commendation from CIWF for use of organic milk and yoghurts, allowing cows pasture access
    - Silver Food for Life Catering mark with over 5% spend is on organic ingredients; these foods having the highest commitment to animal welfare and protection of the environment. Furthermore our meat is farm-assured as a minimum, with some RSPCA-assured meat.
    - Marine Stewardship Council (MSC) accreditation as our fish is from sustainable stocks and well-managed fisheries

We use some cleaning products that are Cruelty-Free International approved (i.e. not tested on animals), for example our sanitiser and hand soap. We are now looking towards changing all our cleaning products to plant-based products that are not animal tested.

## MUNICIPAL YEAR 2016/2017 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

### PORTFOLIO DECISION OF:

Cllr Alan Sitkin - Cabinet Member for  
Economic Regeneration & Business  
Development

### REPORT OF:

Executive Director – Regeneration &  
Environment

|  |                |
|--|----------------|
| <b>Agenda – Part: 1</b>  | <b>KD No.:</b> |
| <b>Subject:</b> Proposed Submission Edmonton<br>Leeside Area Action Plan Supporting<br>Documents |                |
| <b>Wards:</b> Upper Edmonton, Edmonton Green,<br>Lower Edmonton and Jubilee                      |                |

Contact officer and telephone number:

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### 1. EXECUTIVE SUMMARY

- 1.1 The Edmonton Leeside Area Action Plan (ELAAP) (Annex 1) – previously known as the Central Leeside Area Action Plan - will form part of Enfield's Local Plan and will deliver the spatial vision and land use strategy for this part of south east Enfield which includes Meridian Water.
- 1.2 The ELAAP document was approved by Council on 25<sup>th</sup> January 2017 (Key Decision 4389) for public consultation and submission to the Secretary of State for public examination.
- 1.3 Cabinet agreed at its meeting on 14 December 2016 that the Cabinet Member for Economic Regeneration and Business Development be given delegated authority to agree the publication of the supporting and supplementary documents (assessment and supporting evidence base documents) of the Proposed Submission Edmonton Leeside AAP.

- 1.4 This report seeks approval by the Cabinet Member for Economic Regeneration and Business Development to agree the publication of the supporting and supplementary documents to the ELAAP (Annexes 2-12) for consultation and subsequent submission to the Planning Inspectorate for Examination in Public.

## **2. RECOMMENDATIONS**

That the Cabinet Member for Economic Regeneration and Business Development:

- 2.1 Approve the supporting documents (Annexes 2 – 12) to the Proposed Submission Edmonton Leaside Area Action Plan for publication, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and thereafter be subject to a statutory period of public consultation and submission to the Secretary of State for public examination.
- 2.2 Notes that the supporting documents are:
- Equalities Impact Assessment
  - Sustainability Appraisal
  - Policies Map
  - Consultation Statement
  - Habitat Regulations Assessment (HRA)
  - Meridian Water Spatial Framework
  - Meridian Water Spatial Scenario Testing
  - Meridian Water Evidence on Housing and Supporting Infrastructure
  - Meridian Water Evidence Base for Employment Land, Industries and Jobs
  - Transport Review
  - Edmonton Leaside AAP Supporting Evidence
  - Strategic Housing Market Assessment.

## **3. BACKGROUND**

- 3.1 Edmonton Leaside is the largest strategic growth area identified in the Council's Core Strategy (2010) and is located in the south east of the borough. It incorporates the development site at Meridian Water, as well as a number of established employment estates, major infrastructure facilities such as the Edmonton Eco Park and Deephams Sewage Treatment Works, the Lee Valley Regional Park and its facilities at Picketts Lock. Core Strategy policies 37 and 38 provide policy basis for preparing a more detailed area action plan.

