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# General Purposes Committee

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THURSDAY, 8TH MARCH, 2007 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Griffith (Chair), Adje (Deputy Chair), Dobbie, Patel, Beynon, Bloch, C. Harris and Whyte

## **AGENDA**

### **1. APOLOGIES FOR ABSENCE (IF ANY)**

### **2. URGENT BUSINESS**

The Chair will consider the admission of any of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 13 below. New items of exempt urgent business will be considered at item 17 below).

### **3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

### **4. DEPUTATIONS/PETITIONS**

To receive any deputations and petitions in accordance with Standing Order 37

### **5. MINUTES (PAGES 1 - 6)**

To confirm and sign the minutes of the meeting held on December 18<sup>th</sup> 2006.

**6. MINUTES OF SUB-BODIES (PAGES 7 - 66)**

To note the minutes of recent meetings of the sub-bodies of the General Purposes Committee.

**Planning Applications Sub-committee:**

- i) 27 November 2006
- ii) 11 December 2006
- iii) 22 January 2007

**Pensions Panel:**

- iv) 17 October 2006
- v) 20 November 2006
- vi) 29 January 2007

**7. IMPLEMENTATION OF THE GAMBLING ACT 2005 (PAGES 67 - 102)**

(Report of the Head of Legal Services) To ask the Committee to make recommendations to full Council on proposed arrangements to implement the Gambling Act 2005 involving amendments to the terms of reference of full Council, the Licensing Committee, the Licensing Sub-Committees, the scheme of delegation to officers and the Local Licensing Procedure Rules.

**8. MAKING THE SCHEME OF MEMBERS' ALLOWANCES (PAGES 103 - 118)**

(Report of the Head of Legal Services and Head of Local Democracy) To make the scheme of Members' Allowances for the year 2007/08.

**9. IMPLEMENTATION OF A CHILDCARE VOUCHER SCHEME (PAGES 119 - 122)**

(Report of the Head of Personnel) To outline the benefits of having a childcare voucher scheme, employee and employer implications and outline further actions required in order to progress with the scheme.

**10. CHANGES TO MATERNITY AND ADOPTION LEAVE FROM APRIL 2007 (PAGES 123 - 128)**

(Report of the Head of Personnel) To outline the changes to maternity and adoption leave rights in line with the Work and Families Act 2006. This will affect employees where their expected week of childbirth or for those adopting; the date matched with a child is on or after 1 April 2007.

**11. EXTENSION TO RIGHT TO REQUEST FLEXIBLE WORKING (PAGES 129 - 132)**

(Report of the Head of Personnel) To detail the provisions of the Work and Families Act 2006, which extends the right to request flexible working to those caring for adults.

**12. DELEGATED DECISIONS AND SIGNIFICANT ACTIONS (PAGES 133 - 134)**

(Report of the Head of Local Democracy) To inform the Committee of a delegated decision taken by the Chief Executive.

**13. NEW ITEMS OF URGENT BUSINESS**

To consider any items admitted at item 2 above

**14. EXCLUSION OF PRESS AND PUBLIC**

The following item is likely to be the subject of a motion to exclude the press and public from the meeting as they contain 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely that it contains terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**15. MINUTES (PAGES 135 - 138)**

To confirm and sign the exempt minutes of the meeting held on 18 December 2006.

**16. MINUTES OF SUB-BODIES (PAGES 139 - 144)**

To note the following exempt minutes from the meeting of the Pensions Panel held on November 20<sup>th</sup> 2006.

**17. NEW ITEMS OF EXEMPT URGENT BUSINESS**

Yuniea Semambo  
Head of Member Services  
5<sup>th</sup> Floor  
River Park House  
225 High Road  
Wood Green  
London N22 8HQ

Jeremy Williams  
Principal Committee Co-Ordinator  
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28 February 2007

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**MINUTES OF THE GENERAL PURPOSES COMMITTEE  
MONDAY, 18 DECEMBER 2006**

Councillors \*Griffith (Chair), \*Adje (Vice Chair), \*Beynon, Bloch, \*Dobbie, C. Harris and \*Whyte

\*Indicates Members present

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>
<b>GPCO41.</b>	<p><b>APOLOGIES FOR ABSENCE (IF ANY)</b></p> <p>Apologies were received from Councillor C Harris.</p> <p><b>NOTED</b></p>
<b>GPCO42.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Clerk advised that Item 14 had been TABLED and reasons for urgency would be given as to why the item was late for consideration.</p> <p><b>NOTED</b></p>
<b>GPCO43.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declaratrions of interests.</p> <p><b>NOTED</b></p>
<b>GPCO44.</b>	<p><b>DEPUTATIONS/PETITIONS</b></p> <p>There were no deputations or petitions.</p> <p><b>NOTED</b></p>
<b>GPCO45.</b>	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the meetings of the Committee held on (i) 22 October 2006, (ii) 2 November 2006 (Special) (at 18:00HRS) and (iii) 2 November 2006 (Special) (at 18:20HRS) be agreed as an accurate record of the proceedings and the Chair be authorised to sign them on behalf of the Committee.</p>
<b>GPCO46.</b>	<p><b>MINUTES OF SUB-BODIES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the following Sub-bodies of the General Purposes Committee be noted:</p>

