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Principal Committee
Co-ordinator

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21 April 2017

To: All Members of the Regulatory Committee

Dear Member,

Regulatory Committee - Monday, 24th April, 2017

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

- 6. PLANNING SERVICES WORK REPORT (PAGES 1 - 10)**

- 8. CHANGES TO THE LICENSING ACT 2003 (PAGES 11 - 18)**

Yours sincerely

Felicity Foley, Principal Committee Co-ordinator
Principal Committee Co-Ordinator

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Report for: Regulatory Committee

Item number:

Title: Planning Services 2016/17 update

Report authorised by : Emma Williamson

Lead Officer: Emma Williamson, 5507

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** for information

- 1. Describe the issue under consideration**
A report on the work of the Planning Service in the financial year 2016/17 to date.
- 2. Recommendations**
 - a) That this report be noted
- 3. Reasons for decision**
Not applicable
- 4. Alternative options considered**
This report is for noting and as such no alternative options were considered.
- 5. 2016/17 work report**

Development Management

- Applications during **2016/17: 3970**
- Applications in same period **2015/2016: 3580**
- Number of cases on-hand end March **2016/17: 473**
- Appeals during **2016/17: 110**
- Appeals dismissed during **2016/17: 76**
- Cumulative during **2016/17:**
 - Majors : **100%**
 - Minors : **88%**
 - Others : **90%**
 - PSO : **86%**
 - Validation: **7 working days**

Performance overview

- 5.1 ___ Performance has been maintained and is top quartile in London for Major Applications. Our performance for 'Minor' applications is in the second quartile at 81% and 'Other' applications are currently at 88% within time in the second quartile. Performance has improved in the latter part of the year and we expect to be top quartile in all categories in the next financial year.
- 5.2 In 2016/17 we have decided a total of 35 major applications compared to 19 in the previous financial year, showing a significant increase. It is expected that this figure will increase in the coming years. The average time of decision has increased from 144 to 185 days between these time periods, however all of these have been subject to planning performance agreements / extensions of time which are mutually agreed with applicants and encouraged in national guidance.
- 5.3 There is a similar trend with minor applications, with 438 decided in 15/16, and 544 decided during 2016/17 FY. There is a reduction in average decision time decreasing from 99 to 93 days. 1707 'Other' applications were decided in 15/16, with 1671 decided during 16/17. In terms of average decision time this has reduced marginally from 68 to 66 days.
- 5.4 Performance on validation has dropped from an average of 4 to 7 days, however this is a product of the Systems thinking approach where there is a delay before validation rather than before decision.
- 5.5 Caseloads are steadily reducing for planning staff, coming down from 58 on average in August 2016 to 40 in March 2017. The number of on hand applications is around 200 less than this time last year and this is a reflection of our new approach as well as a focus on resolving a backlog of long standing applications. The number of applications over 26 weeks is now at around 50. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

- 5.6 During 2016/17 there have been 269 pre-application meetings generating a total of £235,680 of income compared to £139,366 last year within the same period. In 2016/17 there have been 202 householder pre-application meetings generating £32,906 of income compared to £29,444 last year within the same period.
- 5.7 The use of Planning Performance agreements (PPA's) has continued to increase and so far this year the service has received in excess of £500,000 in income from these agreements and we currently have more than 15 live schemes that have PPA's.
- 5.8 Meeting the deadline for providing advice following pre-application meetings is steadily improving and continues to be a focus for the team.

Systems Thinking (Planning Solutions Team)

- 5.9 The Planning Solutions way of working has now been rolled out across the teams and is continuing to improve our ways of working.
- 5.10 Since April 2016 the PST team has received 1687 applications of which 1445 have been decided. In March the average day to decision was 50, down from 62 in August. The average end to end time since the introduction of the system is 48 days compared to 71 days in the old system. The change to the service has been well received by applicants and the 'failure demand' in the old system such as progress chasing emails and calls has reduced significantly. The process is being continually refined and will continue to be developed going forward.
- 5.11 IT issues do continue to hinder further improvement and a new system is still under consideration. The new Statement of Community Involvement has now been adopted and consultation letters will no longer be sent for applications from 1 June 2017 and instead a site notice will be placed at each site where consultation is required. This will allow for further efficiencies in the decision making process.

