

## MUNICIPAL YEAR 2019/2020 REPORT NO.

**Operational Decision of:**  
Director of Property and  
Economy

Contact officer and telephone number:

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**Agenda – Part: 1**

**Item:**

**Subject:** Revenue Recovery – Corporate  
Gas and Electricity

**Wards:** all

**Key Decision No:** KD 4985

**Cabinet Member consulted:**

**Cllr Mary Maguire – Cabinet Member for  
Finance & Procurement**

### 1. EXECUTIVE SUMMARY

- 1.1 There is an opportunity for Enfield to engage a supplier to complete a Revenue Recovery project for Corporate gas and electricity supplies.
- 1.2 This is a process where an independent organisation provides retrospective audit (up to six previous years) and analysis of our core spend and transactions (invoices and payments) for gas and electricity. From this analysis they identify and recover any overpayments, overcharges or missed opportunities (such as discounts or rebates). The suppliers operate on a 'no win no fee' basis, so you only pay a fee which is a percentage of money recovered. If there is no recovery, there is no fee payable.
- 1.3 This report proposes that Enfield take forward this opportunity procuring the provider through Crown Commercial Services, who have an existing Framework in place. The companies on the Framework have a maximum payback of 20% of savings for 12 months.

### 2. RECOMMENDATIONS

- 2.1 That the Director of Property and Economy agree to proceed with the project procuring a provider for the Corporate Portfolio through the Crown Commercial Services (CCS) Framework aiming to have a supplier in place in this financial year (19/20).
- 2.2 Viability of expanding the project to Housing and Schools to be assessed in the future depending on the success/progress with the Corporate portfolio.

### **3. BACKGROUND**

- 3.1 Revenue Recovery is a process where an independent organisation provides retrospective audit (up to six previous years) and analysis of our core spend and transactions (invoices and payments) for gas and electricity. From this analysis they identify and recover any overpayments, overcharges or missed opportunities (such as discounts or rebates). The suppliers operate on a 'no win no fee' basis, so you only pay a fee which is a percentage of money recovered (please see below 3.3 for details). If there is no recovery, there is no fee payable.
- 3.2 Once procured and awarded the contractor will complete a detailed review of our portfolio and report any potential savings. Energy Management will then review the report and confirm that any irregularities should be taken up with the supplier. The contractor will have direct access to the supply data with minimal input from Energy Management.
- 3.3 Payback is based around a percentage of the amount saved and is collected for a year. We have met with three potential suppliers for soft-market engagement all of whom are on the CCS Framework. They all indicate a percentage payback split of 80% Enfield 20% to contractor. It is difficult to predict a value of that payback as we do not know the level of errors that will be found. However, the CCS contractors have indicated that errors are identified in approximately 75% of the portfolio. It must be noted though that the value of these errors may be small.
- 3.4 It is expected for the review process to take 8 weeks. Resolution involving engagement with suppliers by the Revenue Recovery Contractors may take up to a year on the more complex issues.

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

#### **Alternative Options**

- 4.1 Do nothing. If we do nothing we are missing the potential of recovering any over-charges and stopping future over-charging. The audit will also work as a 'due diligence' exercise to test the robustness of LASER's price checking and (in the case of Fully Managed supplies) bill management.
- 4.2 Proceed with the project completing the full procurement ourselves. This process will be considerably more onerous than using an existing Framework. Given the exact value to Enfield is unknown it is considered best to minimise the outlay hence using an existing Framework.

- 4.3 Procure through an existing framework. Crown Commercial Services (CCS) appear to be the only provider of a framework to source a supplier. They have three organisations on their framework.

## **5. REASONS FOR RECOMMENDATIONS**

- 5.1 By proceeding with the project procuring a provider through the Crown Commercial Services (CCS) Framework there is little cost to Enfield with all three suppliers on the CCS Framework requiring minimum resources and therefore cost from Energy Management Team to complete the Recovery programme.
- 5.2 The likelihood of Enfield receiving refunds on some utility supply costs and avoiding future costs is high with little initial outlay.
- 5.3 As CCS have a proven procurement background and the companies have all expressed an interest it is thought the CCS Framework is the best option to procure.