- 3.2 To prepare the updated version of the ELAAP, evidence base modelling work was commissioned. This included assessment of the potential quantum and mix of housing, employment sectors and growth, and the implications for land use.
- 3.3 On 14 December 2016 Cabinet agreed that the Cabinet Member for Economic Regeneration and Business Development be given delegated authority to agree the publication of the supporting and supplementary documents (assessment and supporting evidence base documents) of the Proposed Submission Edmonton Leaside AAP.
- 3.4 At Council on 25<sup>th</sup> January 2017 the Proposed Submission Edmonton Leaside AAP document was approved for public consultation and submission to the Secretary of State for public examination.
- 3.5 The next steps are to take the Proposed Submission ELAAP and the supporting documents to public consultation from 15<sup>th</sup> March to 28<sup>th</sup> April. Following consultation a schedule of modifications will be prepared in response to any comments received. The Proposed Submission ELAAP and supporting documents will then be submitted to the Secretary of State for independent examination in public.
- 3.6 The Proposed Submission Edmonton Leaside AAP document is attached at Annex 1 and the supporting documents at Annexes 2-12.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The alternative would be to not approve the supporting documents which would have the effect of preventing the Edmonton Leaside AAP programme from progressing. The preparation of evidence base documents is necessary to support the updated Edmonton Leaside AAP. These documents are:
- Meridian Water Spatial Framework
  - Meridian Water Spatial Scenario Testing
  - Meridian Water Evidence on Housing and Supporting Infrastructure
  - Meridian Water Evidence Base for Employment Land, Industries and Jobs
  - Transport Review
  - Edmonton Leaside AAP Supporting Evidence
  - Strategic Housing Market Assessment.
- 4.2 The following supporting documents are a statutory requirement to the preparation of a development plan document:
- Equalities Impact Assessment
  - Sustainability Appraisal

- Policies Map
- Consultation Statement
- Habitat Regulations Assessment (HRA)

## **5. REASONS FOR RECOMMENDATIONS**

- 5.1 It is recommended that the Cabinet Member for Economic Regeneration and Business Development agrees that the supporting and supplementary documents to the Edmonton Leaside AAP (Annexes 2 – 12) be published, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and thereafter be subject to a statutory period of public consultation and submission to the Secretary of State for public examination. Agreeing the supporting and supplementary documents will allow the ELAAP to proceed.

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

### **6.1 Financial Implications**

- This report seeks approval by the Cabinet Member for Economic Regeneration and Business Development of the supporting and supplementary documents to the Proposed Submission Edmonton Leaside AAP for consultation and subsequent submission to the Planning Inspectorate for Examination in Public. Provision for the cost of preparing the Edmonton Leaside AAP is included in the Local Plan budget. The report contains a variety of future options but does not in itself commit the Council to additional expenditure. Any future proposals with cost implications would need to be subject to separate reports and full financial appraisal

### **6.2 Legal Implications**

- The Planning and Compulsory Purchase Act 2004 (the Act) as amended and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) require local authorities to prepare the local plan, which consists of the local development documents (LDDs).
- The proposed ELAAP is a LDD in accordance with Regulation 5(1) (a) of the Regulations.
- The LDDs must conform with the National Planning Policy Framework (NPPF), the London Plan and the Council's own policies.
- The form and content of the ELAAP must conform with the requirements of Part 4 of the Regulations.
- Consultation forms part of the statutory requirement.
- The recommendations are in accordance with the Council's powers and duties.

### **6.3 Property Implications**

- The Edmonton Leaside area includes the main opportunities for growth and change in the borough, and indeed represents one of London's key regeneration prospects. The area includes several large areas of employment land, including Council owned estates, and this is the main property interest. The AAP includes proposals for new and revised 'strategic' and 'local' designations for some of the industrial land, together with a specific policy for improving and modernising existing Industrial areas, including Montagu and Claverings. These priorities are fully supported by the Council as landowner, and, in conjunction with occupiers, will need to be translated into specific operational management action and other practical initiatives, as also identified by the Industrial Estates Strategy.

