



## **PUBLICATION OF DECISION LIST NUMBER 7/20-21**

### **MUNICIPAL YEAR 2020/21**

Date Published: 4 August 2020

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 (0208 132 1154)

**INDEX OF PUBLISHED DECISIONS – Tuesday 4 August 2020**

<b>List Ref</b>	<b>Decision Made by</b>	<b>Date Decision came/ comes into effect</b>	<b>Part 1 or 2</b>	<b>Subject/Title of Report</b>	<b>Category of Decision</b>	<b>Affected Wards</b>	<b>Eligible for Call-In &amp; Date Decision must be called in by (If Applicable)</b>	<b>Page Number</b>
1/7/20-21	Cabinet Member for Social Housing (Cllr Needs)	Wednesday 12 August 2020	Part 1 & Part 2 (para 3) confidential appendix	Award of works contract – Fire Door remediation programme (North)	Key Decision KD: 4922	Chase, Cockfosters, Enfield Highway, Enfield Lock, Highlands, Town and Turkey Street	Yes Tuesday 11 August 2020	1-2
2/7/20-21	Cabinet Member for Social Housing (Cllr Needs)	Wednesday 12 August 2020	Part 1 & Part 2 (para 3) confidential appendix	Award of works contract – Fire Door remediation programme (South)	Key Decision KD: 4922	Bowes, Bush Hill Park, Edmonton Green, Grange, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southgate, Southgate Green, Upper Edmonton	Yes Tuesday 11 August 2020	3-4
3/7/20-21	Programme Director of Meridian Water <small>(in consultation with the Acting Executive Director of Resources, Financial Management Services and Director of Law and Governance)</small>	Wednesday 12 August 2020	Part 1 & Part 2 (para 3) confidential appendix	Making the Compulsory Purchase Order for Meridian Water Strategic Infrastructure Works	Key Decision KD 4832	Upper Edmonton	Yes Tuesday 11 August 2020	5-7

**DECISIONS**

For additional copies or further details please contact Claire Johnson (020 8132 1154), Governance and Scrutiny Team.

**LIST REFERENCE: 1/7/20-21**

<b>SUBJECT TITLE OF THE REPORT:</b>							
AWARD OF WORKS CONTRACT – FIRE DOOR REMEDIATION PROGRAMME (NORTH)							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision came into 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 & Part 2 (para 3) confidential appendix	Chase, Cockfosters, Enfield Highway, Enfield Lock, Highlands, Town and Turkey Street	Cabinet Member for Social Housing (Cllr Needs)	Wednesday 12 August 2020	None	Key KD:4922	Sarah Stevenson-Jones Sarah.stevenson-jones@enfield.gov.uk	Yes Tuesday 11 August 2020
<b>DECISION</b>							
<p><b>AGREED</b> subject to no call in being received: That the Cabinet Member:</p> <ol style="list-style-type: none"> <li>Approves the award the replacement of flat front entrance doors to properties in the wards North of the Borough to Gerda Securities, utilising the Hyde Fire Safety Framework.</li> </ol>							
<b>ALTERNATIVE OPTIONS CONSIDERED</b>							
<p>1 The anticipated contract values are expected to exceed the EU procurement threshold for works contracts currently at £4,733,252. The procurement options available for consideration are:</p> <ol style="list-style-type: none"> <li>Use of a suitable OJEU Compliant Framework via direct award or mini competition.</li> <li>Tendering through OJEU either using the open or restricted process.</li> </ol> <p>2 Frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms and conditions. Standard documentation is available but can be amended to include specific requirements by the client.</p> <p>3 Tendering through OJEU allows clients to create bespoke documentation designed to fit its requirements. This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.</p>							

**REASONS FOR RECOMMENDATIONS**

The Better Council Homes programme includes targeted investment in Council housing. The agreed programme includes a door replacement programme

**BACKGROUND**

Please note that a copy of the Part 1 report is available on the Council's democracy pages. As the Appendix contains exempt information, this will not be available to press or public.

**LIST REFERENCE: 2/7/20-21**

<b>SUBJECT TITLE OF THE REPORT:</b>							
<b>AWARD OF WORKS CONTRACT – FIRE DOOR REMEDIATION PROGRAMME (NORTH)</b>							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision comes into 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 & Part 2 (para 3) confidential appendix	Bowes, Bush Hill Park, Edmonton Green, Grange, Haselbury, Jubilee, Lower Edmonton, Palmers Green, Ponders End, Southgate, Southgate Green, Upper Edmonton	Executive Director Place (Sarah Cary)	Wednesday 12 August 2020	None	Key Decision KD:5017	Sarah Stevenson-Jones Sarah.stevenson-jones@enfield.gov.uk	Yes Tuesday 11 August 2020
<b>DECISION</b>							
<p><b>AGREED</b> subject to no call in being received: That the Cabinet Member for Social Housing:</p> <ol style="list-style-type: none"> <li>Approves the award the replacement of flat front entrance doors to properties in the wards North of the Borough to Gunfire Ltd, utilising the Hyde Fire Safety Framework .</li> </ol>							
<b>ALTERNATIVE OPTIONS CONSIDERED</b>							
<ol style="list-style-type: none"> <li>The anticipated contract values are expected to exceed the EU procurement threshold for works contracts currently at £4,733,252. The procurement options available for consideration are:             <ol style="list-style-type: none"> <li>Use of a suitable OJEU Compliant Framework via direct award or mini competition.</li> <li>Tendering through OJEU either using the open or restricted process.</li> </ol> </li> <li>Frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms and conditions. Standard documentation is available but can be amended to include specific requirements by the client.</li> <li>Tendering through OJEU allows clients to create bespoke documentation designed to fit its requirements. This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.</li> </ol>							

