



PUBLICATION OF DECISION LIST NUMBER 30/19-20

MUNICIPAL YEAR 2019/2020

Date Published: Friday 20 September 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 – Friday 20 September 2019

List Ref	Decision Made by	Date Decision comes into effect	Part 1 or 2	Subject/Title of Report	Category of Decision	Affected Wards	Eligible for Call-In & Date Decision must be called in by (If Applicable)	Page Number
1/30/19-20	Council	Wednesday 18 September 2019	Part 1	Petition – Stop the Bin Collection Changes	Non- Key	All	No	1
2/30/19-20	Council	Wednesday 18 September 2019	Part 1	Opposition Business – Inappropriate Development	Non -Key	All	No	2
3/30/19-20	Council	Wednesday 18 September 2019	Part 1	Treasury Management Outturn Report	KD 4926	All	No	3
4/30/19-20	Council	Wednesday 18 September 2019	Part 1	Capital Programme Monitor First Quarter (June) 2019	KD 4943	All	No	4
5/30/19-20	Council	Wednesday 18 September 2019	Part 1 and Part 2 (para3)	Energetik – Tranche 2 Investment Decision	KD 4642	All	No	5-6
6/30/19-20	Council	Wednesday 18 September 2019	Part 1 and Part 2 (para 3)	Reardon Court Extra Care Housing Scheme	KD 4898	Winchmore Hill	No	7
7/30/19-20	Council	Wednesday 18 September 2019	Part 1	Overview and Scrutiny Work Programme 2019/20	Non-Key	All	No	8
8/30/19-20	Council	Wednesday 18 September 2019	Part 1	Changes to Housing Advisory Board	Non-Key	All	No	9
9/30/19-20	Council	Wednesday 18 September 2019	Part 1	Members Allowances	Non-Key	All	No	10
10/30/19-20	Council	Wednesday 18 September 2019	Part 1	Motions	Non-Key	All	No	11-12
11/30/19-20	Cabinet Member for Finance and Procurement	Monday 30 September 2019	Part 1 and Part 2 (para 3)	Investments in Private Rented Sector – Additional Loan Instalment	KD 4444	All	Yes – Friday 27 September	13-14

12/30/19-20	Programme Director- Meridian Water	Monday 30 September 2019	Part 1 and Part 2 (para3)	Meridian Water Strategic Infrastructure – Contractor Procurement HIF non-rail	KD 4782	Upper Edmonton	Yes – Friday 27 September	15-18
13/30/19-20	The Leader (Cllr Caliskan)	Monday 30 September 2019	Part 1 and Part 2 (para3)	Letting of Hawley Road Site	KD 4936	All	Yes – Friday 27 September	19
14/30/19-20	Director of Housing and Regeneration (Joanne Drew)	Friday 20 September 2019	Part 1	Application for the Council to enter into contract with the GLA	Rule 16- Urgent Decision KD 5007/U20 8	All	No	20
15/30/19-20	Director of Housing and Regeneration (Joanne Drew)	Monday 30 September 2019	Part 1 and Part 2 (para3)	Acquisition of Additional Affordable Homes on New Avenue	KD 4986	Cockfosters	Yes – Friday 27 September	21

DECISIONS

For additional copies or further details please contact Claire Johnson (020 8379 4239), Governance and Scrutiny Team.

COUNCIL AGENDA – REASONS FOR RECOMMENDATIONS AND ALTERNATIVE OPTIONS CONSIDERED

Please refer to the Council Agenda for 18 September 2019, along with the relevant reports, which summarise the reasons for recommendations and alternative actions considered in relation to each decision.

LIST REFERENCE: 1/30/19-20

SUBJECT TITLE OF THE REPORT:							
PETITION – STOP THE BIN COLLECTION CHANGES							
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	Council	Wednesday 18 September 2019	None	Non-Key	Claire Johnson 020 8379 4239	No
DECISION: Not to take the action requested							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 6 on the Council agenda for Wednesday 18 September 2019 for further information.							

LIST REFERENCE: 2/30/19-20

SUBJECT TITLE OF THE REPORT:							
OPPOSITION PRIORITY BUSINESS – INAPPROPRIATE DEVELOPMENT							
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	Council	Wednesday 18 September 2019	None	Non-Key	Claire Johnson 020 8379 4239	No
DECISION: Not agreed							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 7 on the for Council agenda for Wednesday 18 September 2019 for further information.							