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	<p><b>i. Council &amp; Employees Joint Consultative Committee</b></p> <p>4 September 2006 6 November 2006 (special)</p> <p><b>ii. Pensions Panel</b></p> <p>5 October 2006</p> <p><b>iii. Planning Applications Sub-Committee</b></p> <p>12 October 2006 30 October 2006</p>
<p><b>GPCO47.</b></p>	<p><b>REVIEW OF CONTRACT STANDING ORDERS</b></p> <p>The Committee received a brief introduction from the Head of Procurement – Mr Wood in respect of proposed amendments to Contract Standing Orders (CSOs). This report had been received and approved in principle by the Procurement Committee at its meeting on 7 December. Mr Wood advised that the changes were needed to secure compliance with European and UK legislation. They would also help to promote voluntary collaboration between local authorities in their efforts to achieve cost savings in procurement.</p> <p>Mr Wood advised of the full text changes are set out in Appendix 1 to the report and a more convenient comparison between the existing CSOs and the proposals was TABLED as Appendix 2.</p> <p>Mr Wood advised that in respect of the circulated report he was withdrawing the proposal that the contract value, where it was appropriate to require the sealing of a contract, should be increased from £150,000 to £250,000. He advised that it would be appropriate to bring the revised CSOs into force with the new central procurement register on 5 February 2007. Mr Wood further advised that the EU Consolidated Procurement Directive had been transposed into UK law by the Public Contracts Regulations 2006 which replaced all the Regulations previously referred to in CSO 8.01. Mr Wood also commented that to ensure compliance with the European Court of Justice decision in “Alcatel”, which required a standstill period between notifying unsuccessful tenders and contract award, a 10 day period is to be inserted into CSO 8.02. In accordance with the 2006 Regulations, a new procurement procedure known as competitive dialogue is to be included in CSO 8.03(d) and provision is made for electronic tendering and auctions in CSOs 9.06 to 9.09.</p> <p>In response to points of clarification by Members Mr Wood advised that the Committee were asked to approve improvements to streamline contract management. In some cases the urgency of works requires the use of “Letters of Intent” which were now to be permitted subject to value limits of 10% of contract value for works and services and £50,000 for supply of goods as proposed in CSO 12.02. CSO 12.09 will make it the responsibility of the Director of Corporate Resources to decide whether a bond was needed for a works contract or whether a parent company guarantee either is needed in respect of contracts with</p>

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subsidiary companies. The Committee were also asked to note that certain requirements would be strengthened. CSO 12.04(d) provided for compliance with the Council's insurance requirements for all contract values and CSO 12.04(e) required compliance with the Council's equalities policies. A new CSO 12.11 was proposed to ensure that the Council could meet its duties to secure CRB checks where services involve children or vulnerable adults.

In response to further points of clarification Mr Wood also reported that the report recommended changes to clarify certain procedures or improve their logic. A new CSO 6.02 would ensure that Contract Standing Orders applied to procurements funded by ring fenced income streams such as grants received by the Council. The wording of CSO 6.9 on Framework and Consortia Arrangements had been clarified. CSOs 11.02 and 11.03 have been amended to reflect the powers of Directors to novate and assign contracts. CSO 11.01(b) would now include "whole life costing methodologies" when assessing the most economically advantageous tender. The Committee were further invited to approve two new procedures. CSO 15 set out a proper procedure for the disposal of Council assets other than land which were surplus to requirements, damaged or obsolete. It was considered that the proposals should be amended to require the approval of The Executive to disposals valued at £150,000; rather than £250,000. In response to further clarification and requests from Councillor Adje in respect of the construction contracts awarded dating back to May 2002, the length of those contracts and a list of the companies Mr Wood undertook to supply Councillor Adje of details of the contracts awarded.

The Chair then summarised and Councillor Adje concurred that in respect proposed changes to contract standing order 15.05 the amount of £250k should be set at £150k.

**RESOLVED**

That the proposed amendments to Contract Standing Orders as detailed in the TABLED Appendix 2 be agreed and forwarded to Full Council for adoption subject to the following amendments as proposed by this Committee:

contract standing order 15.05 - the amount of £250k to be set at £150k  
deletion of para 12.36 of the report in relation to delegated authority and no action to be taken in respect of this proposed amendment.

**GPCO48. APPROVAL FOR NEW FINANCIAL REGULATIONS FOR SCHOOLS**

The Committee received a brief introduction of the circulated report by the Acting Head of Corporate Finance – Mr Bartle – in which he advised of the necessity for the regulation of Haringey's schools financial management, and the recent legislative and process changes that needed to be reflected within updated financial regulations. In response to questions from Councillor Adje with regard to the involvement of Schools Forums and Governing Bodies in respect of the proposed regulation changes Mr Bartle advised that a Governor had sat on the working party and indeed the regulatory changes had been discussed through Governor Forums.

There being no further questions the Chair summarised and it was:-

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	<p><b>RESOLVED</b></p> <p>That the new Financial Regulations for Schools for implementation from 1 April 2007 be noted, and approved.</p>
<p><b>GPCO49.</b></p>	<p><b>INTRODUCTION OF A NEW CHILDCARE VOUCHER SCHEME</b></p> <p>The Committee received a brief introduction of the report from the Head of Personnel's representative – Ms Gafney in which she advised the Committee of the benefits of having a childcare voucher scheme. The report was previously considered by the Committee on 23 October 2006 where it was agreed that more information was required in respect of the operation of the scheme in other boroughs/organisations, clarification on the use of registered childminders, and safeguards over fraud. Ms Gafney advised that these issues had been addressed at Sections 10 and 11 of the report and Ms Gafney briefly outlined these.</p> <p>In response to questions from Councillor Dobbie Ms Gafney undertook to supply him with details of the political make up of the Local Authorities that had been consulted.</p> <p>Following discussions in relation to the proposed implementation of the scheme the Chair summarised and it was:</p> <p><b>RESOLVED</b></p> <ul style="list-style-type: none"> <li>i. that approval be given to the introduction of a childcare voucher scheme to eligible employees;</li> <li>ii. that the scheme be administered by an external childcare provider;</li> <li>iii. that authority be delegated to the Head of Personnel to decide on the childcare voucher provider;</li> <li>iv. that the Childcare Voucher functionality on SAP be configured;</li> <li>v. that Employees should be subject to a fixed period contract where they agree to purchase vouchers over the set period; and</li> <li>vi. that in respect of the proposed implementation as outlined in (i)-(v) above, officers be requested to report any difficulties with implementation to the march meeting of general Purposes Committee.</li> </ul>
<p><b>GPCO50.</b></p>	<p><b>REVISION OF THE STATEMENT OF LICENSING POLICY</b></p> <p>The Council's Head of Legal Service's representative – Mr Mitchison advised of proposed amendments to the Council's Statement of Licensing Policy. This was a statutory policy under the Licensing Act 2003 which could only be formally adopted or revised by full Council. It was not part of the Council's Constitution. Concerns had been expressed about the relationship between licensing decisions and Town Planning controls, especially where public houses, restaurants or night cafes applied for premises licences with hours outside those allowed by the planning permission. Mr Mitchison advised that Counsel's Opinion had been obtained which advised that the existing provision in paragraph 8.2 of the Statement of Licensing Policy was not sustainable. The paragraph stated that any application for licensing hours will not be considered if the hours applied for exceeded those permitted by Planning</p>