Planning Decisions

- 5.12 The planning Committee has met 15 times in 2016/17 and has considered a total of 31 applications and 12 pre-applications. It has approved 26 and refused 3 applications and deferred 1. 1 of the refused applications has subsequently been granted by the Mayor of London and the other 2 and subject to current appeals. The committee has resolved to grant in excess of 2,300 units, including a reserved matters application for 1056 units.

Planning Enforcement

- Complaints received during 2016/17: **886**
 - Enforcement notices served during 2016/17: **144**
- 5.13 Improvement of the planning enforcement team is ongoing and performance has improved significantly over the year with notifications of decisions within 8 weeks as follows: 2016/2017 so far: **95%** .
- 5.14 Further improvement of the Enforcement Service including a plan to make the service self financing through proceeding with more Proceeds of Crime Act cases will be taken forward in the next financial year. Further member engagement on enforcement priorities and a new Enforcement Plan is also planned.

PLANNING POLICY

Haringey Local Plan

5.15 The Council submitted the Local Plan documents and supporting evidence to the Secretary of State on 24th May for the Examination in Public (EiP). An independent Planning Inspector, Christine Thorby MRTPI IHBC, was appointed to conduct the EiP, which assessed whether the plans were prepared in accordance with the relevant legislative requirements and whether they are 'sound' - namely that each is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

5.16 The Inspector, having reviewed all the submitted material, issued a list of matters/questions that she wished to receive further information on. Both the Council and respondents were offered the opportunity to respond to the questions which then formed the basis of the public hearing sessions which took place from 23rd August to 8th September in the Council Chamber at the Civic Centre.

5.17 The hearings were attended by a range of interested parties, all of whom were given the opportunity to raise their concerns on each of the document with the Inspector. Where the Inspector considered that such concerns went to the 'soundness' of the documents, the Council sought to agree changes to wording of the policies that the Inspector and the relevant parties could also agree.

5.18 Following the close of the hearing sessions, the Council and Inspector agreed a schedule of main modifications for each plan. The schedules were published for public consultation on 18th November 2016, with comments due by 13th January 2017. This consultation is required to ensure that the changes can then be legally made to each plan before being formally adopted. The Council reviewed comments received to the modifications and set out its responses to these. The representations and Council responses were then packaged and sent to the Planning Inspector for consideration in February 2017. The next steps in the process towards adoption of the plans are:

- The Planning Inspector will issue her report to the Council confirming the changes needed to make the documents 'sound' (April 2017 – a specific date has yet to be confirmed by the Inspector); and

- The four Local Plans are reported to Cabinet and Full Council for formal adoption (Summer 2017).
- 5.19 In addition to the above documents, work is also continuing on the preparation of the Wood Green Area Action Plan (AAP). The purpose of the AAP is to provide a statutory basis for realising the development potential within the Wood Green area, which includes significant Council landholdings, and the opportunities therein to strengthen the status of the Wood Green Metropolitan town centre. Four broad development options were promoted for consultation in February – March 2016 based around different levels of intervention, including a single more centrally located Crossrail 2 station to serve the area.
- 5.20 Analysis of the comments received suggest significant support for the options promoting higher levels of intervention with many respondents recognising the need to rejuvenate the town centre and stem the tide of major retailers leaving. Based on this feedback, a preferred Option consultation document was prepared, and is currently being consulted on between Feb-May 2017. This includes an ambitious level of growth to support a rejuvenated town centre, with a significant focus on promoting economic growth in Wood Green.
- 5.21 Initial analysis suggests that there are a number of issues which will need addressing before the AAP is submitted for Examination in Public.
- There is significant concern from occupants of properties allocated for potential redevelopment on Caxton, Mayes, and Coburg Rd. It is recognised that this is a difficult decision for the Council, and we have committed to providing more detailed analysis of a wide range of options for this area to inform the Council's decision regarding whether the allocation of this land within the AAP is justified.
 - There is significant concern about the impact of the redevelopment generating additional traffic on the existing road network, notably from residents of Wightman Rd and the Harringay Ladder. A transport study looking at the impacts of the development is underway.
 - There is local support for the provision of a new swimming pool in Wood Green, to meet a deficit in current provision in the borough.
 - Artists in the Chocolate Factory remain concerned that they are being priced out of the area in favour of regeneration.
 - Occupants of Sky City and Page High are concerned about how redevelopment of their estates will affect them and what their options are for relocation.
- 5.22 While these and other issues will need to be addressed in the updated AAP document, there is a clear appreciation from the vast majority of people engaged at local consultation meetings, exhibitions, and workshops that Wood Green needs to change and grow if it is to remain a successful town centre. While the written responses to the consultation will highlight issues within the document, it is envisaged that these can be responded to, and a revised document submitted to Regulatory Committee, Cabinet and Full Council in Autumn 2017 for a pre-submission consultation shortly thereafter.