LIST REFERENCE: 3/30/19-20

SUBJECT TITLE OF THE REPORT :							
TREASURY MANAGEMENT OUTTURN 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	Council	Wednesday 18 September 2019	N/A	Key Decision KD 4926	Paul Reddaway 020 8379 4730	No
<p>The Council agreed:</p> <ol style="list-style-type: none"> 1. To note that the report. 2. To approve the revised Treasury Management Strategy noting the change to the minimum Revenue Position with the addition of 4c) in Appendix E of the strategy. 							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 8 on the Council agenda for Wednesday 18 September 2019 for further information.							

LIST REFERENCE: 4/30/19-20

SUBJECT TITLE OF THE REPORT :							
CAPITAL PROGRAMME MONITOR FIRST QUARTER (JUNE) 2019							
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	Council	Wednesday 18 September 2019	N/A	Key Decision KD 4943	Matt Bowmer 020 8379 5580	No
<p>The Council agreed:</p> <ol style="list-style-type: none"> To note the additions to the Capital Programme set out in Table 3 in paragraph 4.9. and approves the addition of the following to the approved Capital Programme: <ol style="list-style-type: none"> Reardon Court and, Corporate Capital Condition Programme (CCCP) The proposed reductions set out in Table 4 in paragraph 4.11. To notes the £156m Housing Infrastructure Fund (HIF) award. The revised four-year approved programme totalling £562m as set out in Appendix A. 							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 9 on the Council agenda for Wednesday 20 September 2019 for further information.							

LIST REFERENCE: 5/30/19-20

SUBJECT TITLE OF THE REPORT :							
ENERGETIK – TRANCHE 2 INVESTMENT DECISION							
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)	All	Council	Wednesday 18 September 2019	Cllr Doug Taylor	Key Decision KD 4642	Nicky Fiedler 020 8379 2016	No

The Council **agreed:**

- To approve a further investment of £30m to fund phase 2a of Energetik business plan up to 2024 which is contingent on the Council securing HNIP and MEEF funding as set out in table in 3.50. For the avoidance of doubt, the execution of the Heat Supply Agreement with the NLWA is a condition precedent on the Council releasing the approved funding being sought – see 3.4.4.
- To note that Cabinet is due to agree on the 11 September 2019 that should the Council not be able to demonstrate the need for HNIP gap funding by January 2020 as set out in the table at 3.50, the decision on an updated investment strategy will be brought back to Cabinet.
- To approve the forecast £7.25m allocation to be added to the Council's 'Projects in the pipeline'. Addition to the approved programme will require relevant Council and Cabinet approval. Tranche 2b is the remaining investment required to deliver the full Energetik business case on the current assumptions and timelines.
- To note that Cabinet is due to approve on 11 September 2019 the revisions to the company's 40-year Business Plan as outlined within the company's Business Plan Addendum and the revised financial projections as identified within paragraphs 3.47 to 3.49 of this report.
- To note that Cabinet is due to approve on 11 September 2019 the delegation to the Executive Director, Resources (in consultation with the Director of Commercial) to agree and approve any items arising out of the due diligence exercise being conducted by KPMG, and from the legal and financial state aid advice.
- To note that Cabinet is due to approve on 11 September 2019 that the Executive Director, Resources (in consultation with the Director of Commercial) is to work with the company to agree and execute an on-lending agreement to cover Tranche 2

expenditure and to implement any arrangement involving equity by the Council. As per paragraph 3.33, this is 3% or 2.13% above the blended rate, whichever is higher.

- 7 To note that Cabinet is due to approve in principle on 11 September 2019, subject to investment being secured from HNIP, the ring-fencing of an amount of the received interest payments from Energetik, to be used on Enfield fuel poverty projects, to be reviewed annually, noting that a further paper will be required in due course detailing the intervention options available.

BACKGROUND

Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 10 on the [Council](#) agenda for Wednesday 20 September 2019 for further information. As the Part 2 report contains exempt information. It will not be available to the press or public.

