



## **PUBLICATION OF DECISION LIST NUMBER 20/19-20**

### **MUNICIPAL YEAR 2019/20**

Date Published: 30 July 2019

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 Governance and 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 Governance and Scrutiny Team.

If you have any queries or wish to obtain further report information or information on a decision, please refer to:  
– Claire Johnson (ext.4239)

*Phone 020 8379 then extension number indicated*

## INDEX OF PUBLISHED DECISIONS – 30 July 2019

[illegible]

**LIST REFERENCE: 1/20/19-20**

<b>SUBJECT TITLE OF THE REPORT:</b>							
ELDON PRIMARY SCHOOL – AWARD OF CONTRACT – BOILER REPLACEMENT							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision comes in to 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 and Part 2 (Para 3)	Lower Edmonton	Executive Director – People (Tony Theodoulou)	Wednesday 7 <sup>th</sup> August 2019	None	Key Decision KD 4941	Amanda Doherty 0208 379 4515 <a href="mailto:Amanda.doherty@enfield.gov.uk">Amanda.doherty@enfield.gov.uk</a>	Yes – Tuesday 6 August 2019
<b>DECISION</b>							
<p><b>AGREED:</b> that the following decision will come into effect on Wednesday 7 August 2019, subject to not being called in: That the Executive Director - People: Approves the contract award to ‘Contractor A’ for the boiler replacement and associated works to Eldon Primary School as further detailed in Part 2 of this report. 2.1 Notes and approves total scheme expenditure of £336,129.75 which includes construction works, professional and technical costs and scheme contingency costs (as detailed in Part 2 of this report). Details of the expenditure relating to the works of which includes the boiler replacement works contract, asbestos removal, enabling works costs, professional and technical costs and scheme contingency can be found in Part 2 of this report.</p>							
<b>ALTERNATIVE OPTIONS CONSIDERED</b>							
<p>4.1 To do nothing this could result in a school closure leading to a loss of statutory school days for Enfield pupils, this in turn could result in court action and damage to the Council’s reputation. 4.2 There are no other options that will address the safeguarding, security and safety concerns.</p>							
<b>REASONS FOR RECOMMENDATIONS</b>							
<p>5.1 CMCT and Stace, the Borough’s quantity surveyors have advised that the tender from ‘Contractor A’ is compliant and is the most economically advantageous tender. 5.2 Works will ensure that the school is functional from a heating and hot water perspective and minimizes risk to school closure in colder months.</p>							
<b>BACKGROUND:</b>							
Please note that a copy of the report is available on the Council’s Democracy pages. The Part 2 Report contains exempt information and will not be made available to the press or public.							

**LIST REFERENCE: 2/20/19-20**

SUBJECT TITLE OF THE REPORT:							
HIF – APPOINTMENT OF THE SUCCESSFUL TENDERER FOR GROUND INVESTIGATION WORKS, TESTING AND REPORTING							
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 and Part 2 (Para 3)	Upper Edmonton	Leader of the Council (Cllr Nesil Caliskan)	Wednesday 7 <sup>th</sup> August 2019	None	Key Decision KD 4819	Chisholm Hardy 0208 379 6769  Chisholm.hardy@enfield.gov.uk	Yes – Tuesday 6 August 2019
<b>DECISION</b>							
<b>AGREED:</b> that the following decision will come into effect on Wednesday 7 August 2019, subject to not being called in:							
It is recommended that the Leader of Council:							
2.1 Approves the appointment of the successful tenderer, Bidder A, as set out in this report							
2.2 Authorises the authorised Legal Officer to complete and sign the Terms and Conditions of the appointment.							
2.3 See Part 2 report.							
<b>ALTERNATIVE OPTIONS CONSIDERED</b>							
4.1	Halt procurement and do not carry out G.I. works and proceed at risk with procurement of HIF works and Meridian Development generally without the information provided by Ground Investigation - The Council have chosen to be the master developer for Meridian Water and are directly procuring the infrastructure works. These works will require Planning Consent which will come with an obligation (Condition) to ensure land contamination is identified and a remediation framework appropriate to future development is in place. Infrastructure works cannot commence until this condition is discharged and leaving this discharge responsibility (and therefore the G.I. works) to the appointed HIF contractor will result in a delay to commencement of the works, threatening the completion deadline imposed by the HIF funders, and inevitably, create excessive risk pricing (additional costs to tune of several million pounds) by the HIF works bidders. Carrying out Ground Investigation works by the Council will eradicate these two risks.						
4.2	Delay procurement or re-procure the works – insufficient time to do so as these works require a six month programme to complete and therefore need to be commenced in summer 2019 in order to provide the information ahead of formal appointment of the HIF contractor.						