## **6. COMMENTS FROM OTHER DEPARTMENTS**

### **6.1 Financial Implications**

- 6.1.1 This is difficult to quantify as it depends on the results of the audit. Potentially there may be no impacts if no issues are located. Pre-market engagement would, however, indicate that there is a potential for refunds on any identified over payments and any associated cost avoidance going forward which could be significant. This has been logged as a Key Decision though it is unlikely the value will be above the Key Decision threshold of £250,000.
- 6.1.2 It should also be noted that the audit could identify underpayments. Should this happen then the winning contractor would not raise the issue with the supplier without approval from Enfield. This is also the case for any identified saving.

### **6.2 Legal Implications**

- 6.2.1 The Council has a general power of competence in s.1(1) Localism Act 2011. This states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation.
- 6.2.2 S.111 Local Government Act 1972 gives a local authority power to do anything (whether involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The services to be provided, as proposed within this Report are incidental to the functions of the Council's departments.

- 6.2.3 The Council must comply with its Constitution, Contract Procedure Rules ("CPRs") and, if the contract value exceeds the EU threshold, it must also comply with the Public Contracts Regulations 2015. The Council's constitution (specifically, the CPRs) permits the use of Framework agreements subject to the prior approval of the P&C Hub (CPR 4.1). Corporate Procurement should undertake the due diligence on the Framework to ensure it is one the Council can access. The Council must ensure that the procedure for call off under the terms of the Framework is complied with along with all applicable Framework rules.
- 6.2.4 The Council must comply with its obligations with regards to 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 to the Contractor(s) to demonstrate that best value has been and will continue to be obtained for the Council.
- 6.2.5 As this constitutes a Key Decision the Council must ensure it follows all applicable Key Decision/Governance procedures.
- 6.2.6 All legal agreements arising from the matters described in this report must be approved in advance of contract commencement by the Legal Services on behalf of the Director of Law and Governance. The Call Off Contract will be on the terms stipulated in the Framework Agreement.

### **6.3 Property Implications**

Property had no comments

### **6.4 Procurement Implications**

- 6.4.1 The service is proposing on undertaking a "call-off" the Crown Commercial (CCS) Framework Agreement ref RM3820 (Spend Analysis and Recovery Services 2)
- 6.4.2 Due Diligence has been undertaken on the proposed Framework Agreement and is approved by the Procurement & Commissioning Hub.
- 6.4.3 The service must ensure by accessing this framework agreement, that the "call-off" is compliant with the defined rules and procedures of the Framework Agreement.
- 6.4.4 The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
- 6.4.5 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of

executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

- 6.4.6 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

## **7. KEY RISKS**

In reviewing the accounts, it is possible that under-charges may be identified as well as over-charges. Pre-market engagement indicates this is a less likely outcome and ultimately Enfield have the final say as to if any issues are taken up with the suppliers.

## **8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Good homes in well-connected neighbourhoods**

Completing this project gives Enfield the potential for cost avoidance reducing budget costs for running buildings and so increasing budget availability for other uses.

### **8.2 Sustain strong and healthy communities**

Completing this project gives Enfield the potential for cost avoidance reducing budget costs for running buildings and so increasing budget availability for other uses.

### **8.3 Build our local economy to create a thriving place**

Completing this project gives Enfield the potential for cost avoidance reducing budget costs for running buildings and so increasing budget availability for other uses.

## **9. EQUALITIES IMPACT IMPLICATIONS**

There are no implications for equalities. However it should be noted that the any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

## **10. PERFORMANCE AND DATA IMPLICATIONS**

The contract will be managed by the Energy Manager throughout.

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

Health and Safety had no comments

## **12. HR IMPLICATIONS**

- 12.1 This report outlines a one off external tender process to contract a company for a specific piece of project work which cannot be completed in-house.
- 12.2 There are no posts being created or deleted as part of this process and the work, including recovery of monies, is all to be completed by the external provider.
- 12.3 There are no employees at risk as part of this tender process.

## **13. PUBLIC HEALTH IMPLICATIONS**

Increasing income will enable the Council to better support services needed for residents.