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	<p>controls. Counsel was very clear that the Licensing Committee and Sub-Committees cannot be tied in this way to Planning. Licensing bodies have a duty to reach their own conclusions about the hours and activities that are acceptable when determining contested cases. However, licensing bodies can give appropriate weight to related planning decisions when these are relevant to the licensing objectives.</p> <p>Mr Mitchison also drew the Committee's attention that applicants for premises licences would still be encouraged to obtain the necessary planning permission for their hours of opening. If they failed to do so they could be subject to Planning Enforcement action, if this was expedient. Counsel also advised that paragraph 8.1 of the Statement of Licensing Policy required amendment to reflect the fact that public houses and hot food take-aways are now in a separate Planning Use Class from restaurants and cafes. This was purely technical change to update the Policy. Mr Mitchison also advised that that statutory consultation of stakeholders had taken place but no representations had been received in relation to the proposed changes to the Statement of Licensing Policy. The Committee were also asked to note that a report on this matter had been received approved in principle by the Licensing Committee at its meeting on 31 October.</p> <p>There being no questions or points of clarification the Chair summarised and it was:-</p> <p><b>RESOLVED</b></p> <p>That the amendments to paragraphs 8.1 and 8.2 of the Council's Statement of Licensing Policy (as detailed also in appendix 2 of the report) be endorsed and referred to Full Council for adoption.</p>
GPCO51.	<p><b>NEW ITEMS OF URGENT BUSINESS</b></p> <p>Nil Items.</p>
GPCO52.	<p><b>EXCLUSION OF PRESS AND PUBLIC</b></p> <p><b>RESOLVED</b></p> <p><i>That the Public and press be excluded from the proceedings as the following item contains exempt information as defined in section 100A of the Local Government Act 1972 namely; Para 1 – Information relating to an individual.</i></p>
GPCO53.	<p><b>RESTRUCTURE OF ENFORCEMENT</b></p> <p>Exempt item.</p>
GPCO54.	<p><b>COUNCIL RESHAPING IMPLEMENTATION</b></p>

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	Exempt item.
<b>GPCO55.</b>	<p><b>MINUTES OF SUB-BODIES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the following Sub-bodies of the General Purposes Committee be noted:</p> <p style="padding-left: 40px;"><b>iv. Pensions Panel</b></p> <p style="padding-left: 80px;">26 July 2006</p>
<b>GPCO56.</b>	<p><b>MINUTES OF MEMBER LEVEL APPEALS</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the Member Level Appeals be noted:</p> <p style="padding-left: 80px;">3 February 2006 10 March 2006 16 &amp; 23 October 2006 6 November 2006 9 November 2006 17 November 2006</p>
<b>GPCO57.</b>	<p><b>NEW ITEMS OF EXEMPT URGENT BUSINESS</b></p> <p>Nil Items</p>

The meeting ended at 21:30HRS.

**Councillor EDDIE GRIFFITH**  
**Chair**

**MINUTES OF THE PLANNING APPLICATIONS SUB-COMMITTEE**  
**MONDAY, 27 NOVEMBER 2006**

Councillors \*Peacock (Chair), \*Bevan (Deputy Chair), \*Adje, \*Beacham, \*Demirci, Dodds, \*Hare, \*Patel and \*Weber

\* Members present

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>PASC109.</b>	<p><b>APOLOGIES</b></p> <p>An apology for absence was received from Cllr Dodds and for lateness from Cllr Hare.</p>	
<b>PASC110.</b>	<p><b>URGENT BUSINESS</b></p> <p>The Chair moved that there be a variation to the order of the agenda that item 16 be considered after item 11. The variation was agreed by the committee.</p>	
<b>PASC111.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest received.</p>	
<b>PASC112.</b>	<p><b>DEPUTATIONS/PETITIONS</b></p> <p>None received.</p>	
<b>PASC113.</b>	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the Planning Application Sub Committee meeting held on 30 October 2006 be approved and signed as a correct record.</p>	
<b>PASC114.</b>	<p><b>APPEAL DECISIONS</b></p> <p>The Committee was advised of the appeal decisions determined during October 2006. The Committee noted that the Council had lost an appeal to erect a telecommunications mast. Members requested that statistics be provided for the current year on the number of appeals within this category which had been upheld.</p> <p><b>RESOLVED</b></p> <ol style="list-style-type: none"> <li>1. That further information be provided on the number of appeals upheld for the current year related to telecommunication masts.</li> <li>2. That the report be noted.</li> </ol>	
<b>PASC115.</b>	<p><b>DELEGATED DECISIONS</b></p> <p>Members were asked to note the decisions taken under delegated powers between 16 October 2006 and 5 November 2006.</p>	