- 5.23 Delivery of this high intervention growth plan is contingent on the findings of further evidence gathering, which is underway, and decisions on Crossrail 2 serving the area. With respect to the latter, the Council is engaging with TfL in supporting the case for Crossrail 2 provision through Wood Green and is waiting on further announcements and consultation programmed for summer 2017.

Neighbourhood Planning

- 5.21 The policy team have also supported the Highgate Neighbourhood Forum in the progression of the Highgate Neighbourhood plan, which was formally submitted to the Council in September 2016. Public consultation on the draft plan took place from 23rd September to 4th November 2016. At the end of November 2016, the comments received on the plan, including those from both Camden and Haringey Councils, were forwarded to the Examiner appointed to undertake the independent examination of the plan.
- 5.22 In light of the number of issues raised by the Councils on the submission plan, the Examiner requested that a Statement of Common Ground be prepared between the Councils and the Forum. This was a constructive process which allowed many issues to be resolved. The remaining issues on which consensus was not found were then subject to further consideration by the Examiner as part of her overall consideration of the plan.
- 5.23 The Examiner's Report on the neighbourhood plan was issued on 28th February 2017. This is the first such plan in Haringey to have passed the examination stage. The report recommends that the plan should proceed to a referendum subject to a number of modifications which are necessary to ensure the plan meets the statutory requirements. The Council is required to publish a "decision statement" which sets out the actions it proposes to take in response to the Examiner's recommendations. The Council's decision statement was considered by Cabinet on 11th April 2017 and agreed.
- 5.24 The Plan (as recommended to be modified by the Examiner) will proceed to a referendum, tentatively scheduled for 29th June 2017, when residents within the designated Neighbourhood Area will be eligible to vote on whether they wish to see the Plan adopted. Should the Plan pass the referendum stage the Council will be required to formally "make" the Plan (i.e. adopt).
- 5.25 The Crouch End Neighbourhood Forum and Area were designated by the Council in December 2015. As the forum progress toward preparation of a draft plan, officers from the planning team will continue to offer their support and attendance at forum meetings. The Forum has not yet provided the officers with any draft proposals or policies for comments.
- 5.26 The policy team have also been engaging with members of an emerging neighbourhood forum for the Finsbury Park area. It is anticipated that an application for the designation of the neighbourhood area and forum will be submitted in May 2017. The application is likely to reflect aspirations for a tri-borough neighbourhood plan covering parts of Haringey, Hackney and Islington.

S106/CIL

5.27 The service took part in the 'Scrutiny in a day' on Community Infrastructure Levy (CIL) and these findings of this were reported to Cabinet in May 2016. One of the recommendations was that the CIL rates be reviewed. Following this, evidence was procured which suggested a rise in the rate in most parts of the east of the borough from 15/m² to £130/m². Subsequently a consultation has commenced on this change, as well as establishing appropriate internal and external governance arrangements for the spending of CIL receipts on both community-led projects and strategic infrastructure programmes. Following this consultation, the responses and a proposed Draft Charging Schedule will be reported to Regulatory committee, and Cabinet to commence the consultation and Examination in Public Process for the revised charging schedule.

Other work

5.26 An Article 4 Direction restricting rights to convert warehouses to residential was consulted upon in July and will be formally brought into effect in July 2017.

5.27 The Policy Team finalised the revised Statement of Community Involvement (SCI), which has been updated to take account of reforms to the planning system and to recognise the growth in the use of social media as a tool for notifying residents of community consultations, with the latter also offering significant opportunities to reduce service costs. The revised SCI was reported to Regulatory Committee and Cabinet in February 2017 and is now adopted.