**Background Papers – none**

## MUNICIPAL YEAR 2019/2020 REPORT NO.

### ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY

### OPERATIONAL DECISION OF: Executive Director Place

### Contact Officer and telephone number:

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Social Care)

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<b>Agenda – Part: 1</b>	<b>KD Num: 5034</b>
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<b>Subject: Reardon Court Extra Care Housing Scheme – Demolition / Enabling Works – Contract Award</b>	
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<b>Wards: Winchmore Hill</b>	
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<b>Cabinet Member Consulted:</b>	
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<b>Cllr Mary Maguire Cabinet Member for Finance and Procurement</b>	
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<b>Cllr Alev Cazimoglu Cabinet Member for Health and Social Care</b>	
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## 1. EXECUTIVE SUMMARY

- 1.1 demolish the existing Reardon Court care home including the removal of asbestos and fly-tipped waste as part of the proposed redevelopment of the site for Extra Care Housing.
- 1.2 In July 2019, Cabinet approved funding for the full scheme and delegated authority to the Executive Director Place in consultation with the Cabinet Member for Finance and Efficiency, the Cabinet Member for Health & Social Care and Director of Health & Adult Social Care to award the Construction works contracts for demolition and redevelopment of the site.
- 1.3 A further report will follow seeking authority to award the construction works contract for the new building.

## 2. RECOMMENDATIONS

- 2.1 To approve the Contract Award to Contractor "A", for the Demolition/Enabling Works, as set out in Part 2 of this report.
- 2.2 To approve expenditure of £620,000 relating to the Demolition/Enabling Works including post construction professional & technical costs, and security costs.
- 2.3 To note that a further report will follow seeking authority to award the construction works contract for the new building and the balance of expenditure to complete the scheme.

### **3. BACKGROUND**

- 3.1** Reardon Court is the site of a former in-house residential care home; the site is Council owned and vacant with ongoing security costs since late 2015. The site is in poor and deteriorating condition, there have been various incursions, lead work has been stripped from roofing resulting in leaks and internal damage. The deteriorating condition now represents an increasing liability to the Council both in terms of cost and a health & safety hazard.
- 3.2** To realise the long-term value of this Council owned asset and secure future provision of affordable Extra Care Housing in the borough, a Cabinet decision was made on 25<sup>th</sup> July 2018 that the Council will retain ownership and develop a minimum of 69 units for Extra Care Housing subject to GLA funding.
- 3.3** Following consultation with the GLA and local planning authority, a successful bid was submitted to the GLA in February 2019, resulting in a significantly increased capital grant resulting in an increase to 91 units and an improved business case.
- 3.4** A Cabinet decision was made on 25<sup>th</sup> July 2018 (KD4710) (see Appendix 1) which approved funding for the full scheme and gave delegated authority to the Executive Director Place, in consultation with Adult Social Care, Legal and Procurement Services, to award the contract for enabling works.
- 3.5** The construction works have been split into two phases, an enabling / demolition contract followed by the main contract to build the new facility. This strategy should de-risk the main contract to obtain the most competitive prices.
- 3.6** The works comprise the demolition of the existing care home facility including removal of asbestos and fly tipped waste. The works contract is proposed to be the JCT Intermediate Building Contract with Contractor's Design, 2016 Edition where insurance option C is to apply.
- 3.7** Five contractors deemed suitable for the enabling / demolition works were shortlisted and invited to quote via the London Tenders Portal in accordance with the Council's Contract Procedure Rules. The lowest submitted price, which complies with the tender quality requirements of the Council and is in line with the project programme requirements, is recommended. For the detail relating to the quotation evaluation, please refer to the Part 2 report.

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

- 4.1** Not to proceed with this project. This would be contrary to the decision made by Cabinet in July 2019, and would result in loss of GLA funding.
- 4.2** Include the enabling / demolition works in the main contract. The enabling works are essential in order to meet the programme and



comply with the conditions as set out in the funding bid approval granted by the GLA, and de-risk the main contract to obtain the most competitive prices.

## **5. REASONS FOR RECOMMENDATIONS**

The quotation from Contractor "A" is compliant and is the most economically advantageous tender; refer to Part 2 for more information.

## **6. COMMENTS FROM OTHER DEPARTMENTS**

### **6.1 Financial Implications**

See Part 2.