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	<p><b>RESOLVED</b></p> <p>That the report be noted.</p>	
<b>PASC116.</b>	<p><b>PERFORMANCE STATISTICS</b></p> <p>The Committee were asked to note the performance statistics on Development Control and Planning Enforcement Action. It was noted that there were no major applications determined in October 2006 and that the figures were generally in line with Haringey's and Government targets. Members felt it would be useful to know the percentage of applications rejected and approved each month.</p> <p><b>RESOLVED</b></p> <ol style="list-style-type: none"> <li>1. That the percentage of applications rejected and approved each month be provided in the performance statistics report.</li> <li>2. That the report be noted.</li> </ol>	
<b>PASC117.</b>	<p><b>PLANNING APPLICATIONS</b></p> <p><b>RESOLVED</b></p> <p>That the decisions of the Sub Committee on the planning applications and related matters be approved or refused with the following points noted.</p>	
<b>PASC118.</b>	<p><b>REFERENCE FROM PLANNING APPLICATIONS SUB-COMMITTEE (30/10/2006): 1-4 CONNAUGHT HOUSE, 38 CONNAUGHT GARDENS N10</b></p> <p>The Committee were informed that the decision on this application had been deferred from the last meeting for a site visit. The application site lies within a residential area comprising a of mix of two, three and four storey houses.</p> <p>A previous applications for the redevelopment of the site was refused and dismissed on appeal the main reason being overlooking. The current application had been submitted to overcome the overlooking and was lower by one metre than the previous scheme.</p> <p>There were currently eight trees subjected to Tree Preservation Orders to be retained.</p> <p>Cllr Hare entered the proceedings.</p> <p>The Committee discussed in detail the provisions for car parking and the number of allocated spaces per dwelling. Members were advised that the site had its own frontage and there would be space for on street parking. Members requested whether it was possible for a communal satellite dish to be installed for use by all the properties.</p>	

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Officers advised that it was usually a condition applied to the development of flats rather than houses.

Members agreed to grant the application subject to conditions and an additional condition to install a communal satellite dish and also subject to a Section 106 Legal Agreement.

INFORMATION RELATING TO APPLICATION REF: HGY/2006/1497  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
27/11/2006

Location: 1 - 4 Connaught House, 38 Connaught Gardens N10

Proposal: Demolition of existing building and erection of 5 x four bed, 1 x three bed and 1 x two bed houses with rooms at lower ground floor level, associated car parking and landscaping.

Recommendation: Grant subject to conditions and Legal Agreement

Decision: Grant subject to conditions and Legal Agreement

Drawing Numbers: PL3(00)01 - PL3(00)17 incl & PL3 (00) 18 A.

Conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed

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development to include detailed drawings of:

- a. those existing trees to be retained.
- b. those existing trees to be removed.
- c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent.

All such work to be agreed with the Council's Arboriculturalist.d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

5. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

6. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

7. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to E shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.

Reason: To avoid overdevelopment of the site.

8. That a detailed scheme for the provision of refuse and waste storage, and recycling, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a

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scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

9. Details of boundary treatment to all boundaries of the site shall be submitted to and approved by the Local Planning Authority prior to commencement of development, and shall thereafter be carried out in accordance with such approved details.

Reason: In order to provide a satisfactory setting and means of enclosure for the development.

10. Notwithstanding the provisions of Article 4 (1) and Part 25 of Schedule 2 of the General Permitted Development Order 1995, no satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish / arial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to prevent the proliferation of satellite dishes on the development.

INFORMATIVE: The new development will require numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: Further to Condition 3 above, the Council will wish to see the use of brick work on the flank east-facing elevation of House Number H1 facing Connaught Gardens.

INFORMATIVE: Further to Condition 4 above, the Council will wish to see a detailed landscaping scheme showing:

- a) Screen planting on the rear northern boundary of the site.
- b) Levels, terracing and planting to the rear garden of the rear units and
- c) Planting including shrubs or small trees in the frontage of each property and at the flank wall of House H7.

**REASONS FOR APPROVAL**

The current application follows the refusal of two previous schemes for the site and the dismissal of two related appeals. It is considered that the design of the current scheme has incorporated appropriate changes in response to the planning issues identified in the previous refusals and appeal decisions and as such is considered an appropriate design for the site. The scale, bulk and height of the proposed terrace is considered appropriate and buildings would not have an overbearing impact on any neighbouring properties. The proposed development through the use of oriel style windows and other design changes to the southern elevations of the dwellings would prevent any issues of overlooking or loss of privacy to neighbouring properties from arising, while still providing for adequate living conditions for future

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	<p>occupiers of the dwellings. The proposed development is considered consistent with Policies UD 3 'General Principles', UD 4 'Quality Design', HSG 1 'New Housing Developments', M10 'Parking for Development', SPG 1a 'Design Guidance and Design Statements', and SPG 3b 'Privacy / Overlooking, Aspect / Outlook and Daylight / Sunlight' of the Haringey Unitary Development Plan.</p> <p>Section 106:        Yes</p>	
<p><b>PASC119.</b></p>	<p><b>12-14 HIGH ROAD &amp; WHYMARK HOUSE, WHYMARK AVENUE N22</b></p> <p>The Committee were informed that this application was a reworking of an approved application for the erection of a 1 and 2 storey extension at 1<sup>st</sup> and 2<sup>nd</sup> floor levels. The most recent application proposed to reuse the existing building on site as part of the redevelopment of the property. The current application sought to demolish this building and construct a replacement with similar dimensions. The reasons for this was given as structural concerns and a report had been supplied. Previous concerns in respect of the blank brick work at ground floor level in Whymark Avenue had been taken into consideration and the new plans detailed the insertion of a door and two windows in the side elevation.</p> <p>Members discussed concern regarding the use of the ground floor level as a retail outlet and that this may lead to loading and unloading at unsocial hours. The Committee was advised that this could be included as a condition stipulating the loading and unloading times. Members requested that boxes for post were located on the inside of the development.</p> <p>The Committee agreed to grant the application subject to conditions and an additional conditions stating the loading and unloading times and subject to a Section 106 Legal Agreement.</p>	
<p><b>PASC120.</b></p>	<p><b>TREE PRESERVATION ORDERS</b></p> <p>The Committee were advised that three of the TPO's were unopposed and that an objection had been received for 39 Grove Avenue N10, a walnut tree located in the front garden of the property. The owner had objected on the grounds that a TPO would prevent him from pruning the tree. The Arboriculturalist had advised the owner that an application to the Council for pruning works to be carried out was possible.</p> <p><b>RESOLVED</b></p> <p>That the following Tree Preservation Orders be confirmed:</p> <ol style="list-style-type: none"> <li>1. 62-70 Coolhurst Road N8</li> <li>2. 39 Grove Avenue N10</li> <li>3. Middlesex University, White Hart Lane N17</li> </ol>	