LIST REFERENCE: 6/30/19-20

SUBJECT TITLE OF THE REPORT :							
REARDON COURT EXTRA CARE HOUSING SCHEME							
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 (para3)	Winchmore Hill	Council	Wednesday 18 September 2019	N/A	Key Decision KD 4898	Lia Marwick 020 8379 4799	No
<p>The Council agreed to: Note that Cabinet agreed at their meeting on 17th July 2019:</p> <ol style="list-style-type: none"> 1 Note the content of the report, including the Council's successful bid to the Greater London Authority for £9,443,161 capital funding to develop Extra Care Housing at Reardon Court. 2. Delegate authority to the Executive Director of Place in consultation with the Cabinet Member for Finance and Procurement, the Director of Health and Adult Social Care and the Cabinet Member for Health and Social Care. <ul style="list-style-type: none"> - the award of construction work contracts for the demolition and redevelopment of the site. - project management and procurement arrangements including operational resourcing, appointments for all pre and post contract construction services and submission of a planning application. 3. Approve the application funds (circa £2.5m – see section 3.5.7) from the Kingsdowne Society Trust to this project – subject to administrators releasing the funds and the Charity Commission approval – to reduce the Council's borrowing requirement for the scheme. 4. Approve the allocation of capital funding for this development from the Council's Capital Programme based on the improved business case (see Part 2) 							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 11 on the Council agenda for Wednesday 18 September 2019 for further information. As the Part 2 report contains exempt information. It will not be available to the press or public.							

LIST REFERENCE: 7/30/19-20

SUBJECT TITLE OF THE REPORT:							
OVERVIEW AND SCRUTINY WORK PROGRAMME 2019-20							
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	Council	Wednesday 18 September 2019	N/A	Non-Key	Claire Johnson 0208 379 4239	No
<p>The Council agreed</p> <p>1. to approve the scrutiny work programme and workstreams for 2019/20.</p>							
BACKGROUND							
<p>Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 12 on the Council agenda for Wednesday 18 September 2019 for further information.</p>							

LIST REFERENCE: 8/30/19-20

SUBJECT TITLE OF THE REPORT :							
CHANGES TO HOUSING ADVISORY BOARD							
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	Council	Wednesday 18 September 2019	.	Non-Key	Claire Johnson 020 8379 4239	No

The Council **agreed**

1.The Member and Democratic Services Group recommendations relating to the revised Housing Advisory Group terms of reference.

BACKGROUND
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 13 on the Council agenda for Wednesday 18 September 2019 for further information.

LIST REFERENCE: 9/30/19-20

SUBJECT TITLE OF THE REPORT :							
MEMBERS ALLOWANCES							
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	Council	Wednesday 18 September 2019	N/A	Non-Key	Claire Johnson 020 8379 4239	No
<p>The Council agreed:</p> <p>That the current Members Allowances Scheme is re-approved as set out in Part 6 of the Constitution and that the automatic increase in allowances by the average earnings as at March not be implemented for the 2019/20 financial year.</p>							
BACKGROUND							
Please note that a copy of the Part 1 report is available on the Council's democracy pages. Please refer to Item 14 on the Council agenda for Wednesday 18 September 2019 for further information.							

Publication of Decision List 9/30/19-20 – Friday 20 September 2019

LIST REFERENCE: 10/30/19-20

SUBJECT TITLE OF THE REPORT :							
MOTIONS							
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	Council	Wednesday 18 September 2019	N/A	Non-Key	Claire Johnson 020 8379 4239	No

The Council **agreed** the following urgent motion:

Motion in the name of Councillor Caliskan

“This Council believes that Boris Johnson’s decision to prorogue parliament during a critical period approaching the 31st October deadline is a cynical affront to the principle of parliamentary democracy. This view has been reinforced by Scotland’s highest civil court who ruled on the 11th September that the Prime Minister’s shutdown of parliament was unlawful. On the 6th September the English high court judges decided that suspending Parliament was a ‘purely political’ move by the Prime Minister.

The Prime Minister's refusal to allow our representatives in the House of Commons to debate and scrutinise his government, is the disposal of democratic legislative scrutiny altogether.

As Johnson hurtles towards a no-deal exit, residents across Enfield are worried. The Governor of the Bank of England has warned of an instant shock to the economy in the event of a no-deal, and that medicine and food would become more expensive if the UK leaves the EU without an agreement.

EU nationals and their families living in Enfield and across the country face huge instability about their 'settled status' and the threatened prospect of the end of freedom of movement on the 31st October 2019.

This council opposes the Prime Minister's decision to prorogue parliament and believes he should respect the court ruling that his

actions are unlawful.”