### **6.2 Legal Implications**

- 6.2.1 Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The provisions of Section 9 of the Housing Act empowers the Council to provide housing accommodation as part of its functions.
- 6.2.2 The Council also has a general power of competence in section 1(1) of the Localism Act 2011. This states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation. The proposed services the Council wishes to provide within this report are in accordance with this power.
- 6.2.3 The Council must ensure compliance with its Constitution. Where required, the Council shall carry out any procurement exercises in accordance with its Contract Procedure Rules and the Public Contracts Regulations 2015 (where procurements are caught by these Regulations) seeking assistance from the Council's Procurement & Commissioning Hub and Legal Services where required.
- 6.2.4 The Council must ensure value for money in accordance with the Best Value principles under the Local Government Act 1999.
- 6.2.5 As this is a Key Decision the Council must comply with the Key Decision procedure.
- 6.2.6 Any legal agreements (and ancillary documents where relevant) arising from the matters described in this report must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance.

### **6.3 Property Implications**

- 6.3.1 Reardon Court is no longer fit for purpose and has deteriorated significantly since taken out of operation. The ongoing revenue costs relating to security and incursions will be eliminated by development of the site.
- 6.3.2 All new or revised asset data arising out of the proposed works must be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, ATRIUM, including revised site plans, floor plans, asset information and maintenance regimes.

### **6.4 Procurement Implications**

- 6.4.1 The procurement was undertaken using the London Tenders Portal (ref DN430380).
- 6.4.2 As the contract is over £250k the service must ensure that sufficient security has been considered.
- 6.4.3 The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
- 6.4.4 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.
- 6.4.5 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

## **7. KEY RISKS**

- 7.1 There is a risk that the project will exceed projected timescales for completion. To mitigate this risk, project progress shall be monitored by the Project Board. Foreseeable delays will be escalated to enable a timely response. Contractual provisions shall be put in place to help ensure the timely development of this project.
- 7.2 There is a risk that planning permission for the development of this site will not be secured. Early consultation with the Local Planning Authority to include pre- planning advice (by way of a pre- planning application) shall be sought to help mitigate this risk. Notwithstanding, the Demolition can proceed under a Building Act 1984 Section 80 Notice; this has been issued to the Local Authority Control Authority.
- 7.3 There is a risk that development costs will exceed those projected in this report. Officers will put in place contract and review mechanisms to minimise this risk.

- 7.4 A Project Risk Register is maintained and owned by the Project Board to monitor the above-mentioned risks and escalate accordingly.

## **8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **8.1 Good homes in well-connected neighbourhoods**

The development of Extra Care Housing at Reardon Court will support the creation of thriving, affordable neighbourhoods, through the provision of good quality, accessible and affordable housing options for older people with support and care needs.

### **8.2 Sustain strong and healthy communities**

The development of Extra Care Housing at Reardon Court will enable the provision of good quality, affordable housing for those most in need, supporting older people to maintain independent and full lives in the community. It will also support the improvement of public health and wellbeing, through the promotion of healthy, active and ageing, that supports social inclusion and reduces the likelihood of social isolation and loneliness.

### **8.3 Build our local economy to create a thriving place**

The development of Extra Care Housing at Reardon Court will provide a vibrant inclusive living environment for older people with support and care needs, that fosters connection with the wider community through shared activity and social space. It supports work on reducing inequalities through the provision of accessible and affordable housing in later life.

## **9. EQUALITIES IMPACT IMPLICATIONS**

Although we do not need to complete an EQIA for the procurement of this contract, we do need to consider how the organisation awarded the contract will help the Council meet the aims of the Public Sector Equality Duty (s. 149 Equality Act 2010).

This outlines the Council's duty to have "due regard", in the performance of its functions, to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act:
  - Advance equality of opportunity between people who share a protected characteristic and those who do not; and,
- Foster good relations between people who share a protected characteristic and those who do not.

Any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

#### **10. PERFORMANCE AND DATA IMPLICATIONS**

The need for appropriate performance measures will be reviewed and implemented as required, aligned with any contractual agreements that may arise from this recommendation.

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

Health & Safety measures shall be implemented as required and appropriate to ensure that development on this site adheres to all necessary measures for correct planning implementation for safety. All construction and building work projects have to be managed under the various parts of CDM regulations.

#### **12. HR IMPLICATIONS**

Not applicable.