## **7. KEY RISKS**

- 7.1 The key risk would be to not approve the supporting documents, which would have the effect of preventing the Edmonton Leaside AAP programme from progressing. The absence of a robust set of area specific policies would result in a policy gap which could lead to inappropriate, uncoordinated and poor quality development that fails to respond comprehensively to needs and priorities of local communities, the borough and the wider sub-region. It would also negatively impact on the success of the Meridian Water regeneration programme and objectives across the Edmonton Leaside area.

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

### **8.1 Fairness for All**

- The Edmonton Leaside AAP will be an important tool in tackling the inequalities between eastern Enfield and other parts of the borough. It will provide a mix of homes (including affordable), support investment and regeneration and in turn new employment. It will also support a range of community facilities (including health and education) and physical infrastructure. The supporting documents provide evidence to secure sound policies and to quantify and mitigate negative impacts.

### **8.2 Growth and Sustainability**

- The Area Action Plan will provide a positive statutory framework for attracting investment and managing the delivery of growth in the

area. This will foster both public acceptance and investor confidence. The supporting documents will assist in ensuring delivery and viability of sustainable development.

### **8.3 Strong Communities**

- The Area Action Plan and its supporting documents will be supportive of strong communities, particularly in terms of ensuring consideration is given to addressing existing deficiencies and providing new physical, social and community infrastructure. It will provide a range of affordable and market homes for both families and smaller households. It will be well connected to surrounding areas and other growth centres giving good access to jobs and facilities.

## **9. EQUALITY IMPACT IMPLICATIONS**

- 9.1 The policies and proposals of the AAP facilitate change in a way that has regard to positively impacting on equalities in general. To help evaluate and support this an EqlA has been prepared by the Planning Policy team to support the AAP submission. This indicates that the impact of the policies is likely to be positive for equalities groups, who will benefit from the new homes, new jobs, and new community infrastructure such as schools, green spaces and healthcare facilities, although the broad reduction in inequality is not likely to benefit any single group within the community. There is likely to be a particularly positive impact on accessibility as the ELAAP will support fully inclusive connections and transport facilities, allowing all people to move much more easily across the area and beyond to access homes, jobs, and community and leisure facilities.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 10.1 The implementation of the AAP will be subject to regular assessment in annual Monitoring Report. The projects taking place in the Edmonton Leaside are will be subject to robust performance monitoring.

## **11. HEALTH AND SAFETY IMPLICATIONS**

- 11.1 None.

## **12. PUBLIC HEALTH IMPLICATIONS**

- 12.1 The AAP will have a positive impact upon the health and well-being of the public in this part of Enfield in terms of improving the environment, encouraging healthy lifestyles, reducing pollution and improving social



cohesion. This will include increasing everyday physical activity through making walking and cycling part of everyday life as recommended by the Chief Medical Officer which will bring associated avoided risks / costs of motorised transport such as pollution, noise and segregation. Equally, climate change has been described as the greatest threat to the health of the public in the 21st century. There are therefore great potential public health benefits from this development. However, implementation of the plan will need to be monitored to ensure that these benefits are realised.

## **Background Papers**

None



## MUNICIPAL YEAR 2012/2013 REPORT NO.

### MEETING TITLE AND DATE:

### REPORT OF:

**Tony Theodoulou**  
Executive Director of  
Children's Services

### Agenda – Part:

### Item:

**Subject: SEND Implementation Grant**

**Wards: All**

**Key Decision No: KD 4468**

**Cabinet Member consulted: Ayfer Orhan**

### Contact officer and telephone number:

Janet Leach  
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janet.leach@enfield.gov.uk

### 1. EXECUTIVE SUMMARY

The Department for Education (DfE) announced on 20 December 2016 that it would be providing a grant for 2017/2018 to Local Authorities to enable them to respond to the continuing burden of the Special Educational Needs and Disability (SEND) reforms. Enfield has been allocated £291,390.

It is proposed that the funding is used to increase capacity in the SEN Team, Educational Psychology Service, Social Care and the NHS to deliver the statutory requirements of the SEND reforms, specifically the conversion of existing Statements of SEN (Statements) to Education, Health and Care Plans (EHCPs) and Learning Difficulty Assessments (LDA) for young people post 16 in education.

