

**MUNICIPAL YEAR 2019/2020 REPORT NO.**

**ACTION TO BE TAKEN UNDER  
DELEGATED AUTHORITY**

**OPERATIONAL DECISION OF:**  
Executive Director - Place

<b>Agenda – Part: 1</b>	<b>KD Num: 5053</b>
<b>Subject:</b> <b>Enfield Highway Carnegie Building – Contract Award</b>	
<b>Wards: Enfield Highway</b>	

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**1. EXECUTIVE SUMMARY**

- 1.1** At the Cabinet Meeting of 23/01/19 (report number 133 and key decision KD4792), Cabinet approved the 2019/20 Corporate Property Investment Programme (CPIP), which included the proposals for the relocation of the Integrated Learning Disabilities Service (ILDS) into a redesigned and refurbished Enfield Highway Carnegie Building (EHCB).
- 1.2** Cabinet also approved the recommendation to conduct suitable procurement exercises and delegated authority to the Executive Director for Place, to make the decision for the award of the contract, following an appropriate and compliant tender exercise.
- 1.3** This report seeks approval to award a contract to “Contractor A” for the redesign and refurbishment of EHCB and approval for scheme expenditure funded from the CPIP 2019/20 and 2020/21 and the Corporate Condition Capital (CCCP) budget contribution.

**2. RECOMMENDATIONS**

- 2.1** To approve the contract award to “Contractor A” relating to construction works for EHCB as further detailed in Part 2 of this report.
- 2.2** To approve total expenditure relating to construction works for EHCB as detailed in Part 2 of this report.

### **3. BACKGROUND**

- 3.1** In January 2019, Cabinet and Council approved the initiation of the Council's Corporate Property Investment Programme (CPIP). The cabinet report set out proposals for early projects, including the EHCB redesign and refurbishment, to address immediate needs, whilst the Strategic Asset Management Plan and longer-term CPIP programme were developed
- 3.2** In April 2019, the Executive Director, Place approved pre-construction expenditure, the appointment of consultants via a compliant Framework and the procurement strategy (PL18 170 & KD4877) for the EHCB project.
- 3.3** Officers have worked with the design consultants, Pick Everard, and the service users, Integrated Learning Disabilities Service (ILDS) to ensure the proposed designs of the building will be fit for purpose and compliant.
- 3.4** Planning consent for these works was granted on 13<sup>th</sup> December 2019 (reference 19/03361/RE4).
- 3.5** The in-house Building Control team will be used for Building Regulations approval.

See Part 2

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

- 4.1** Various designs within the EHCB and site were considered to determine what would provide the best operational use and most cost-effective solution for the project. The design has been value-engineered to ensure the most cost-effective solution that meets the clients brief.
- 4.2** A list of five tenderers were jointly selected by the project team based on location, turnover, relevant experience, Construction Line status and proven experience working with the client team. All tenderers confirmed their agreement to submit a tender in line with the project programme.
- 4.3** The tender exercise was carried out in accordance with Contract Procedure Rules and closed on 27<sup>th</sup> November 2019. Tenders were received from all 5 contractors. Consultants Stace LLP, assessed all submissions and on 12<sup>th</sup> December 2019 recommended awarding the contract to "Contractor A".

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

- 5.1** Following analysis of the tender submissions and the completion of the price evaluation by Stace LLP, it is the recommendation of their report

that "Contractor A" be accepted for the refurbishment. Their tender submission is the most economically advantageous, represents value for money, and is compliant with the 32-week programme and client brief.

- 5.2 The project programme indicates that the successful contractor will commence works on site w/c 09<sup>th</sup> March 2020 in accordance with the project programme.

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

### **6.1 Financial Implications**

See Part 2.