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

**13.1** The Reardon Court Extra Care Housing development will contribute to the improved health and wellbeing of older people with care and support needs in the borough, facilitating prevention and early intervention, the reduction of health inequality and the delivery of high quality, integrated approaches to the delivery of housing with care in the borough.

**13.2** The scheme will offer a purposefully designed environment to encourage healthy, active and inclusive ageing through for example, accessible allotment/garden space, accessible walkways and shared social space to encourage human connection and socialisation.

#### **Background Papers**

None

**MUNICIPAL YEAR 2019/2020 REPORT NO. PL 19/089 P**

**ACTION TO BE TAKEN UNDER  
DELEGATED AUTHORITY**

**PORTFOLIO DECISION OF:**  
Cabinet Member for Environment &  
Sustainability

**REPORT OF:**  
The Director of Environment &  
Operational Services

<b>Agenda – Part: 1</b>	<b>KD Num: 4901</b>
<b>Subject: Angel Walk</b>	
<b>Wards: Edmondson Green, Upper Edmonton</b>	

Contact officer and telephone number:  
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**1. EXECUTIVE SUMMARY**

- 1.1 This Report seeks approval to implement walking & cycling improvements at Angel Walk. These proposals form part of the Mayor of London's Transport Strategy to increase active travel in London and will be fully funded by Transport for London (TfL). Forming part of the wider network, the proposals contained in this report are expected to deliver health and transport benefits for both local residents and visitors to Enfield.

**2. RECOMMENDATIONS**

- 2.1 To approve implementation of the scheme specified on the drawings at Appendix 1, including the measures specified in section 4.1 of the report.
- 2.2 To approve implementation of the parallel crossing if no objections are received, or once any objections are resolved, as detailed in section 4.3 of the report and to advise any objectors of the Council's decision.
- 2.3 To create areas shared between pedestrians and cyclists in the limited locations specified in paragraph 4.5 of the report.

### **3. BACKGROUND**

- 3.1 These proposals form part of the package of works aimed at improving the Borough's walking & cycling infrastructure. 'Secondary routes', such as these are intended to strengthen the network of routes, following quieter streets, parks and waterways across Enfield. They'll connect with other projects, expanding the reach of previous investment and linking residential areas to local services such as schools, town centres and green spaces. This type of infrastructure will help overcome barriers to walking & cycling by providing safe and signed routes, creating 'feeder' routes to the major routes on some of our key roads.
- 3.2 These measures will enable the completion of a key link between Edmonton Green and the new Meridian Water station.

### **4. SCHEME DESIGN PROPOSALS**

- 4.1 Key design features of this scheme are:
- installing a parallel zebra facility across Montagu Road extending the facilities already present along Cemetery Walk
  - installing a welcoming gesture to Angel Walk at it's interface with Montagu Road
  - introducing a lit walking and cycling link within the formally redundant site linking to the Angel Gardens play space and the ramp leading to Conduit Lane
  - removing the parapet barrier at interface with Conduit Lane
  - management of overland flow paths to better manage flood waters in significant rainfall events
  - maintaining where possible the wide variety of flora and fauna currently present on the site
- 4.2 Where appropriate, a Road Safety Audit has now been completed for these projects. Each of the points raised in the safety audits have been considered during the development of the design. Further safety audits are planned post-implementation, with adjustments made as appropriate.
- 4.3 The parallel zebra facility across Montagu Road will be subject to a formal on street notification. Should any objections be received these will be considered and a summary report of these provided to the Cabinet Member for Environment & Sustainability for a further decision. If no objections are received as part of this notification process (none were received as part of the early engagement process) then this report provides approval for implementation.

- 4.4 Although not requiring a traffic management order, short lengths of the footway on the approach to the new parallel zebra crossing will be shared between pedestrians and cyclists, with measures introduced to minimise the risk of conflicts.

## **5. ENGAGEMENT & CONSULTATION PROCESS**

- 5.1 Following a TfL Sponsor Review of these proposals, an early engagement was carried out from 13<sup>th</sup> August to 15<sup>th</sup> September 2019. The purpose of this was to share our designs with the public to help shape our plans. Leaflets were distributed to properties close to the area and the opportunity for wider comment was promoted via social media and the Councils walking and cycling e-newsletter (in excess of 5,000 sign-ups). The leaflet provided an overview of the proposals and provided a link to the Council website where drawings could be viewed/downloaded and an online survey gave residents the opportunity to leave comments.
- 5.2 Paper copies of the consultation document were available and issued to those that made a request.