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	4. 63 Windermere Road N10	
<b>PASC121.</b>	<p><b>14 VIEW ROAD N6</b></p> <p>Officers presented the report and advised that the two tabled documents before the Committee were objections which had been noted. Officers had since met with the Highgate Conservation Area Committee to discuss their objections.</p> <p>The property was situated on the corner of View Road and View Close and located within the Highgate Conservation Area. It was considered that the proposed building would enhance and add character to the area and add to the variety of styles and types of houses within the neighbourhood.</p> <p>A resident of View Close spoke objecting to the proposal stating that View Close was an estate of ten houses and the proposal to demolish one of the houses would destroy the unity of the area as it was the gateway to the estate. Each of the houses was built on a concrete raft and the proposal for 14 View Road was to remove the raft. The demolition of the raft would affect the water table in the area and cause damage to the conservation area and environment. The objector requested the Committee to reject the application in its present form.</p> <p>The applicant spoke and advised the Committee that the proposal was to build one house. It was the case that 14 View Road was not part of the ten houses which formed part of the estate of View Close and therefore did not need to remain part of this group of houses. The house currently had little historical or architectural interest. The proposed house would provide low emissions, ground floor source of heating and would be a development to fit in with the area.</p> <p>Members discussed features of the proposal and questioned the use of the light well and basement. They were informed that the light well was the entrance to the property and would be used to store bicycles. It was intended to use the basement as a storage area.</p> <p>The Chair moved a motion to agree the recommendation. On a vote there being seven for and one abstention. The application was granted subject to conditions. Cllr Hare requested that his abstention be noted.</p> <p>INFORMATION RELATING TO APPLICATION REF: HGY/2006/1357 FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 27/11/2006</p> <p>Location: 14 View Road N6</p> <p>Proposal: Demolition of existing house and erection of replacement 2 storey three bedroom dwelling house with rooms at basement level.</p>	

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Recommendation: Grant Subject to Conditions

Decision: Grant Subject to Conditions

Drawing Numbers: 511(SK)022 (B), 001A, 002B,C 003C, 004D, E, 005D, 006C, 007C, 008C & 009B.

Conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from the Local Planning Authority.

Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

5. The existing trees on the site shall not be lopped, felled or otherwise affected in any way (including raising and lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees without the prior written permission of the Local Planning Authority.

Reason: In order to safeguard the trees in the interest of visual amenity of the area.

6. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the

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branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

7. That a detailed scheme for the provision of refuse, waste storage and recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

8. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

9. That before any work is started, a pre - commencement site meeting is specified and arranged and attended by all parties (Architect, Consultant Arboriculturalist, Planner Officer, Local Authority Arboriculturalist and Contractors to confirm the protective measures to be installed for trees.

Reason: In order to ensure the safety and well being of the trees on the site during construction works that are to remain after building works are completed.

10. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.

Reason: To avoid overdevelopment of the site.

**INFORMATIVE:** The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

**REASONS FOR APPROVAL**

The proposed demolition of existing house and erection of replacement 2 storey three bed dwelling house with rooms at basement level would not harm the character and appearance of Highgate conservation area or the amenity of the adjoining properties since it is a replacement building. The proposal is therefore considered to be in compliance with the provision of Policies G2 'Development and Urban Design', UD3 'General Principles', UD4 'Quality Design', HSG3 'Protecting Existing Housing', CSV1 'Development in

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	<p>Conservation Areas', CSV5 'Alterations and Extensions in Conservation Areas' and CSV7 'Demolition in Conservation Areas' of the Haringey Unitary Development Plan.</p> <p>Section 106: No</p>	
<p><b>PASC122.</b></p>	<p><b>14 VIEW ROAD N6 ~ CONSERVATION AREA CONSENT</b></p> <p>The Committee was asked to consider Conservation Area Consent for the above demolition. On a vote there being 7 for and 1 abstention, the Committee agreed to grant conservation area consent subject to conditions as planning permission for the above application was granted. Cllr Hare requested his abstention be noted.</p> <p>INFORMATION RELATING TO APPLICATION REF: HGY/2006/1358 FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 27/11/2006</p> <p>Location: 14 View Road N6</p> <p>Proposal: Conservation Area Consent for the demolition of the existing house.</p> <p>Recommendation: Grant subject to condition.</p> <p>Decision: Grant subject to condition.</p> <p>Drawing Numbers: 511 (SK) 022 (B), 001A, 002B, C, 003C, 004D, E, 005D, 006C, 007C, 008C &amp; 009B.</p> <p>Conditions:</p> <p>1. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made and planning permission granted for the redevelopment for which the contract provides.</p> <p>Reason: In order to ensure that the site is not left open and vacant to the detriment of the character and visual amenities of the locality.</p> <p><b>REASONS FOR APPROVAL</b></p> <p>The proposed demolition of existing house and erection of replacement 2 storey three bed dwelling house with rooms at basement level would not harm the character and appearance of Highgate conservation area or the amenity of the adjoining properties since it is a replacement building. The proposal is therefore considered to be in compliance with the provision of Policies G2 'Development and Urban Design', UD3 'General Principles', UD4 'Quality Design', HSG3 'Protecting Existing Housing', CSV1 'Development in Conservation Areas', CSV5 'Alterations and Extensions in Conservation Areas' and CSV7 'Demolition in Conservation Areas' of the Haringey Unitary Development Plan.</p>	