### **6.2 Legal Implications**

- 6.2.1 The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation and subject to Public Law principles. This power includes the power to enter into contracts.
- 6.2.2 This decision will constitute a Key Decision as the Contract's value exceeds £250,000. This item has been included in the Key Decision List under the reference KD5053. Once approved, the decision will be subject to the usual five-day call-in period.
- 6.2.3. Pursuant to Council's Contract Procedure Rule 1.23, for works contracts over £1,000,000 a business case must be taken to the Procurement and Commissioning Review Board to approve the procurement. The procurement strategy and approach was agreed at the Procurement & Commissioning board on 12/03/19.
- 6.2.4 The Council must ensure value for money in accordance with the overriding Best Value Principles under the Local Government Act 1999.
- 6.2.5 The Contract will need to be sealed by Legal Services on behalf of the Council (CPR 17.3)
- 6.2.6 The works contract is proposed to be the JCT Intermediate Building Contract Without Quantities, 2016 Edition. Insurance option C (the employer ensures the works) is to apply.
- 6.27 If the contract value for the works is £250,000 or over sufficient security in the form of either a Parent Company Guarantee or a Performance Bond must be required to manage risk. Evidence of the form of security required or why no security was required must be stored and retained on the E-Tendering Portal for audit purposes.

### **6.3 Property Implications**

- 6.3.1. This is a CPIP project reducing revenue costs relating to the lease of St. Andrew's Court, to create a new fit for purpose facility for the and to provide an appropriate use for the vacant Enfield Highway Carnegie Building. CPIP will be the ongoing programme that will deliver the construction outcomes of the Strategic Property Framework and Strategic Asset Management Plan, which was agreed by Cabinet on 12<sup>th</sup> June 2019.
- 6.3.2 This report proposes the tender award for works. The January 2019 Cabinet Report PL18 088 / KD4792 sets out the property implications associated with the project.
- 6.3.3 All new or revised asset data arising out of the proposed works will be sent by the Project Manager to the Property Information Team within Strategic Property Services for input onto the Asset Management Data System, including revised site plans, floor plans, asset information and maintenance regimes and other information required by that team.

## **7. KEY RISKS**

The key risks identified at this stage are:

- 7.1 Delays to the programmewill result in further rental costs for the Council. This has been inherently mitigated by early engagement of technical consultants and close management of the programme activities.
- 7.2 Cost increases could result in insufficient budget and the need to utilise the project contingency. This will be mitigated by rigorous Cost Planning from the outset and robust change control. The competitive tenders should provide the best price from the market, but inflation is currently difficult to predict due to uncertainty around supply chain and labour costs.
- 7.3 A detailed Risk Register must be maintained throughout the process to inform the project contingency and that alongside the Cost Plan will provide early warning of Cost increase

## **8. INTERNAL DEPARTMENT IMPLICATIONS/CONSULTATION**

N/A

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

- 9.1 **Good homes in well-connected neighbourhoods**  
No Implications

- 9.2 **Sustain strong and healthy communities**  
Further improvement and investment in the EHCBC will potentially provide greater opportunities for enhanced community use. The very

nature of the services to be delivered from the project will continue to provide support and health facilities to some of Enfield's most vulnerable residents.

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

9.3.1 Utilising the currently vacant EHCB to deliver a busy customer service and office for 80+ staff will bring additional footfall to the area, supporting the local shops and businesses.

9.3.2 Providing a reasonable work environment for our staff will enable them to better deliver the essential services they provide to our customers. In turn this will enhance people's ability to reach their full potential by accessing opportunity and encouraging them to reach their potential

## **10. EQUALITIES IMPACT IMPLICATIONS**

Equalities have been considered throughout the design phase of the project to ensure the Council meets its duties. Some of the new design features, such as Makaton Signage, will enhance the customer experience.

## **11. PERFORMANCE AND DATA IMPLICATIONS**

Regular monitoring of the project will ensure value for money is obtained and project effective delivery.

KPIs around the ILDS service delivery will continue to be reviewed and scrutinised to ensure that there is no negative impact on service users and performance.

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

The Construction (Design and Management) Regulations 2015 apply to this project and the Council will be deemed to be the "Client" and as such has a duty to appoint a "Principal Designer" and to appoint a "Principal Contractor".