## **6. ENGAGEMENT INTERACTION**

- 6.1 Overall, there were a total of 190 visitors to the project page (of that, 162 were unique visitors). There were a total of 77 document downloads which resulted in 8 individual written responses to the engagement.
- 6.2 All of the respondents were positive about the proposals. The key issue raised was the design approach to shared use. In particular, one respondent outlined the approach used in Kingston on the New Malden route where the walking and cycling space is separated by a green strip. Prior and during the engagement phase Council Officers and TfL sponsorship were already discussing adjustments to the design to take this approach. The feasibility of this has been assessed and will now be implemented. No other issues were raised.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

Based on the feedback received, the following alternative option has been considered:

<b>Option</b>	<b>Comment</b>
Do nothing.	This is not recommended as this project is a key part of the strategy to promote more walking & cycling in the Borough.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 The recommendations have been made to enable the scheme to be implemented so that a number of benefits can be realised, including:

- To create healthy streets that enable more active forms of travel, leading to healthier communities.
- To provide more travel choices for the 34% of Enfield households who have no access to a car and an alternative travel choice for the 66% that do.
- Improved facilities to provide a safer environment for pedestrians and cyclists.
- To contribute towards the ongoing development of a Borough-wide active travel network.

## **9. COMMENTS FROM OTHER DEPARTMENTS**

### **9.1 Financial Implications**

- 9.1.1 The estimated budget cost of delivery for the project is up-to £720k which will be fully funded by additional funding secured in 2019/20, provided by Transport for London to help deliver the Mayor's Transport Strategy.
- 9.1.2 The funding arrangements are governed through the TfL Borough Portal and no costs will fall on the Council. The release of funds by TfL is based on a process that records the progress of the works against approved spending profiles. TfL makes payments against certified claims as soon as costs are incurred, ensuring the Council benefits from prompt reimbursement.
- 9.1.3 Use of the funding for purposes other than those for which it is provided may result in TfL requiring repayment of any funding already provided and/or withholding provision of further funding. TfL also retains the right to carry out random or specific audits in respect of the financial assistance provided.
- 9.1.4 Future maintenance costs from this scheme will be contained within existing revenue budgets.

### **9.2 Legal Implications**

- 9.2.1 Under the Greater London Authority (GLA) Act 1999, the Mayor is empowered, through TfL, to provide grants to London Boroughs to assist with the implementation of the Transport Strategy. TfL is charged with responsibility of ensuring that the key rationale for allocating grants is the delivery of the Mayor's Transport Strategy.
- 9.2.2 Section 62 of the Highways Act 1980 provides a general power for the Council to improve highways. Sections 65 and 66 of the same Act enable footways to be converted to cycle tracks with a right of way on foot. The 1980 Act also provides powers to plant vegetation, construct traffic calming features (including speed tables) and vary the relative widths of carriageways and footways.



9.2.3 The Road Traffic Regulation Act 1984 provides powers to regulate use of the highway, including by creating parking places, introducing 'At Any Time' waiting and loading restrictions, closing roads and installing parallel zebra crossings.

9.2.4 In exercising powers under the Road Traffic Regulation Act 1984, section 122 of the Act imposes a duty on the Council to have regard (so far as practicable) to securing the 'expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway'. The Council must also have regard to such matters as the desirability of securing and maintaining reasonable access to premises and the effect on the amenities of any locality affected.

9.2.5 The recommendations within this report are within the Council's powers and duties.

### 9.3 Property Implications

There are no corporate property implications arising from this report.