Some of the funding will be used to continue to deliver workshops and training to parents and carers to support them with the transition of their child/young person's Statement/LDA to an EHCP and also to train and support educational settings.

Conversion of Statements to EHCPs and LDAs is in addition to the day-to-day work of the SEN Team and their partners. It continues to be challenging to meet the reduced statutory timeframe of 20 weeks.

Significantly it should also be noted that since implementation of the SEND Reforms there has been an increase in the number of requests for an EHC needs assessment, thus increasing the overall SEND workload even more.

This grant will ensure continuity of delivery through funding the posts outlined below and will relieve the considerable pressure on resources during this transition phase. It will ensure that the LA can, within the statutory timeframe, continue to convert Statements to EHCPs, providing support and training to parents/carers and schools.

Detailed costings are included in the financial implications.

## **2. RECOMMENDATIONS**

That approval is given for the full allocation of £291,390 from the non-ring fenced SEND Reform Funding for 2017/2018 as set out within this report in order to fund the additional implementation costs of the reforms until March 2018.

## **3. BACKGROUND**

The Children & Families Act 2014 received Royal Assent in March 2014. Local Authorities started to implement the reforms in September 2014, and have until September 2018 to implement.

One of the major changes is the conversion of Statements of SEN and Learning Difficulty Assessments to the new statutory Education, Health and Care Plans. Statements must all be converted by 1<sup>st</sup> April 2018.

This has resulted in a significantly increased workload for the Local Authority and its partners and it is therefore proposed that the SEND Grant is used to build capacity in the SEN Team, Educational Psychology Team, Children's Social Care and the NHS.

Other changes include:

- **A new SEN Code of Practice**  
The Code provides advice, information and guidance on how to carry out statutory duties to identify, assess and make provision for children and young people with special educational needs (SEN).
- **Personal Budgets**  
Parents and young people have the right to ask for a personal budget. This option is discussed with families as part of the EHCP planning process but there is no automatic right to "be given " a personal budget.
- **The Local Offer**  
Local Authorities have a duty to publish a "Local Offer". The Local Offer brings together in one place all the generic and specialist support available to disabled/SEN children and young people and their families. It includes Education, Health, Social Care and Voluntary Sector services available to support families. It is accessible on-line.
- **Mediation for Disputes**  
Mediation for disputes has been introduced. Prior to this, there is an opportunity to meet and discuss concerns in order to avoid conflict and resolve disagreements more quickly and effectively.

- **Expressing a Preference**

There is now a legal right for children and young people with an EHCP to express a preference for state academies, free schools and further education (FE) colleges. This is currently limited to maintained mainstream and special schools.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

No alternative options have been considered given the need to have completed the conversion process by 1<sup>st</sup> April 2018 and to have established a new way of working with parents, young people and all the various partners.

#### **5. REASONS FOR RECOMMENDATIONS**

To allow Children's Services to fulfil its statutory duties imposed by the new legal and judicial framework. This will include:

- Increased capacity in the SEN Service to ensure that the Service can continue to deliver the new 0 – 25 years co-ordinated assessment process and EHCPs introduced in September 2014.
- Increased capacity in SEN Services to continue facilitate the remaining transfer of Statements of SEN to EHCPs over the next year. To-date approximately 700 EHCPs have been completed or are underway. This leaves approximately another 700 to be completed in the next year.
- Increased capacity in SEN Services to facilitate the transfer of LDAs to EHCPs, previously not carried out by SEN Services.
- Increased capacity in Children's Social Care to support the transition timetable and to respond to increasing assessment requests.
- Increased capacity in the Educational Psychology Service to support the transition timetable and to respond to increasing assessment requests.
- Increased capacity in the NHS to provide support to the transition timetable through the employment of a "health champion" and to respond to increasing assessment requests.

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

##### **a) Financial Implications**

This grant is a non-ring fenced grant from the Department for Education, which totals £291,390 in 2017/18. The grant will be used to continue to increase staffing capacity to implement the SEND reforms within the required statutory timeframe.