5.28 Going forward the focus of the Policy Team will be on:

- Improving our monitoring processes, ensuring the right data is gathered to monitor the effectiveness of the new Local Plan policies and our development management decisions. The team are working on putting in place processes to allow for quarterly monitoring of key AMR indicators to allow for reporting through the year against targets and is aiming to have a draft 2016/17 AMR in June 2017.
- Reviewing our current suite of Supplementary Planning Documents (SPDs), ensuring these remain valid and reflect the new policies of the Local Plan. We will also be bringing forward new SPDs where we have signalled an intention to do so in the new Local Plans, including for Tall Buildings and for masterplans for estate renewal proposals as well as Basement Development Guidelines.
- Preparing further evidence base studies on open space and Gypsies and traveller needs.
- Additionally input from Planning Policy will be required into other corporate documents and strategies, notably: implementation of the Housing Strategy, Housing Infill/Small Sites, Estate Renewal and Development Vehicle, Upper Lee Valley DIFS, Upper Lee Valley OAPF Update, Cultural Strategy, and the Masterplans/Delivery Vehicles for Tottenham Hale, High Rd West, and Northumberland Park.
- It is also anticipated that there will be work undertaken to support the production of the next version of the London Plan. This includes updating of

the Strategic Housing Land Availability Assessment, and Town Centre Healthchecks.

- The service will also keep abreast of publication of draft regulations to give effect to the Housing and Planning Act 2016, in particular proposals for the implementation of planning and housing reforms, including the proposals for 'Starter Homes'.

Conservation

5.29 A brief update on 2016/17 is provided below:

Noel Park

- Adopted the new appraisal and management plan and amended CA boundary
- Will now seek to extend the relevant Article 4 direction to cover the whole estate

Conservation Area Appraisal and Management Plans for the Tottenham High Road Historic Corridor

- 6 conservation areas: North Tottenham, Scotland Green, Bruce Grove, Tottenham Green, Seven Sisters/Page Green, and South Tottenham
- Public consultation on amendments were carried out in November 2016.
- Following consideration of representations these appraisals are recommended for adoption at 9 May Cabinet. Amendments have been made in response to comments including the reinstatement of parts of Wakefield Road and St Francis De Salles Church in their respective conservation areas. Notable changes proposed to the Tottenham Conservation Areas are the removal of the area of the Spurs Stadium site and the opposite terrace from the Conservation Area and the removal of South Tottenham Conservation Area.

Complete Review of Local List

- Work has been progressed with the local CAAC's and is ongoing.

The team has made major contribution to supporting planning officers in dealing with their very high number of planning applications as well as providing input at the pre-application stage.

Transportation Planning

5.31 The team has supported the delivery of regeneration in Tottenham and Wood Green through the provision of transport planning advice and participation in a range of delivery groups. It has led on the Council's input to Crossrail 2 which, if approved, would transform access and capacity across much of the Borough. In addition the team has worked to secure improvements to the Barking Gospel Oak line and to support enhancements to the West Anglia main line through Tottenham Hale and Northumberland Park including the additional track between Tottenham Hale and Angel Road to allow a 4 trains per hour service to be introduced serving the redeveloped station at Northumberland Park in 2018. These negotiations are ongoing.

- 5.32 The team has worked with the Smarter Travel team to develop a new staff travel plan. The team has led on measures to mitigate the impact of motor traffic such as setting up a car club contract, supporting the use of electric vehicles through BluePoint London and point to point car hire through Drive Now. We are working with TfL to develop a rapid charging network within the borough.
- 5.33 Following a successful bid in October 2015 TfL has allocated £2.3m LIP funding for transport projects in December for delivery in 2016/17. Transportation planning has led on planning of cycle routes, provided input to bus service planning and commenced work on developing a Transport Strategy. The team is also working closely with regeneration and highway engineers on the implementation of a LIPfunded major project around White Hart Lane station.
- 5.34 TfL has approved our LIP funding submission for 2017/18 in December 2016. This will provide more than £2.8m for a range of transport projects and programmes.
- 5.35 A focus going forward will be closer working with the Sustainable Transport and Highways team. Input into the Mayor's Transport Strategy and consultation on Haringey's Transport Strategy and new Local Implementation Plan.