<b>REASONS FOR RECOMMENDATIONS</b>
<p>1 These works are essential preparation for HIF procurement</p> <p>5.2 Without this information, design of all elements below ground level, and the major earthworks would be based on guesswork. The levels of contamination would be unknown, so it is not possible to estimate the extent of remediation required. This would result in programmes being open ended and final costs unquantifiable.</p> <p>5.3 Notwithstanding the HIF award in Summer 2019, LBE will still require this G.I. information to inform their own development plans for Meridian Water.</p>
<b>BACKGROUND:</b>
<p>Please note that a copy of the report is available on the Council's Democracy pages. The Part 2 Report contains exempt information and will not be made available to the press or public.</p>

**LIST REFERENCE: 3/20/19-20**

**SUBJECT TITLE OF THE REPORT:**

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	Cabinet Member for Licensing and Regulatory Services (Cllr Savva)	Wednesday 7 <sup>th</sup> August 2019	None	Key Decision KD 4872	Sue McDaid 0208 132 0917  Sue.mcdaid@enfield.gov.uk	Yes – Tuesday 6 August 2019

## DECISION

**AGREED:** that the following decision will come into effect on Wednesday 7 August 2019, subject to not being called in:  
That the Cabinet Member for Licensing and Regulatory Services

2.1 Agrees the penalty level be set at £400

## 2.2 Agrees not to apply an early payment option

## ALTERNATIVE OPTIONS CONSIDERED

4.1 There is an option of not setting a FPN level, in which case the level would default to £200 but this would not be consistent with current practice adopted by other London Councils tackling illegal waste practices.

4.2 There is also the option of not issuing FPNs for duty of care offences and only prosecute. However, two thirds of fly-tipping incidents involve household waste, often because of an individual breaching their duty of care to ensure their waste is taken away by an authorized carrier. The FPN is intended to reduce the flow of waste to those who would go on to dispose of it illegally. The FPN allows a more proportionate approach to enforcement both for local authorities in costs of enforcement and for householders in size of penalty and avoiding a criminal record.

4.3 There is also an option to adopt a reduced penalty level for early payment. By not offering an early payment option, it will send out a strong message that failing in one's duty of care with respect to waste transfer is unacceptable behaviour that the Council takes seriously. This is also consistent with Enfield Council's approach with other FPNs.

## REASONS FOR RECOMMENDATIONS

5.1 The borough is adversely impacted by a significant number of daily Fly-tipping incidences. Many of these incidences are in relation to household waste dumped within the street scene.

5.2 The Waste Enforcement Unit look to implement strong penalties against those people responsible for fly tipping and those failing in their duty of care to manage the transfer of their waste. Implementing the maximum FPN level would be a greater deterrent to illegal waste disposal practices and allow for matters to be resolved in a swifter and more efficient manner rather than automatically proceeding through the courts.

5.3 The process of issuing a FPN for a duty of care offence is the same as for other FPN offences for which the Council currently issues such

notices.

5.4 The recommended level for the FPN is considered justifiable, proportionate and consistent with penalties for other waste services. The FPN allows for the responsible parties to discharge any liability to conviction swiftly but still at a rate that demonstrates the seriousness of the offence which is intended to deter repeat offending

5.5 The FPN level would also be in line with surrounding London Boroughs tackling illegal waste practices and failure to adopt the recommended level could see the borough become a target for fly-tippers, knowing they face a lesser punishment, if they were caught in Enfield.

**BACKGROUND:**

Please note that a copy of the report is available on the Council's Democracy pages. The Part 2 Report contains exempt information and will not be made available to the press or public.