The following motions lapsed under the guillotine arrangements: 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10 and 16.11

BACKGROUND

Please note that a copy of the Part 1 report is available on the Council’s democracy pages. Please refer to Item 16 on the [Council](#) agenda for Wednesday 18 September 2019 for further information.

LIST REFERENCE: 11/30/19-20

SUBJECT TITLE OF THE REPORT:							
INVESTMENT IN PRIVATE RENTED SECTOR – ADDITIONAL LOAN INSTALMENT							
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
Parts 1 & 2 (para 3)	ALL	Cabinet Member for Finance and Procurement (Cllr Mary Maguire)	Monday 30 September 2019	None	Key Decision KD 4444	Matt Bowmer Matt.Bowmer@enfield.gov.uk	Yes – Friday 27 September 2019
DECISION							
<p>AGREED: that the following decisions will come into effect on Monday 30 September 2019, subject to not being called in:</p> <ol style="list-style-type: none"> 3. Note that in 2014 Cabinet delegated authority to the Director of Finance; Director of Housing; Cabinet Member for Finance & Procurement; and Cabinet Member for Social Housing, to finalise the timing, profile of acquisitions and the detail of the funding arrangements for each phase of the portfolio development, based on the most viable finance stream available, type and level of housing need at that time, and the Council's best interests (KD 3782). It should be noted that since the delegation was agreed in 2014, the Council's processes have changed and it has been agreed that the report is now a decision of the Cabinet Member for Finance and Procurement, in consultation with the Cabinet Member for Social Housing, Acting Executive Director Resources and Executive Director Place. 2 Note that a further decision was taken by Council in February 2019 (KD4828), to approve the Councils Capital Strategy, including additional lending to Housing Gateway for 2019-21. 3 Note that a pro forma Facility Letter to govern loan arrangements between Housing Gateway and the Council was agreed in September 2014. 4 Agree to access the next instalment of the loan and on-lend this to Housing Gateway Limited under the terms of the pro forma Facility Letter. 5 Note that the treasury management decisions regarding the Council's borrowing to enable the on-lending to Housing Gateway will be subject to the Council's existing arrangements for governance. 6 To note and agree recommendations set out in Part 2 of the report. 							

ALTERNATIVE OPTIONS CONSIDERED

1. As outlined in KD 3782, a number of alternative options were considered in the development of the Investment in Private Rented Sector business case.
2. In the development of the pro forma facility letter a number of alternative options were also considered, including a loan with a single instalment or the absence of a formal agreement. These options were discounted, as a formal agreement safeguards the interests of both the Council and Housing Gateway and the ability to access the loan in instalments provides greater flexibility.

REASONS FOR RECOMMENDATIONS

1. Cabinet approved the business case, financial model and overall financial envelope in February 2014 as per KD 3782.
2. Housing Gateway Limited was founded in March 2014 (assuming the name HGL in April 2014) and the company is now well established. The next phase of the loan is required to enable the company to continue acquiring properties and providing further cost avoidance to the Council.
3. A pro forma facility letter has been agreed by the Council and Housing Gateway Limited which sets out the terms of the loan agreement and provides clear terms of repayment.
4. The facility letter enables Housing Gateway Limited to access the loan in a series of instalments, under Schedule 3 of the Facility Letter. This will enable the company to access funding to coincide with the speed of acquisitions and better manage its cash flow.

BACKGROUND:

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

LIST REFERENCE: 12/30/19-20

SUBJECT TITLE OF THE REPORT:							
MERIDIAN WATER STRATEGIC INFRASTRUCTURE – CONTRACTOR PROCUREMENT HIF NON-RAIL							
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
Parts 1 & 2 (para 3)	ALL	Programme Director- Meridian Water (Peter George)	Monday 30 September 2019	None	Key Decision KD 4444	Pauline Albers Pauline.albers@enfield.gov.uk 0208 379 5511	Yes – Friday 27 September 2019
DECISION							
<p>AGREED: that the following decisions will come into effect on Monday 30 September 2019, subject to not being called in: It is recommended that the Programme Director – Meridian Water in consultation with the Director of Law and Governance:</p> <ol style="list-style-type: none"> Approves the commencement and undertaking of the procurement of a main contractor for the scope of works identified in the main body of this report, subject to sign off, of the procurement documents by the Director of Law and Governance and the Director of Finance. Note that a separate report seeking authority to appoint the preferred tenderers to the Framework will be brought to Cabinet. Note the cost of undertaking this procurement as set out in paragraph 3.7.1 of the Part 2 Report 							
ALTERNATIVE OPTIONS CONSIDERED							
<p>Existing Frameworks</p> <ol style="list-style-type: none"> The team did identify the SCAPE and the London Development Panel Framework as suitable frameworks to use for the 							

procurement. However, both are deemed sub-optimal solutions to procure the main contract for the strategic road and flood alleviation works.