The posts will be fixed term contracts in order to ensure that potential redundancy cost implications are minimised if posts are

not extended. However should any redundancy costs arise they will be funded by the service revenue budget.

The table below shows how the additional funding will be allocated.

| <b>April 17 - March 18</b>   |                   |
|--|-------------------|
| 4 SEN Conversion Officers  | 165,008.00        |
| 0.5 FTE Social Worker  | 30,360.00         |
| Assistant EP   | 35,000.00         |
| Health Champion  | 40,000.00         |
| SIS Champion SENCo   | 12,000.00         |
| Training delivery (including parent consultation and Moving On events) | 9,022.00          |
|  | <b>291,390.00</b> |

#### **b) Legal Implications**

The Council has the general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may 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.

The Children and Families Act 2014 (Transitional and Saving Provisions) (No.2) Order 2014 requires local authorities to transfer all children and young people with statements of SEN to the new EHCP by 1<sup>st</sup> April 2018.

The Council must comply with the terms of the Funding Agreement and the Council's contract procedure rules (CPR) in respect of the grant funding agreement.

6.2.2 The Council must comply with its obligations with regards to obtaining best value under the Local Government (Best Value Principles) Act 1999.

6.2.5 As the value of the funding exceeds £250K the Council must comply with Key Decision procedure.

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

## **7. KEY RISKS**

Operational and reputational risks in not allocating the SEND Reform Grant are set out within this report.

- SEN Services unable to meet statutory requirements to convert the approximately 1,400 Statements of SEN to EHCPs in line with the SEND Reforms and the additional LDAs.
- The LA and Health services unable to meet statutory requirements in relation to new Education, Health and Care needs assessments.
- The Educational Psychology service and the NHS unable to provide the requisite support to professionals, parents, children and young people regarding conversions.
- Parents, children and young people having a less than positive experience of the SEND reforms, which exist to put them at the heart of the new system and improve their outcomes.
- Increased pressure on LA officers and their partners to implement and sustain the required developments and improvements post the Local Area Ofsted/CQC inspection.
- The LA unable to meet its statutory requirements in relation to the Local Offer during the final year of implementing the reforms.

## **IMPACT ON COUNCIL PRIORITIES**

### **a. Fairness for All**

Allocation of the grant, as per the recommendations, will allow the Local Authority to fairly, and transparently deliver the SEND reforms and embed new ways of working.

### **b. Growth and Sustainability**

EHCPs help children, young people and their families to focus on immediate and lifelong outcomes. Transition to adult services is supported through more effective person-centred planning with young people and their families. EHC Plans encourage families and professionals to be aspirational about further education, training and employment opportunities for children and young people with SEND.

The system focusses on ensuring improved life outcomes for children and young people in terms of their immediate and long term futures. It fosters a sense of shared accountability across all professionals. Training professionals and families is central to this cultural change and supports collective learning and collaboration.

### **c. Strong Communities**

The reform agenda provides a system which will strengthen and sustain families, promoting an inclusive agenda within early years' settings, schools and colleges, whilst ensuring improved outcomes for children and young people with SEND.

## **8. EQUALITIES IMPACT IMPLICATIONS**

The SEND reforms will give children and young people with SEND and their parents/carers greater choice and control about the things that affect their lives. It will improve the provision of information, advice and

guidance to families so they are fully informed about their options and choices. An outcomes focussed system will allow professionals, schools and parents to consider the needs of children and young people with SEND more holistically. A child or young person with SEND must be supported to have the same aspirations as any other child or young person.

## **9. PERFORMANCE MANAGEMENT IMPLICATIONS**

As set out in the body of this report, the recommendations have been developed to improve performance in a range of areas associated with SEN and disability.

## **10. HR IMPLICATIONS**

In accordance with internal Council recruitment procedures, once the Authority is granted permission for the creation of the additional posts, role profiles should be submitted to HR to enable the creation of the posts. The opportunities should then be advertised internally. In the event that the posts remain vacant following attempts to recruit internally, authority can be granted for the positions to be filled via Matrix on the basis that they are time-limited special projects.