BUILDING CONTROL

- Fee earning Applications received 2016/17 (Apr - Mar) - 1361
 - Fee earning Applications received 2015/16 (Apr – Mar) - 1252
 - Fee income from applications 2016/17 (Apr - Mar) – £725k
 - Fee income from applications 2015/16 (Apr – Mar) – £637k
- 5.35 Haringey Building Control Service continues to provide valued customer services that customers (in their various guises) both appreciate and value. Applications over the year are approximately up by 9% compared to last year. Building Control continue to be asked to check applications outside of our Borough, although we have to be careful in not taking on more applications than we can service, especially as the work on the major sites in the Borough are becoming more surveyor intensive, requiring more and more inspections. Fee income continues to look positive, partly due to larger projects, such as St Lukes, Hornsey Depot and THFC being on site and the application for Apex House site being received. Work on the THFC stadium continues apace (and will have a major impact on workload over the next 14 months) and the last 9 months has been difficult balancing the new building works whilst maintaining the safety at the existing stadium. Building Control has continued to issue the Safety Certificate and monitor compliance on a match by match basis.
- 5.36 Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team has been “called upon” over 170 times in the last year.
- 5.37 BC consult continues to grow in stature providing affordable expert advice to other Council services. This advice ranges from party wall agreements to

feasibility studies to structural surveys to structural repairs to bridge inspections and strengthening to highways related works and so on. The consultancy work continues to grow and is widely used by colleagues in Homes for Haringey and continues to be respected throughout the Council. This growth has also been reflected in the fee income for this service. This year the significant project has been the project management of the replacement of the Wightman Road Bridge over the main line railways. This project was completed on time and on budget.

- 5.38 The continuing challenge for Building Control going forward is twofold, firstly to complete the restructure (phase 2 of the Planning Service restructure). This is now even more important as we have lost a valued member of staff and another member of staff has been on long term sick, creating great pressure on the remaining staff, who have performed fantastically and are a credit to the Authority, however we need to recruit in order to be able satisfy clients/customers who are paying for our service. The restructure is now more critical than ever, in order to be able to recruit in a very challenging market place, that will allow us not only to continue to fulfil our current role, but also to continue to be competitive

MEMBERS

- 5.39 Members have been on a number of learning visits to large developments around London and a number of members attended a recent training session on heritage and conservation. The Members training programme is currently being refreshed and viability training will be provided in the new programme. Members should let the Planning Service know of any other training needs.

6. Contribution to strategic outcomes

The Planning Service contributes to outcomes in Priority 4 and 5.

7. Local Government (Access to Information) Act 1985

Planning Applications are on the Planning Register on the Council's website and the Local Plan Documents are also on the Council's website.


Report for Decision - Regulatory Committee 24th April 2017

Item number: n/a

Title: Adoption of Street Trading Fees and Charges Under London Local Authorities Act 1990.

Report

authorised by : Stephen McDonnell -AD Commercial and Operations.

Signed.. Date...20th April 2017...

Lead Officer: Daliah Barrett – 8489 8232, daliah.barrett@haringey.gov.uk

Ward(s) affected: All

Report for Key/

Non Key Decision: Key

1. Describe the issue under consideration

- 1.1 The Council's income policy requires an annual review of the level of the Fees and Charges levied upon service users with a view to ensuring that, income is maximised commensurate with the full recovery of costs in street trading administration.
- 1.2 The Regulatory Committee has the ability to set fees for licences under the London Local Authorities Act 1990 'The Act' lays out functions that the Council can charge for.
- 1.3 This report seeks agreement from the Committee to adopt the fees. Following a 28 days consultation with stakeholders (existing licene holders were written to and public notice placed in local newspaper) that resulted in no responses being received.
- 1.4 The Council has received request throughout the year for charges to be considered for various markets to be assisted to operate in many locations across the borough. In response to this the Council recognise the economic benefits that these events bring to the community and have assigned a charge that will enable small operators of first time/one off traders wishing to trial their ideas at such markets to do so for 6 days at a time for a reduced fee.

2 Cabinet Member Introduction

- 2.1 It is widely recognised that street trading can benefit areas not only in terms of regeneration, economic development ,culture and tourism, but also in relation to food and health, community cohesion and the environment as a whole. Haringey has a wide variety of producers based in the borough and it is important that we are able to offer them the means in which to get recognition

and promote their business.

3 Recommendations

- 3.1 That members approve the street trading fees for adoption as shown in Appendix 1. Once agreed the fees will be subject to a further public notice for the adoption for a further 28 days.