5. The SCAPE framework is a single contractor construction framework. A key disadvantage of utilising the Scape framework is the lack of early competition in the selection process, which could result in cost escalation. Furthermore, a single supplier framework requires the Council to re-procure the works in the situation of default or poor performance. The preferred procurement route setting up the Council's own framework via a dialogue process, will give the Council greater control over the pricing mechanism and help to achieve value for money.
6. A further disadvantage of the SCAPE Framework is the uncertainty on the delivery team that would be offered, giving the Council no guarantee on quality of the team. The process set by the SCAPE framework to work up preliminary proposals and funding agreement could take a minimum of 3 months to complete. Consequently, this reduces the perceived time advantage of contractor selection from the Scape Framework.
7. The London Development Panel (LDP) Framework offers development and construction services and 29 well-established providers are on the framework. The key disadvantage regarding the use of this framework arises from the fact that the providers on the framework are developers, house builders, contractors and Registered Providers. This would imply that the infrastructure contractor will be appointed through a developer partner, who will apply on-costs and further drive up the price, restrict the choice of contractors and restrict LBE's direct contact with the infrastructure contractor.

8. Restricted Procedure

9. A restricted procedure is compliant with the Public Contracts Regulations 2015 and is considered suitable to procure the strategic road and flood alleviation works. Whilst it is a relatively swift process (usually taking between 6-8 months to complete), a restricted procedure would not allow any engagement, dialogue or negotiation with bidders.
10. Given the status of the essential design information, the potential reluctance of the market to accept contract terms without negotiation and the desirability to continue the design development in conjunction with the main contractor, the tender documents will need further refinement or negotiation with bidders. Therefore, this tender process is deemed unfit to procure the scope of works in the current circumstances.

11. Single Stage Tender

12. A single stage tender would require LBE to work up a full Technical Design (RIBA Stage 4) and issue a traditional tender package for a lump sum fixed price.
13. This procurement process would provide a greater degree of cost certainty than a two-stage process, however it is deemed unsuitable given the stage of design development and the challenge to finalise the works prior to the funding deadline. The extended design period could significantly delay the design and construction programme.

14. Additionally, this approach would make the transfer of design risk to the contractor much more difficult and does not offer the desired flexibility for the market to adapt or develop suitable solutions or the possibility to dialogue on potentially onerous contract terms, which could deter bidders.

15. Disaggregation of the Infrastructure Works

16. There is a possibility of disaggregating the infrastructure works into a series of separate contracts, for example:

- Demolition, Site Clearance and Earthworks Contract
- Site Remediation Contract
- Roads and Bridges Contract

17. Disaggregation has the advantage of allowing 'specialist contractors' to deliver work packages individually at a competitive price but there would also be several disadvantages. These are:

- LBE would be responsible for any overruns on each individual contract in respect of successor contracts (albeit that this could be mitigated by utilisation of delay damages).
- There would be multiple mobilisation and de-mobilisation periods for separate contractors resulting in a longer construction period.
- The cost of multiple mobilisation and de-mobilisation periods could negate any price advantage secured via the use of multiple contracts.
- Successor contracts could be delayed by defects resulting from earlier contracts.
- There would be multiple design and construction responsibilities/ liabilities spread across several separate contractors.
- The liability for defects could be 'blurred' by overlapping contracts and LBE could be dealing with several separate contractors for any defects identified.

18. By comparison the use of a single contractor to deliver the infrastructure works has the following advantages:

- There will be a seamless transfer (and works could overlap) between the separate work packages.
- There is a single point of design and construction responsibility for all of the works.
- Any programme overruns on individual work packages remains the responsibility of the single contractor.
- There will be one point of Health & Safety responsibility for the whole site.

On balance, disaggregating the works would present a higher project delivery risk to LBE than delivery through a single contract.