Whilst the great majority of staffing appointments required in deploying this funding will be recruited to via normal processes, there may be exceptional cases. Authority is being sought to go straight to Matrix to make the appointments in these cases on the basis that they would be highly specialist roles which cannot be recruited to internally.

## **11. PUBLIC HEALTH IMPLICATIONS**

The proposals will improve the health and well-being of children, young people and their families ensuring that they are able to experience the benefit of family and community life in an inclusive way. There is a clear mandate to ensure that social care, education and health work collaboratively to ensure that services are jointly commissioned to address the identified needs of the local SEND population.



**ACTION TO BE TAKEN UNDER  
DELEGATED AUTHORITY**

**PORTFOLIO DECISION OF:**  
Cabinet Member for Education,  
Children's Services & Protection

**REPORT OF:**  
Chief Education Officer

Contact officer and telephone number:

Keith Rowley Tel: 020 8379 2459  
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**Agenda – Part: 1**

**KD Num: 4445**

**Subject:** Broomfield Secondary School –  
The award of contract for Replacement of  
Roof Scheme 2017

**Ward: Southgate Green, Cllr Daniel  
Anderson**

**1. EXECUTIVE SUMMARY**

- 1.1** This report seeks approval to award a contract to "Contractor A" for construction works and scheme expenditure. This approval is required to enable a multiple flat roof area replacement with felt systems, roof light replacement, pitch roof replacement with an insulated panel system and internal improvements and associated works to Broomfield School. ("School")
- 1.2** The construction works have been procured following a competitive quotation process via the London Tenders Portal in accordance with the Council's Contract Procedure Rules ("CPRs").

**2 RECOMMENDATIONS**

That the Cabinet Member for Education, Children's Services and Protection:

- 2.1** approves the contract award to "Contractor A" for the construction work relating to a multiple flat roof area replacement with felt systems, roof light replacement, pitch roof replacement with an insulated panel system and internal improvements and associated works to Broomfield School, as further detailed in the Part 2 of this report.
- 2.2** notes and approves total scheme expenditure including construction works, professional and technical costs and scheme contingency costs as detailed in Part 2 of this report
- 2.3** delegates authority to the Chief Education Officer to allocate project contingency, via operational decisions, as and when required.

**3. BACKGROUND**

### Checklist for report authors:

1. Is the decision to be taken clear and have all sections of the form been completed?
2. Is the decision key or non-key, delete as appropriate (please see Guidance Note No. 1).
3. Has the form been signed and dated by the Director and the Cabinet Member?

**NOTE: PLEASE ATTACH A COPY OF THE REPORT TO WHICH THE DECISION RELATES**

|                           |                                     |                          |
|---------------------------|-------------------------------------|--------------------------|
| <b>FOR DST OFFICE USE</b> | Ref. No:                            | Date of Receipt:         |
| CATEGORY OF DECISION:     | ELIGIBLE FOR CALL-IN: <b>YES/NO</b> | DATE TO BE CALLED-IN BY: |