4 Reasons for decision

- 4.1 It is a requirement of the London Local Authorities Act 1990 that fees are reviewed to ensure that fees are set to cover the full cost recovery to the Local Authority. A review of the current costs undertaken in December 2016-January 2017 identified some of the costs were not being fully recovered for street trading licensing activities. The Supreme Court case of *(R (Hemming and Others) v Westminster City Council)* concluded that the amount of the fee is required to be determined every year and further to that a Local Authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.

5. Alternative Options Considered

- 5.1 Should the fees remain at the current levels, the authority would not be observing full cost recovery. If this were the case then rather than being cost neutral, the administration of this function would create a cost to the Council. Therefore this option was not considered appropriate.

6 Background information

- 6.1 Section 32 of the London Local Authorities Act 1990 allows fees to be set for the grant, renewal and variation of a licence. The Council may only recover from licence holders the reasonable costs incurred to administer the regime. Administration of street trading is carried out by the Licensing team, together with support from Legal Services and from Governance Services, when arranging and co-ordinating arrangements for hearings in relation to permanent/traditional pitches.

6.2 Calculation of Fees for 2016/17

- 6.3 In order to ensure compliance with the legislation, the licensing service has carried out an examination of the processes that are undertaken in order to:
- Administer licence applications/renewals.
 - The costs of investigating compliance with the legislation.

- 6.4 It should also be noted that the Hemmings case has been referred to the European Court of Justice to decide whether on making the application, the costs of the authorisation procedures and formalities is one charge, and on the application being successful, whether a further fee should be levied to

cover the costs of the running and enforcement of the licensing scheme.

6.5 The application process is in two stages :

- An initial application fee in order to process and determine the application.
- On going costs for successful applicants which include enforcement costs for monitoring compliance, this allows the Authority to be compliant with the requirements with respect to the Hemming’s judgement.

There is no requirement to refund the fee if the application is not successful as the only costs here, are the costs of determining the application.

6.6 Income on street trading for 2015/16 was £179k, the cost of the service was £198k, resulting in an approximately 10% deficit. Therefore we are proposing a general increase of 10% in order to ensure that the street trading licensing service recovers its full costs.

7. Analysis of expenditure

7.1 In arriving at these proposed fees, the Authority has carried out a costing expenditure exercise. Expenditure takes into account the time spent advising applicants, determining applications, hearings and appeals.

The administrative and compliance costs include officer salaries, on-costs, support costs that also include inspection, legal, finance, IT software and the proportionate costs of street cleansing and policy considerations. The total expenditure cost in administering street trading is £198,320. This is made up of the following costs:

Expenditure Type	Costs
Staff costs (direct and indirect) -	£104554
Supplies and Services -	£33206
Corporate overheads -	£50560
Debt recovery	£10000
Total	198320

8 Consultation

8.1 Once the Committee agree to adopt the new fees the legislation requires a further public notice to be published in a local newspaper.

9 Contribution to strategic outcomes

9.1 Priority 4 - Drive growth and employment from which everyone can benefit.

Street trading can contribute to the economic, cultural, environmental and social well being of the borough. It is also a positive tool for enterprise to be promoted in the borough.

10. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

10.1 Finance has reviewed the financial information in the report and its methodology on gathering the expenditure data and the Service has not included any costs which are irrelevant to the street trading licensing activities. Additionally, the recommended fee increase of 10% on the current licensing activities and number of licences and the current cost and staffing structure should not generate any surplus.

11. Legal Comments

11.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

Section 32(1) of the London Local Authorities Act 1990 (the Act) enables the Council to charge such fees for the grant and renewal of street trading licenses or for variation, as the Council may determine. The fee may cover in whole or in part the reasonable administrative and other costs in connection with street trading not otherwise recovered.

11.2 The Council may also recover such charges as may be sufficient, taking one year with another, to cover the reasonable costs not otherwise recovered of the collection, removal and disposal of refuse or other services to license holders, the cleansing of street in which street trading occurs that are attributable to such trading, any reasonable administrative costs and some enforcement costs.

11.3 The Provision of Services Regulations 2009 give effect to EC Directive 2006/123/EC on services in the domestic market.