## 10. KEY RISKS

The key risks relating to the scheme are summarised below together, where relevant, with steps taken to mitigate the level of risk:

Risk Category	Comments/Mitigation
<b>Strategic</b>	<b>Risk:</b> Not delivering health and other benefits associated with an increase in levels of cycling. <b>Mitigation:</b> Corporate support for the Cycle Enfield programme and funding from TfL.
<b>Operational</b>	<b>Risk:</b> Disruption during construction. <b>Mitigation:</b> Traffic management arrangements will be designed to minimise disruption for local residents. Roadworks will also be co-ordinated to take account of other work in the area.
<b>Financial</b>	<b>Risk:</b> Insufficient funds/cost escalation. <b>Mitigation:</b> Funding from TfL has been allocated to the scheme and the estimated implementation cost falls within the available budget. Controls are in place to ensure that order is not placed until price is known and budget confirmed.
<b>Reputational</b>	<b>Risk:</b> Opposition to the scheme from some local residents/ organisations. <b>Mitigation:</b> Engagement has been undertaken to take into account views of local residents. There is an on-going communication exercise to explain the case for change and wider benefits that are generated from this scheme.
<b>Regulatory</b>	<b>Risk:</b> Failure to comply with statutory requirements. <b>Mitigation:</b> The scheme is being delivered by experienced design and engineering specialists.

## **11. IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD**

### **11.1 Good homes in well-connected neighbourhoods**

The scheme directly supports the Council's commitment to reduce congestion, improve air quality and encourage people to walk and cycle.

### **11.2 Sustain strong and healthy communities**

The scheme also helps to deliver the Council commitment to improve health by promoting active travel.

### **11.3 Build our local economy to create a thriving place**

Wider investment in the walking & cycling network forms part of the Council's strategy to support our high streets and town centres by providing safe and easy access to local shops and services.

## **12. EQUALITIES IMPACT IMPLICATIONS**

12.1 Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably because of any of the protected characteristics. We need to consider the needs of these diverse groups when designing and changing services or budgets so that our decisions do not unduly or disproportionately affect access by some groups more than others. The Public Sector Duty Act 2010 requires Local Authorities, in the performance of their functions, to:

- Eliminate discrimination, harassment, victimisation and other prohibited conduct
- Advance equality of opportunity
- Foster good relations

12.2 In recommending this proposal we have considered the needs of all highway users including those from the protected characteristic groups. All members of the community have full access to the highways however it is recognised that some protected groups may have practical problems in using the service. We are confident that these proposals will ensure that everyone will continue to benefit from this service.

Age	Slight positive impact – introduction of new formal zebra crossing will benefit both young and old people in safely crossing the road.
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Disability	Slight negative impact – Possible conflict for visually impaired users by shared pedestrian/cycle areas. This will be mitigated by the use of tactile paving and the introduction of appropriate signage to indicate to cyclists that they do not have priority in this space.
Gender reassignment	Neutral impact - No specific impacts identified.
Marriage or civil partnership	Neutral impact - No specific impacts identified.
Pregnancy and maternity	Neutral impact - No specific impacts identified.
Race	Neutral impact - No specific impacts identified.
Religion or belief	Neutral impact - No specific impacts identified.
Sex	Neutral impact - No specific impacts identified.
Social economic	Slight positive impact – Any impact on social economic inequality is likely to be low, as those on low incomes are less likely to own cars, meaning they are more likely to walk or cycle and these projects promote active health and provide safer routes for this to occur.

### **13. PERFORMANCE AND DATA IMPLICATIONS**

This scheme will have limited impact on performance when considered in isolation. However, when considered as part of a wider active travel network, the scheme will contribute to a number of key targets, including those relating to improving the health of adults and children in the Borough, reducing the number of vulnerable road users injured on our roads, and increasing the use of sustainable means of travel.

### **14. PUBLIC HEALTH IMPLICATIONS**

- 14.1 The scheme is part of the Council's plans to improve the Borough's walking & cycling infrastructure, which provides a unique opportunity to improve the health of the Borough's residents and address health inequality.
- 14.2 Compared to those who are least active, sufficient physical activity reduces all-cause mortality and the risk of heart disease, cancer, mental health issues and

musculo-skeletal disease by approximately 20 to 40%. Treating these conditions accounts for 70% of the NHS budget.

- 14.3 25.4% of Year 6 pupils in Enfield (aged 10-11) are obese, higher than in London or England as a whole (22.6% and 19.1% respectively). 41% are either overweight or obese compared to 37.2% in London and 33.5% in England. This is the 6th highest in London.
- 14.4 Walking & cycling can be a very effective means of integrating physical activity into everyday life. Improving cycling facilities in the Borough also has the potential to significantly increase the disposable income all residents in the Borough. Other benefits to the individual could include greater access to employment, education, shops, recreation, health facilities and the countryside.

### **Background papers**

None

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