**REASONS FOR RECOMMENDATIONS**

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**BACKGROUND**

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**LIST REFERENCE: 3/7/20-21**

<b>SUBJECT TITLE OF THE REPORT:</b>							
MAKING THE COMPULSORY PURCHASE ORDER FOR MERIDIAN WATER STRATEGIC INFRASTRUCTURE WORKS							
<b>Part 1 or 2 (relevant exempt Paragraph)</b>	<b>Wards affected by decision</b>	<b>Decision taken by</b>	<b>Date Decision come into 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 & Part 2 (para 3) confidential appendix	UPPER EDMONTON	Programme Director of Meridian Water, in consultation with the Acting Executive Director of Resources, Financial Management Services and Director of Law and Governance	Wednesday 12 August 2020	None	Key KD:4832	Madi Mukhametaliyev madi.mukhametaliyev@enfield.gov.uk	Yes Tuesday 11 August 2020
<b>DECISION</b>							
<p><b>AGREED</b> subject to no call in being received:</p> <ol style="list-style-type: none"> <li>To note that Executive Director – Place has approved the Statement of Reasons and the Order Map.</li> <li>For the Programme Director of Meridian Water, in consultation with the Acting Executive Director of Resources, Financial Management Services and Director of Law and Governance to make the CPO under delegation of Cabinet as of 22nd January 2020 (KD 4832).</li> <li>To note that in line with delegations outlined at paragraphs 2.5.6 – 2.5.8 of the Cabinet Report dated 22nd January 2020 (KD 4832), procedural steps subsequent to the making of the CPO are to be approved by Executive Director - Place in a further authority report.</li> <li>To note that government guidance as regards current constraints and restrictions caused by COVID-19 does not prevent the Council from making the CPO and that modifications and mitigation measures comply with publicity and service arrangements relating to the CPO.</li> </ol>							

## ALTERNATIVE OPTIONS CONSIDERED

**Do not pursue a CPO.** This is not considered a viable option. The Council must ensure that it can acquire all land needed to deliver the SIW in accordance with the timetable set by MHCLG. It will be a requirement of the HIF grant that all £156m funding is drawn down by the Council and all SIW are delivered by March 2024. If the Order is not pursued at this time, there is significant risk that this timetable for delivery will not be met, jeopardising the availability of the full amount of HIF grant as well as the deliverability of the SIW and the wider Scheme. In the event that the CPO is not made the Council will continue to seek to acquire the necessary land by private agreement. However, there is no certainty that the Council will be able to negotiate the acquisition of all the necessary land required to deliver the SIW in time to meet the HIF deadlines.

**Delay making the CPO until there is greater certainty.** Ideally, relevant planning permissions and funding agreement with all conditions discharged would be in place and secure prior to making the CPO. There is also some uncertainty in relation to the Coronavirus pandemic, although the package of mitigation measures for making the CPO during the current Coronavirus pandemic and associated “lockdown” strictly follow (and in some cases exceed) the requirements set out in government guidance on making a CPO during the pandemic. However, as stated above, the HIF grant needs to be drawn down and spent by March 2024 and in order to achieve a build programme which meets this deadline, vacant possession of all the land needs to be achieved in Q4 2021. Furthermore, it is a condition of HIF funding that the Council has assembled all the land in the infrastructure site to deliver the HIF works. Making the CPO is necessary to ensure that this condition is satisfied in time to meet MHCLG’s contractual deadlines. Having reviewed the case, Queen’s Counsel agreed it would be reasonable to proceed to make the CPO at this time since delay in the hope of gaining more certainty would be counter-productive<sup>1</sup>. The anticipated contract values are expected to exceed the EU procurement threshold for works contracts currently at £4,733,252. The procurement options available for consideration are:

- i. Use of a suitable OJEU Compliant Framework via direct award or mini competition.
- ii. Tendering through OJEU either using the open or restricted process.

<sup>2</sup> Frameworks offer the most expedient route to market available, whilst remaining compliant with the Public Contract Regulations 2015. Suppliers on frameworks are assessed for suitability prior to joining the framework with pre-agreed terms and conditions. Standard documentation is available but can be amended to include specific requirements by the client.

<sup>3</sup> Tendering through OJEU allows clients to create bespoke documentation designed to fit its requirements. This approach gives tender opportunity to a wider group of bidders but requires a long time from document preparation and procurement to tender receipt.



## **REASONS FOR RECOMMENDATIONS**

In line with the Cabinet decision as of 22nd January 2020 (KD 4832), reasons to make the CPO at this time are to:

- Enable the Council to exercise control over the land required to implement development of the SIW of the Meridian Water regeneration area;
- Avoid delays to delivering the infrastructure which could put at risk the £156 million HIF funding that has been conditionally awarded by central government and thereby the delivery of the SIW;
- Avoid delay and potentially putting at risk the Meridian Water regeneration and the related economic, social and environmental benefits for the Borough and the local area
- Demonstrate to MHCLG that every effort was made to meet the deadline even if the CPO case is delayed by other factors or bodies outside the Council's control;
- Maximise the chance that the CPO is processed in a timely manner considering the possibility of excess case load from other local authorities. Earlier application would increase likelihood of earlier consideration by NPCU, PINS and Secretary of State;
- Minimise risk of further delays to the programme as the social distancing measures around Covid-19 are not fully lifted and remain under periodical review.

Progress made to date provides confidence that despite planning and HIF funding contract uncertainties, these will be resolved in advance of a potential inquiry. Queen's Counsel has reviewed the case and his comments were addressed as to mitigate possible objections. See Confidential Appendix for details.

## **BACKGROUND**

Please note that a copy of the Part 1 report is available on the Council's democracy pages. As the Appendix contains exempt information, this will not be available to press or public.