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	Section 106: No	
<b>PASC123.</b>	<p><b>21-29 TEWKESBURY ROAD N15</b></p> <p>Officers presented the report and informed the Committee that the site comprised a vacant corner plot formerly a builders storage yard on the junction of Overbury Road and Tewkesbury Road. The back of the property fronted onto Seven Sisters Road and had been marketed without success. The development of the site included 9 dwellings, commercial use on the ground floor with ancillary parking and cycle storage.</p> <p>Members raised several concerns regarding the proposed development:</p> <ul style="list-style-type: none"> <li>• The S106 contribution was felt to be inadequate.</li> <li>• The trees surrounding the site should not be damaged during the development and should be monitored.</li> <li>• The use of the commercial units on the ground floor. B1 use is for light industry should this be under a block of flats.</li> <li>• There is only provision for five car parking spaces two being allocated for use with the ground floor units.</li> <li>• Insufficient cycle racks provided.</li> <li>• The type of shutters to be used should be open style.</li> </ul> <p>Members discussed in detail their concerns and requested that further conditions be imposed on the development as follow:</p> <ol style="list-style-type: none"> <li>1. That the cycle rack provision be increased in line with number of residential units.</li> <li>2. The shutters provided should be latticed open style.</li> <li>3. That commercial unit be classed as B1A only.</li> <li>4. That the trees are protected.</li> </ol> <p>Members also requested that an informative be supplied that no parking permits be provided in the CPZ.</p> <p>The Committee decided to grant the application subject to conditions and S106 legal agreement.</p> <p>INFORMATION RELATING TO APPLICATION REF: HGY/2006/1265 FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 27/11/2006</p> <p>Location:                    21 - 29 Tewkesbury Road N15</p> <p>Proposal:                    Redevelopment of site including erection of a 4 storey block with set back 4th floor comprising 4 x one bed and 5 x two bed self contained flats on the upper floors, communal roof garden at 3rd floor level and B1 commercial use at ground floor with ancillary parking and cycle storage. Creation of new crossover to</p>	

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	<p>Tewkesbury Road, N15.</p> <p>Recommendation: Grant subject to conditions and Section 106 Legal Agreement.</p> <p>Decision: Grant subject to conditions and Section 106 Legal Agreement.</p> <p>Drawing Numbers: Ex-01, 02, 03; PR-01A, 02A, 03B, 04A, 05A, 06A, 010A, 011A, 012A &amp; 013A.</p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. Reason: This condition is imposed by virtue of the provisions of the Planning &amp; Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.</li> <li>2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority. Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.</li> <li>3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority. Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.</li> <li>4. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays. Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.</li> <li>5. The proposed development shall have a central dish/aerial system for receiving all broadcasts for all the residential units created, details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property and the approved scheme shall be implemented and permanently retained thereafter. Reason: In order to protect the visual amenities of the neighbourhood.</li> <li>6. That not more than 9 separate residential units shall be constructed on the site. Reason: In order to avoid overdevelopment of the site.</li> <li>7. The building proposed by the development hereby authorised shall comply</li> </ol>	
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with BS 8220 (1986) Part 1 'Security Of Residential Buildings' and comply with the aims and objectives of the police requirement of 'Secured By Design' & 'Designing Out Crime' principles.

Reason: In order to ensure that the proposed development achieves the required crime prevention elements as detailed by Circular 5/94 'Planning Out Crime'.

8. No development shall take place until site investigation detailing previous and existing land uses, potential land contamination, risk estimation and remediation work if required have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: In order for the Local Planning Authority to ensure the site is contamination free.

9. That a detailed scheme for the provision of refuse, waste storage and recycling within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

10. That cycle racks shall be provided sufficient for 1 bike space per flat details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works and permanently retained to the satisfaction of the Council thereafter.

Reason: In order to ensure appropriate provision for bicycle storage within the scheme.

11. That the shutters to the front elevation shall be 'open style' details of which are to be submitted to and approved by the Local Planning Authority prior to the commencement of the works and implemented and permanently retained as such thereafter to the satisfaction of the Council.

Reason: In order to ensure a satisfactory appearance to the property.

12. That the use of the ground floor commercial area shall be for B1(a) office use only and for no other use without the prior consent in writing of the Local Planning Authority.

Reason: In order to ensure an acceptable commercial use within the residential accommodation above.

13. That details of the foundations particularly in relation to the effect of the proposed building on the trees on the adjoining properties to the north east of the proposed development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works.

Reason: In order to protect the root systems of the adjoining trees and ensure that they are not damaged by the proposed new building.

Reason: In order to protect the amenities of the locality.

**INFORMATIVE:** Details of the foundation work on the boundaries and any border treatment should be agreed with the adjoining occupiers before such works commence.

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	<p>INFORMATIVE: That all works on or associated with the public highway be carried out by The Transportation Group at the full expense of the developer. Before the Council undertakes any works or incurs any financial liability the developer will be required to make a deposit equal to the full estimated cost of the works.</p> <p>INFORMATIVE: The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.</p> <p>INFORMATIVE: The Planning Applications Sub Committee felt that the materials should be carefully chosen to be of high quality particularly in relation to the brick to be used in the construction of the new building.</p> <p>INFORMATIVE: The Planning Applications Sub Committee stated that the occupiers of the building would not be eligible for parking permits in relation to the nearby controlled parking zone. This matter would also be contained in the Section 106 Agreement concerning this scheme.</p> <p>REASONS FOR APPROVALThe proposal complies with policies UD2 Sustainable Design and Construction, UD3 General Principles, UD4 'Good Design', UD5 Mixed Use Development, HSG9 Density Standards, EMP5 Promoting Employment Uses, M10 Parking for Development of Haringey Unitary Development and appropriate Supplementary Guidance.</p> <p>Section 106: Yes</p>	
<p><b>PASC124.</b></p>	<p><b>COLD STORE, CRANFORD WAY N8</b></p> <p>The Committee were advised that this application site was located to the rear of the main buildings which fronted Tottenham Lane and was within the Cranford Way Defined Employment Area. The proposal was a combination of new buildings and works to existing buildings.</p> <p>Officers advised the Committee that there would need to be amendments to some of the conditions outlined in the report:</p> <p>Condition 4 – It was accepted by the applicant that the hours of construction would be from 07:00am.</p> <p>Condition 5 – The wording would need to be changed to incorporate the following “The accommodation hereby approved shall be implemented”.</p> <p>Condition 6 – Refers to class B1A but was limited to those offices shown on the plans/drawings to be approved.</p> <p>Members requested that a further condition be imposed that the number of cycle racks to be provided be increased to ten. Members agreed to grant the application subject to conditions.</p>	



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INFORMATION RELATING TO APPLICATION REF: HGY/2006/2067  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
27/11/2006

Location: Cold Store, Cranford Way N8

Proposal: Partial demolition of former Ecco cold store warehouse, erection of single unit for B1(c), B2 or B8 use and 2 storey office extension to existing cold stores. Installation of new loading bay doors to existing building.