- 3.1 Under the Scheme for Financing Schools, the Council retains responsibility for major items of repair in schools. 'Condition' is one strand of the Schools' Asset Management Plan alongside 'Sufficiency and Suitability'. A programme of projects was collated to rectify and eliminate repairs items of a high technical priority for consideration in 2016/17 and 2017/18 with indicative projects for 2018/19.
- 3.2 Cabinet was held on 17th October 2016 and approved KD 4303 which included The SCS Fire and Condition programme and the recommendations based on the condition surveys. This included the expenditure in relation to the School therein. Key Decision 4445 gives specific approval to the roofing scheme.
- 3.2.1 A scheme of works at the School is being designed and Phase 1 includes a multiple flat roof area replacement with felt systems, roof light replacement, pitch roof replacement with an insulated panel system and internal improvements and associated works to Broomfield School.
- 1) Delegated authority to the Director of Schools and Children's Services and the Cabinet Member for Children and Young People (via Portfolio Decision) to take decisions on:
- Entering into contractual arrangements and placing orders for required construction works.
- 2) Delegated authority to the Director of Schools and Children's Services on the:
- Appointment of appropriate technical services such as architects, surveyors and contract managers;
  - The appropriate procurement routes for individual schemes.
- 3.3 The DfE announced Priority Schools Building Programme 2 (PSBP2) and invited authorities to bid for condition based school projects. The PSBP2 initiative was aimed at schools with the worst buildings to be rebuilt or in need of significant refurbishment. SCS officers prepared six bids of the highest priority poor condition schools in Enfield, which included in order of priority:
- 1 Broomfield Secondary School - whole school rebuild.
  - 2 West Lea Special School - whole school rebuild.
  - 3 Walker Primary School- Whole school rebuild.
  - 4 Durants Special School - Old Building rebuild
  - 5 Brimsdown Primary School – Kitchen rebuild
  - 6 Eldon Primary School – Kitchen rebuild
- 3.3.1 The DfE informed Enfield that four projects: Walker, Durants, Brimsdown and Eldon bids were successful.

3.3.2 Due to the unsuccessful status of Broomfield the urgent re-roofing works have been incorporated into the Corporate Capital Maintenance Programme.

#### **4. PROPOSAL**

- 4.1. After detailed consultation, scope of works have been agreed with the School's Governing body
- 4.2 The tender was obtained in compliance with the LBE Contracts Procedure Rules and European Public Contracts Regulations. The tendering procedure was in accordance with the JCT Practice Note 6 (Series 2) "Main Contract Tendering", Alternative 1. Insurance option 'C' is applicable to alteration or extension works to existing structures where the Employer takes out the policy.
- 4.3 The tender was based on the JCT Minor Works Building Contract 2011 (with Contractors Design)
- 4.4 Five contractors were invited to tender. The tenders were evaluated in accordance with the tendering procedure to arrive at the recommendation for contract award to "Contractor A" as detailed in Part 2 of this report.
- 4.5 All tenderers met the programme requirements as set out in the Preliminaries / General Requirements. No alternative time tenders were offered.
- 4.6 The main construction work should commence on 15 March 2017 and completion expected in April 2017
- 4.7 A Letter of Limited Liability was issued on 15th February 2017 by the Corporate Maintenance and Construction Team to authorise the contract mobilisation.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Not to proceed with this project would mean that excessive leaking in the sports hall would render the space unusable and will have a detrimental effect on the ability to teach the sports curriculum.

#### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 The tender from "Contractor A" is compliant and is the most economically advantageous tender.
- 6.2 Any delay will severely affect the ability of the school to use the sports hall for summer examinations and will likely result in leaking/flooding again rendering the sport hall unusable.
- 6.3 New insulated roof panel will hopefully improve energy efficiency

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

### **7.1 Financial Implications**

The 2016/17 SCS Capital Programme for Fire, Condition, Kitchen and Access Works currently has a budget provision of £14m, (funded from Maintenance Grant and approved in KD4303), which includes provision for the Broomfield School Rebuild. The re-roofing works detailed here fall under this scheme, and the total £561,000 costs can be contained within the £1.5m Broomfield 2016/17 allocated budget. In addition, there is an additional £1.2m allocated to the scheme in 2017/18.