19. Single Contract for all of the Works

20. A two stage single contract approach has been considered, but deemed unsuitable for the project, given the uncertainties of land

ownership and confirmation of the extent of HIF funding. The scope of works includes work located on privately owned land. If land is not made available on time through acquisition, CPO or other contractual arrangements, the full scope of works will need to be reviewed, which could result in significant variations to the scope of works. Significant changes to the tendered scope of works does pose a risk to the Council of legal challenge and/ or significant compensation payments for works not carried out.

21. Single supplier framework

22. A further approach considered for this procurement is a single supplier framework. A single supplier framework does offer the Council the flexibility to instruct specific works and services as and when they are required and doesn't commit the Council to instructing the individual works packages until a call-off contract has been signed.

23. However, a single supplier framework does introduce a loss of competition once the contractor is appointed to the framework agreement and therefore risk of cost escalation. The contractor can become complacent which could affect performance / service delivery and result in potentially higher priced call-off work packages. Furthermore, a single supplier framework requires the Council to re-procure in case of default, which risk can be mitigated by the use of a multi-party framework.

REASONS FOR RECOMMENDATIONS

5.1 The multiple supplier framework approach is suitable for the scope of works, given that the funding, the exact design and the land acquisition will not have been confirmed at the point of procurement. The framework approach allows the Council the flexibility to instruct specific works and services as and when they are required and doesn't commit the Council to instructing the individual works packages until a call-off contract has been signed.

5.2 The Competitive Dialogue process leading to a multiple supplier framework agreement addresses the four key issues for the procurement process:

- Status of essential design development information;
- Status of the funding decision;
- Ability to negotiate contract terms; and
- Status of the land acquisition.

5.3 The Competitive Dialogue process allows forthcoming design information to be considered and can be structured to allow Enfield to refine the specification within the limits of the OJEU rules. The process also offers the possibility to flag onerous contract terms and negotiate with bidders in a procurement compliant and commercial manner.

BACKGROUND:

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

LIST REFERENCE: 13/30/19-20

SUBJECT TITLE OF THE REPORT:							
LETTING OF HAWLEY ROAD SITE							
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
Parts 1 & 2 (para 3)	ALL	The Leader (Cllr Caliskan)	Monday 30 September 2019	None	Key Decision KD 4936		Yes – Friday 27 September 2019
DECISION							
<p>AGREED: that the following decisions will come into effect on Monday 30 September 2019, subject to not being called in:</p> <p>That the Leader of the Council:</p> <ol style="list-style-type: none"> 1.Delegates approval of the final version of Heads of Terms to the Programme Director of Meridian Water and the Director of Property and Economy. 2.Intrusts the authorised legal officer to enter into an Agreement To Lease. 3.Intrusts the authorised legal officer to enter into a lease based upon the final agreed terms. 							
ALTERNATIVE OPTIONS CONSIDERED							
Please see Part 2 Report							
REASONS FOR RECOMMENDATIONS							
Please see Part 2 Report							
BACKGROUND:							
Please note that a copy of the Part 1 report is available on the Council's Democracy pages. As the part 2 report contains exempt information it will not be available to press and public.							

LIST REFERENCE: 14/30/19-20

SUBJECT TITLE OF THE REPORT:							
APPLICATION FOR THE COUNCIL TO ENTER INTO CONTRACT WITH THE GLA							
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 Housing and Regeneration (Joanne Drew)	Friday 20 September 2019	None	Rule 16 Key Decision KD 5007/U20 8	Ed Richards Ed.richards@enfield.gov.uk	No
DECISION							
<p>AGREED: that the following decisions will come into effect on Friday 20 September 2019, as part of the Rule 16 Urgent Decision Process:</p> <p>THAT: Authority is granted to amend and restate the existing agreement with the GLA to draw down funding secured under the Homes for Londoners Affordable Homes Programme 2016-21 as per the amendment and restatement agreement.</p>							
ALTERNATIVE OPTIONS CONSIDERED							
No other options are available							
REASONS FOR RECOMMENDATIONS							
Authorising the Council to enter into contract with the GLA will enable the current funding and any future funding secured to be delivered by the Council more efficiently and quickly.							
BACKGROUND:							
Please note that a copy of the Part 1 report is available on the Council's Democracy pages.							