Recommendation: Grant subject to conditions

Decision: Grant subject to conditions

Drawing Numbers: CGL 782-01, 02D & 03C.

Conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.

4. The construction works of the development hereby granted shall not be carried out before 0700 or after 1800 hours Monday to Friday or before 0700 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

5. That the accommodation for car parking and/or loading and unloading facilities hereby approved shall be implemented in accordance with the requirements of the Local Planning Authority before the occupation of the building and commencement of the use; that accommodation to be permanently retained for the accommodation of vehicles of the occupiers,

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	<p>users of, or persons calling at the premises and shall not be used for any other purposes. Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.</p> <p>6. Notwithstanding the provisions of the Town &amp; Country Planning (Use Classes) Order 1987 the premises shall be used for purposes within Use Classes B1(c), B2 and/or B8 only with the exception of the 280m<sup>2</sup> of floorspace contained in the two storey extension and the 148m<sup>2</sup> of floorspace comprising the mezzanine in the new single unit as shown on the approved plans and which will be used as B1(a) offices and shall not be used for any other purpose including any purpose within Class B unless approval is obtained to a variation of this condition through the submission of a planning application. Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable.</p> <p>7. That details of a scheme for the provision of 10 cycle racks shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such agreed scheme shall be implemented and permanently retained to the satisfaction of the Local Planning Authority. Reason: In order to ensure the satisfactory provision of cycle racks provision within the proposed development.</p> <p><b>REASONS FOR APPROVAL</b></p> <p>The scheme complies with the relevant policies in the adopted Unitary Development Plan July 2006, for commercial development in Defined Employment Areas and is considered to be appropriate in terms of the nature and scale of development, and will not result in any significant adverse impact on the surrounding area.</p> <p>Section 106: No</p>	
<b>PASC125.</b>	<p><b>NEW ITEMS OF URGENT BUSINESS</b></p> <p>There were no items of urgent business submitted.</p>	
<b>PASC126.</b>	<p><b>SITE VISITS</b></p> <p>None requested.</p>	
<b>PASC127.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>Monday 11 December 2006 ~ (scheduled meeting) Monday 15 January 2007 ~ (special meeting) Monday 22 January 2007 ~ (scheduled meeting)</p> <p>The meeting ended at 9:00pm</p>	

COUNCILLOR SHEILA PEACOCK

Chair

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MONDAY, 11 DECEMBER 2006**

Councillors \*Peacock (Chair), \*Bevan (Deputy Chair), \*Adje, \*Beacham, \*Demirci,  
\*Dodds, \*Hare, Patel and \*Weber

\* Members present

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>PASC128.</b>	<b>APOLOGIES</b>  Apologies for absence were received on behalf of Cllr Patel.	
<b>PASC129.</b>	<b>URGENT BUSINESS</b>  None requested.	
<b>PASC130.</b>	<b>DECLARATIONS OF INTEREST</b>  There were no declarations of interest received.	
<b>PASC131.</b>	<b>DEPUTATIONS/PETITIONS</b>  None received.	
<b>PASC132.</b>	<b>MINUTES</b>  <b>RESOLVED</b>  That the minutes of the Planning Application Sub Committee meeting held on 27 November 2006 be approved and signed as a correct record.	
<b>PASC133.</b>	<b>DELEGATED DECISIONS</b>  Members were asked to note the decisions taken under delegated powers between 6 November 2006 and 26 November 2006.  <b>RESOLVED</b>  That the report be noted.	
<b>PASC134.</b>	<b>PERFORMANCE STATISTICS</b>  The Committee was asked to note that Development Control statistics were not available due to the short time span between the meeting held 27 November and these proceedings. The statistics would be reported to the Sub Committee meeting on the 22 January 2007.  The Committee was also asked to note the performance statistics on Planning Enforcement Action from the 1 to 30 November 2006.	

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	<p><b>RESOLVED</b></p> <p>That the report be noted.</p>	
<p><b>PASC135.</b></p>	<p><b>PLANNING APPLICATIONS</b></p> <p><b>RESOLVED</b></p> <p>That the decisions of the Sub Committee on the planning applications and related matters be approved or refused with the following points noted.</p>	
<p><b>PASC136.</b></p>	<p><b>72 - 96 PARK ROAD N6</b></p> <p>The Committee was informed by officers that this application was on a site where there had been previous permissions granted and partly implemented. Two previous planning applications one in 2003 was agreed by the PASC then. However, the Section 106 was not signed by the applicant. In 2004 an application for retail units and offices had been largely implemented.</p> <p>The current proposal incorporated five car parking spaces, bin store, secure bicycle and pram storage area. It was considered there would be little or no impact on the surrounding residential units in terms of privacy and overlooking. The surrounding area was mixed use and included residential, retail and offices.</p> <p>The Lynton Road Residents Committee raised objections regarding the position of the commercial buildings, the siting of refuse bins and the impact this application would have on the surrounding area due to excessive parking at all times. The roof of the existing building was reported to contain asbestos and this was considered to be a health and safety issue for several elderly residents with respiratory conditions. The Committee was requested to defer the decision for a site visit.</p> <p>The applicant's representative addressed the Committee and reiterated that five car parking spaces would be provided as part of the development. The proposal provided much needed accommodation and facilities including a children's play area. The two additional storeys would be in keeping with the height of the surrounding buildings and would improve the street scene.</p> <p>The applicant's representative further commented that a survey had been carried out and that no asbestos had been found on the roof or the site.</p> <p>Members discussed the proposal in detail and enquired whether the applicant would be agreeable to an additional condition to provide a communal satellite dish. The applicant's representative was happy to agree to this further condition.</p>	

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The Committee agreed to grant the application subject to conditions as detailed in the report and the additional condition to install a communal satellite dish and subject to a S106 Legal Agreement.