The provision of new buildings and structures and the planning and timely maintenance and repair of these Council buildings and associated assets, is fundamental in reducing risks to occupiers and members of the public.

## **13. HR IMPLICATIONS**

No Implications

## **14. PUBLIC HEALTH IMPLICATIONS**

Council staff and service users will be accessing the new building. It will be important to consider, within the design/ development of the new building, how to maximise the health and wellbeing of staff and service users. Examples of this maybe good signage to stairs rather than lifts, ensuring that staff have opportunities to prepare healthy food on site, signage around smoke free areas. Also consideration of associated issues such as opportunities for active travel rather than car use.

**Background Papers**

None

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DELEGATED AUTHORITY**

**PORTFOLIO DECISION OF:**

Cllr Nesil Caliskan  
(Leader of the Council)

**REPORT OF:**

Sarah Cary - Executive  
Director - Place

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<b>Agenda – Part:</b>	<b>KD Num: 5021</b>
<b>Subject: Revised Statement of Community Involvement (2019) in Planning</b>	
<b>Wards: All</b>	

**1. EXECUTIVE SUMMARY**

- 1.1 This report presents the revised draft 2019 Statement of Community Involvement (SCI) that once adopted will replace the Council's 2015 adopted SCI. The SCI identifies the key points at which there will be an opportunity for communities and stakeholders to get involved in the various parts of the planning process. The SCI is not a formal development plan document and there is no statutory requirement for public consultation on it. However, given its subject matter it is recommended that the draft new SCI is made available for comment before adoption.
- 1.2 The Council adopted its last SCI in November 2015. Since then there have been a series of important changes to planning law and regulations regarding the approach to Local Plan production, and consultation process for dealing with planning applications and appeals. The new SCI has been expanded to include the engagement processes related to neighbourhood planning and the Council's approach to Duty to Co-operate, introduced by the Localism Act 2011 and the Community Infrastructure Levy (CIL).
- 1.3 In addition, the Planning Service has implemented new and improved ways of working, largely centred on more electronic consultation and communication in order to work more efficiently and effectively. The 2019 SCI has been updated to reflect these changes.

## **2. RECOMMENDATIONS**

That the Leader of the Council;

- 2.1 Approves the draft new Statement of Community Involvement (SCI) (attached at Appendix 1) for consultation;
- 2.2 Delegates authority to the Executive Director of Place to make minor amendments prior to and after consultation; and
- 2.3 Notes further coming SCI will return to the Portfolio Holder for final approval and adoption.

## **3. BACKGROUND**

- 3.1 The Council published its last Statement of Community Involvement (SCI) in November 2015. This provided the Council's approach to community involvement in the preparation of the Local Plan as well as consultation on major planning applications and the planning appeals process.
- 3.2 Since 2015, several changes to planning legislation, regulations and guidance has occurred which this SCI seeks to update. In addition, changes in current practices and technological advances including increased use and availability of electronic communications such as email, social media and the web/digital engagement platforms, which have changed the way in which residents and business engage in the planning process. Greater emphasis is placed on our consultation principles and how developers would need to engage with the local community before submitting a major planning application.

### **Revised Statement of Community Involvement (SCI) 2019**

- 3.3 The revised SCI seeks to ensure the active, meaningful and continued involvement of local communities and stakeholders in planning. It sets out a consultation strategy for the Council's planning functions including:
  - How, when and who will be consulted throughout the preparation stages of the Local Plan and other planning documents with clear indication of opportunities for engagement;



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- Current statutory procedures in dealing with planning applications and appeals which include provisions for consultation on planning applications again with clear indication of opportunities for engagement. It also specifies bodies to be consulted, depending on the type of planning application together with guidance on requirements for statutory notices to be served on adjacent premises regarding prior approvals for householder extensions;
  - More expectations are also set out for how developers to engage with the local community before submitting a planning application;
  - It references key changes in planning legislation, regulations and policy since the 2015 update including statutory changes to reflect the Housing and Planning Act 2016;
  - It refers to The Neighbourhood Plan Act 2017 and describes the latest regulations, changes in national planning policy and guidance to provide the opportunity for community groups (as designated neighbourhood forums) to prepare their own neighbourhood plans. It also explains the roles of both the Neighbourhood Forum role and the Council alongside the key stages;
  - It outlines how we will consult on any changes to the Enfield community infrastructure levy in terms of how it is charged and administered following the recent amendments to the CIL regulations; and
  - Finally, it sets out how the Council is exploring new ways to consult through the use of digital technology platforms to reach out to residents more effectively.