11.4 Article 13(2) of Directive 2006/123/EC requires any charges which the applicants may incur from their application to be reasonable and proportionate to the cost of the authorisation procedures in question and they shall not exceed the cost of the procedures. In the case of *R (on the application of Hemming and others) v Westminster City Council* the Advocate General (AG) has recently concluded that it is unlawful for authorities to include in the initial charge, the costs of managing and enforcing the regime, such as investigating and prosecuting parties operating without a license. The Court of Justice of the European Union is considering the matter and if they agree with the AG, the Council will only be able to recover that part of the charge relating to enforcement costs once the license has been granted. The 2 stage charging regime will comply with the AG's decision and any subsequent decision by the European Court of Justice that may agree with his conclusion.

11.5 Section 32(7) of the Act requires that before varying its charges the council must give notice of the proposed charges to license holders or their representative bodies and publish a notice of the proposed charges in a local newspaper. The notice must state how the charges have been computed and give a reasonable period of not less than 28 days for written representations.

11.6 In reviewing fees and charges the service needs to demonstrate that they have had due regard to the overarching Public Sector Equality Duty as set out in the Equality Act 2010 and undertaken an equalities impact assessment if found to be necessary.

12 Equalities Implications

12.1 An initial Equalities Impact Assessment screening has been undertaken, whilst we are recommending an increase in fees in this instance we are satisfied that an EQIA is not required after screening, as the impact will be on business, not on individuals with protected characteristics.

13 Use of Appendices

Appendix 1- Proposed Street Trading charges:

Appendix 1

Proposed Street Trading charges:

Regulatory Services	Current Charge 16/17	Proposed Charge 17/18	% Increase
	£	£	
1. STREET TRADING			
a) APPLICATION FEES FOR LICENCES			
New apps- Traditional stalls Wood Green High Road (inc electricity)	118.00	130.00	10%
New apps-Traditional Stalls, Tottenham Hotspur Match day	118.00	130.00	10.0%
New apps- Trading and Displays Outside Shop Premises	118.00	130.00	10.0%
Renewal for 3 Years	118.00	130.00	10.0%
Renewal for 2 years or less	80.00	88.00	10.0%
Application for temporary licence for six months or less-	48.00	53.00	10.0%
Application for temporary licence for six month or less on private land -Spurs Match days.	225.00	248.00	10.0%
Street Festivals/approved events			
Temporary licence for 1 day	22.55	25.00	10.0%
Tables and chairs outside catering establishments Application/renewal for 1 year	63.00	70.00	10.0%
Temporary Licence for six months or less	39.00	43.00	10.0%
Variations of Licences			
Application for variation made at time of renewal	no charge	no charge	
Application for variation made during term of Licence	78.00	86.00	10.0%
b) WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES			
Tottenham Hotspur Match day stalls selling refreshments	47.00	52.00	10.0%
Tottenham Hotspur match day non-food stalls	19.00	21.00	10.0%
Traditional stalls (small) Wood Green High Road (inc electricity)			

Small stalls trading 6 days or more	32.00	36.00	10.0%
Temporary small stalls trading two fixed days	22.52	25.00	10.0%
Refreshment and all other large stalls	62.00	69.00	10.0%
Approved extensions to large stalls (per sq. metre)	15.35	17.00	10.0%
Displays of good outside shops (per Sq. metre)	15.00	17.00	10.0%
Tables and chairs outside catering establishments (per sq. metre)	13.00	15.00	10.0%
Temporary Stall at Street Festival	24.80	25.00	10.0%
community events/promotional events			
Temporary licence for 6 months or less on private land	20.00	22.00	10.0%
Other Additional Charges			
Removal by council of goods, stalls, tables, chairs left in street outside trading hours	228.00	251.00	10.0%
Daily storage of same by Council	130.00	143.00	10.0%
Removal and disposal of refuse by council in default of licence holder			
	Actual cost incurred + 30% Establishment Charge	Actual cost incurred + 30% Establishment Charge	
Refunds by Council Refusal to renew licence (other than temporary licence)	Whole Fee	Whole Fee	
Enforcement			
Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	259.00	285.00	10.0%
Additional daily charge (excluding Saturdays, Sundays and Public Holidays)	29.00	32.00	10.0%

Markets in Haringey (New charge)

A charge is applied per stall for each licence and the stall holder has to fill out a street trading licence application form. The legislation states that local councils can only charge what it costs to administrate the street trading licenses markets are charged in the following way:

<p>Temporary licence (for 6 days trading) £25 - provided they are within the same financial year as the first booked day, and are booked at the same time.</p>

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