### **7.2 Legal Implications**

- 7.2.1 The Council has a general responsibility for education and to secure efficient primary education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended).
- 7.2.2 Section 111 of the Local Government Act 1972 further enables local authorities to do anything, including incurring expenditure, borrowing, which facilitate or are conducive or incidental to the discharge of their functions and the Council has the 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. The recommendations within this report are in accordance with these powers.
- 7.2.3 A formal mini competition tender process was undertaken through the London Tenders Portal and the Council has conducted the evaluation and award of contract process in a fair, transparent, proportionate and non-discriminatory manner.
- 7.2.4 The fees associated with this works contract fall below the threshold for Public Service Contracts under the Public Contracts Regulations 2015 and therefore the full EU procurement procedures do not apply. However, the Council must ensure that it complies with the EU general principles of equality, transparency, proportionality, non-discrimination and mutual recognition when awarding any contract.
- 7.2.5 The Council must comply with all requirements of its constitution and CPRs. Throughout the engagement of Contractor A as a provider, the Council must comply with its obligations of obtaining best value, under the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award these services to Contractor A, in order to demonstrate that best value has been and will continue to be obtained for the Council.
- 7.2.6 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of

contract commencement, by the Assistant Director of Legal & Governance Services. Contracts whose value exceeds £250,000 are required to be executed under seal and performance security should be obtained unless the Director of Finance Resources and Customer Services considers this to be unnecessary.

- 7.2.7 All legal agreements (including all associated documentation) arising from the matters described in this Report must be approved in advance of contract commencement, by the Assistant Director of Legal & Governance Services. Contracts whose value exceeds £250,000 are required to be executed under seal and performance security should be obtained unless the Director of Finance Resources and Customer Services considers this to be unnecessary (CPR 21). A performance security bond has been requested in the tender documents so will be provided by the Contractor.

### **7.3 Property Implications**

7.3.1 The basis of the Council's obligations for these roofing works is set out earlier in this report.

7.3.2 The proposal to improve the thermal insulation of the roof is consistent with the Council's aim of reducing energy consumption and carbon emissions.

### **7.4 Procurement Implications**

- 7.4.1 All procurement must be carried out in line with Council' Contract Procedure Rules and compliant to Public Contract Regulations 2015 UK & EU Public Contracts Directives (2014).
- 7.4.2 Where the minimum numbers of responses have not been met then under CPRs approval to proceed must be sort from Procurement and Commissioning Hub; as best value must be demonstrated.
- 7.4.3 All information and contracts must be managed and loaded into the London Tenders Portal.

### **7.5 VAT Implications**

#### **7.5.1 VAT Recovery**

The council is generally able, under the provisions of S33 of VAT Act 1994, to recover VAT incurred in relation to expenditure for which it is responsible. The Council can therefore recover VAT incurred in relation to its supply of statutory education in LA maintained schools

The conditions for VAT recovery must be satisfied i.e. The council must procure/contract for the works, receive the supply, receive a VAT invoice in its name and pay with its own (corporate or grant-awarded) funds.

### **7.5.2 Partial Exemption**

Historically, schools contribute less than .4% exempt input VAT to the Partial Exemption calculation. Therefore, this project is not expected to have any significant impact on the council's partial exemption position.

## **8. KEY RISKS**

- 8.1 The key risks to this term contract relates to the possible poor performance of the Consultant/Contractors. This risk is mitigated by the recommended Consultant being an approved supplier within a major framework contract let as part of the London Construction Programme.

## **9. IMPACT ON COUNCIL PRIORITIES**

### **9.1 Fairness for All**

This term contract will assist the Council to deliver its construction related projects and programmes which in turn help support the delivery of services to the benefit of the community.

### **9.2 Growth and Sustainability**

This term contract will assist in the procurement of construction related activity within the borough and its associated employment and economic benefits. The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population.

### **9.3 Communities**

The provision of good quality schools helps to ensure a stable strong community.

## **10. EQUALITY IMPACT IMPLICATIONS**

- 10.1 The provision of local schools across the borough ensures quality of rights to good education provision

## **11. PERFORMANCE MANAGEMENT IMPLICATIONS**

- 11.1 The contract requires the consultant to meet the professional standards of the Royal Institute of British Architects and the Framework Contract. The performance of the consultant will be monitored by Corporate Maintenance and Construction Team.

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

- 12.1 There are no direct health and safety implications arising from this contract.

### **13. PUBLIC HEALTH IMPLICATIONS**

13.1 There are no direct public health implications arising from this term contact.

#### **Background Papers**

None.