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

The Council is bound by statutory regulations to update the SCI in accordance with legislative changes. Not doing so would leave the Council open to challenge as to the processes it follows in preparing the Local Plan and in dealing with applications and appeals. In preparing the revised SCI, officers have taken the opportunity to add further clarity to the regulatory guidance.

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

- 5.1 As set out in paragraph 3.3 above.

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

### **6.1 Financial Implications**

- 6.1.1 Provision for the cost of the preparation of the revised SCI will be funded from within the Local Plan budget.
- 6.1.2 The SCI contains guidance on community involvement through the Council planning processes but does not in itself commit the Council to additional expenditure. Any consultation activity through the preparation of the Local Plan and/or other planning documents or applications/appeals with cost implications would need to be subject to separate reports and full financial appraisal.

### **6.2 Legal Implications**

- 6.2.1 The Council is legally required to prepare a SCI pursuant to section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). The SCI is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under plan making functions of the 2004 Act and Part 3 (control of development, including planning applications) of the Town and Country Planning Act 1990 (as amended) of persons who appear to the authority to have an interest in matters relating to development in their area.
- 6.2.2 By virtue of regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) the Council must complete a review of the SCI every five years, starting from the date of adoption of the existing SCI.
- 6.2.3 The government's Planning Practice Guidance notes the importance that SCIs are kept up-to-date to ensure effective community involvement at all stages of the planning process and that Councils should regularly review and update their SCI to reflect any changes to engagement.
- 6.2.4 The proposed draft SCI reflects the results of this review process.
- 6.2.5 The draft SCI also needs to reflect recent changes to legislation. This includes the mandatory requirement under section 18(2B) of the 2004 Act for Councils to specify their policies for giving advice or assistance on proposals for making of neighbourhood development orders and neighbourhood development plans and any proposals to modify the latter.
- 6.2.6 There is no legislative requirement for the Council to consult when reviewing and updating the SCI. If undertaking consultation, all the

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consultation responses should be properly considered. As the SCI is not a development plan document there is no independent examination. The decision to approve and adopt the SCI is an executive function and so should not be taken by full Council.

### **6.3 Property Implications**

6.3.1 N/A

## **7. KEY RISKS**

The Statement of Community Involvement (SCI) is a document the Council is legally required to publish to explain how it will inform, consult and involve the community in: the preparation of planning policy documents, such as the Local Plan and Supplementary Planning Documents (SPDs), and during the consideration of planning applications. It provides clarity on the processes involved and will ensure that the community are involved at appropriate stages in accordance with Government regulations.

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

**Good homes in well-connected neighbourhoods | Sustain strong and healthy communities | Build our local economy to create a thriving place**

The revised SCI will strengthen the relationship with communities in Enfield in seeking to achieve fairness for all, growth and sustainability and strong communities within the context of providing the appropriate level of supporting infrastructure and the development of strong and sustainable communities.

## **9. EQUALITIES IMPACT IMPLICATIONS**

The revised SCI has been subject to an initial Equalities Impact Assessment (EqIA). The initial EqIA will ensure that consultation promotes equal opportunities. A final EqIA will be undertaken as supporting documentation to accompany the adoption draft of the SCI.

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

In providing a revised SCI, the Council seeks to use its best endeavours to ensure it consults with communities effectively as to its planning functions.

## **11. PUBLIC HEALTH IMPLICATIONS**

Public engagement in the planning process is an important aspect of understanding the health needs of the community. There is increasing

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evidence that community involvement increases the acceptability and use of planned developments.

**Background Papers**

None.