Publication of Decision List 14/30/19-20 – Friday 20 September 2019

LIST REFERENCE: 15/30/19-20

SUBJECT TITLE OF THE REPORT:							
ACQUISITION OF ADDITIONAL AFFORDABLE HOMES ON NEW AVENUE							
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
Parts 1 & 2 (para 3)	COCKFOSTERS	Director of Housing and Regeneration	Monday 30 September 2019	None	Key Decision KD 4986	Ed Richards Ed.richards@enfield.gov.uk	Yes – Friday 27 September 2019

DECISION

AGREED: that the following decisions will come into effect on Monday 30 September 2019, subject to not being called in:

1. To authorise the Director of Housing and Regeneration to purchase 25 units at market value, utilising GLA grant under their affordable housing programme addendum, for the purpose of converting to London Affordable Rent/Social Rent, at the value specified and in line with the Heads of Terms detailed at part 2 of this report.
2. To authorise the Director of Housing and Regeneration to purchase up to 8 additional units, utilising GLA grant under their affordable housing programme addendum, for the purpose of converting to London Affordable Rent/Social Rent, should planning consent be granted for a larger scheme when planning is submitted later this financial year. The additional units will be to maintain a level of affordable housing above 40% so as to draw down GLA grant across the entire affordable housing provision on the scheme, at the value specified and in line with the Heads of Terms detailed at part 2 of this report.
3. To authorise the Regeneration Project Director, in consultation with the Head of Development to agree and finalise the Heads of Terms for the purchase of the units.

ALTERNATIVE OPTIONS CONSIDERED

1. Do nothing - The Council would miss out on the opportunity to utilise significant levels of GLA grant to buy additional affordable housing at minimal cost to the Council. This would see the opportunity to speed up the regeneration programme missed and also prevent 33 additional households moving out of temporary accommodation.

2. Only commit to purchasing 25 units – this does not present a problem if planning is not obtained for additional units. However, if planning is obtained and the total percentage of affordable housing decreases to below 40% the Council would be required to repay the entire grant allocation to the GLA.

REASONS FOR RECOMMENDATIONS

1. The GLA offers generous grant to incentivise increases in affordable housing above the level determined to be viable through the S106 process.

2. The level of affordable housing provision on the New Avenue scheme and the way in which ownership and development is structured, presents an opportunity for the Council to purchase market sale units for conversion into much needed affordable rented units, with minimal impact on the HRA.

BACKGROUND:

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

SECTION 2: Notice of forthcoming Key Decisions for which it has not been possible to provide notice

This section lists the Key Decisions that are proposed to be taken by the Council, which require publication in accordance with the Local Government Act 2000. The decisions listed are those for which it has not been possible to provide 28 days' notice and need to comply with the Council's urgency procedure. There are two routes that can be followed in this instance to enable a decision to be taken.

1. Rule 15 – General Exceptions

This procedure is used in cases when:

- it is not possible to provide the required 28 days' notice of a key decision; but
- it is possible to provide a minimum of 5 working days' notice prior to the decision being taken;

2. Rule 16 – Special Urgency

This procedure should only be used in exceptional circumstances where it is not possible to:

- provide the required 28 days' notice prior of a key decision; and
- provide a minimum of 5 working days' notice prior to the decision needing to be taken;

These decisions will not be eligible for call-in.

If you have any queries or wish to obtain further report information or information on a decision please refer to: Claire Johnson 020 8379 4239

Part 1/2* and reason	Date Decision Planned		Proposed Key Decision	Ward/s affected by the decision	Contact Name and Number
1	20/09/2019	Executive Director – Place	Agreement to sign the amendment and restatement contract with the GLA to enable the draw down of GLA grant funding.	All	Ed Richards 020 8132 0710

Reasons for Urgency:

Urgent approval is being sought for the implementation of this decision for the following reasons:

Failure to enable the exchange of contracts before the end of September 2019 will result in a risk to the current intended acceleration of future phases of the new avenue regeneration scheme that the purchase of the additional units is designed to unlock.

There is no risk associated with signing the addendum as it simply enables the receipt of money only available once the necessary criteria has been met by the Council.

It was not possible to give the required 28 day notice and include the decision on the Council's Key Decision List because it was only possible to verify that a key decision was required once the GLA provided the contract. The GLA only provided this once they had approved the request for funding which was only agreed via negotiations as part of the process for developing the document for KD4968.

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Background Papers:

No.	Description of Background Papers	Name and Telephone No. of Document Holder	Location/e-mail address
	None		

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