INFORMATION RELATING TO APPLICATION REF:  
HGY/2006/1839  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
11/12/2006

Location: 72 - 96 Park Road N8

Proposal: Erection of a further two floors to existing 2 storey building to create 4 x two bedroom, 2 x one and 3 x three bedroom flats and 4 additional commercial units. Development includes alterations to elevations, formation of 5 car parking spaces and provision of covered bin storage.

Recommendation: Grant subject to conditions & S106 Agreement

Decision: Grant subject to conditions & S106 Agreement

Drawing No.s: E01-00; E02-00, 01, RF; E08-01, 02, 03, 04, 05;  
P02-00A, 01A, 02A; P08-01A, 02A, 03A, 04A &  
05A.

Conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.  
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority, in particular the amended plans received 23rd November 2006 plans nos: P02-01A, P02-00A, P02-03, P02-02.  
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. The commercial unit shown on the plans hereby approved shall be used for purposes falling within Class A1 (shops), Class A2 (financial and professional services) or Class B1 (business) only and shall not be used for any other purpose.  
Reason: In order to restrict the use of the premises to one compatible with the surrounding area because uses within other classes are not necessarily considered to be acceptable.

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|  | <p>4. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.<br/>Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.</p> <p>5. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.<br/>Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.</p> <p>6. The car parking spaces shown on the approved drawings shall be marked out on the site to the satisfaction of the Local Planning Authority, and these spaces shall thereafter be kept continuously available for car parking and shall not be used for any other purpose without the prior permission in writing of the Local Planning Authority.<br/>Reason: In order to ensure that adequate provision for car parking is made within the site.</p> <p>7. Prior to the occupation of the residential units a scheme for the installation of bollards along the adjoining footway abutting the western and south eastern periphery of this site on Park Road and Lynton Road shall be submitted to and approved in writing by the local authority.<br/>Reason: In order to prevent parking on the forecourt and improve the condition for pedestrians at this location.</p> <p>8. The applicants must ensure that servicing lorries enter and exit Lynton Road, from and onto Park Road respectively, in forward gear.<br/>Reason: To minimise disruption to traffic and bus movements on Park Road.</p> <p>9. Notwithstanding the provisions of Article 4 (1) and Part 25 of Schedule 2 of the General Permitted Development Order 1995, no satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish / arial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.<br/>Reason: In order to prevent the proliferation of satellite dishes on</p> |  |
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	<p>the development.</p> <p>INFORMATIVE: The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.</p> <p>INFORMATIVE: You are advised that this development is under the threshold of residential units that would require provision of affordable units. Any future applications for changes of use from office or retail should take into consideration the existing numbers of residential units for the purposes of calculating the necessary provision of affordable housing.</p> <p>REASONS FOR APPROVAL</p> <p>The proposal should be approved on the grounds that the proposal will utilise the site area to provide a mixed use development, providing a suitable housing mix. The application site is close to the town centre where there are adequate transport links. The overall bulk and scale of the development will not be out of keeping with the area and will not have an adverse affect on the privacy and amenities of any adjoining properties or future occupants compliant with Policies HSG1 New Housing Development, HSG10 Dwelling Mix, UD3 General Principles, UD4 Quality Design, UD6 Mixed Use Development, M10 Parking for Development and SPG3a Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes of the Haringey Unitary Development Plan.</p> <p>Section 106 Yes</p>	
<p><b>PASC137.</b></p>	<p><b>UNIT 7B TOTTENHAM HALE RETAIL PARK, BROAD LANE N15</b></p> <p>Officers presented the report and advised the Committee that this application was within the Tottenham International Framework Area as defined in the London Plan and Unitary Development Plan 2006. In May 2006, new regulations came into effect which required planning permission to be sought for mezzanine floors for retail use over 200 square metres.</p> <p>This application comprised the creation of an internal mezzanine floor providing additional 929sqm of floor space with alterations to the elevations including the insertion of a fire exit door to the front elevation.</p> <p>The proposed additional floor space is considered to be in an appropriate location, appropriate use of the new circular guidance and also complied with the UDP policy.</p> <p>The Committee agreed to grant the application subject to conditions and a S106 Legal Agreement.</p> <p>INFORMATION RELATING TO APPLICATION REF:</p>	

**MINUTES OF THE PLANNING APPLICATIONS SUB-COMMITTEE  
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HGY/2006/2070

FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
11/12/2006

Location: Unit 7B Tottenham Hale Retail Park, Broad Lane  
N15

Proposal: Creation of an internal mezzanine floor providing  
an additional 929sqm of floorspace to be used for  
retail purposes (A1). Alterations to elevations  
including insertion of fire exit door to front  
elevation.

Recommendation: Grant subject to conditions

Decision: Grant subject to conditions

Drawing No.s: 6811/PL 400, 401, 402 & 005E.

Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.  
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.  
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. The mezzanine floorspace hereby approved shall have a gross floor area not exceeding 929 square metres and shall be used for non-food retail purposes only.  
Reason: To avoid a excessive provision of floorspace within the site.

**INFORMATIVE:** The Planning Applications Sub Committee considered that because of the extra floorspace created it is essential to ensure that the car parking area within the retail park is managed to prevent excessively long parking by commuters to the station and other people parking but not shopping by limiting the amount of time that parking is allowed and enforcing any overstaying by non patrons in the car park.

**REASONS FOR APPROVAL**

The proposal meets the sequential criteria set out in PPG6 and policy AC2 of the adopted Unitary Development Plan 2006, and the Tottenham

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	<p>International framework identifies this area as one where a thriving, mixed use community, including significant retail opportunities is appropriate. The proposal is also satisfactory in transport terms.</p> <p>Section 106 No</p>	
<b>PASC138.</b>	<p><b>TREE PRESERVATION ORDERS</b></p> <p>The Committee was informed that no objections had been received in respect of either of the two trees recommended for TPOs.</p> <p><b>RESOLVED</b></p> <p>That the following Tree Preservation Orders be confirmed:</p> <ol style="list-style-type: none"> <li>1. 56 Harcourt Road N22</li> <li>2. 14 Beaconsfield Road N15</li> </ol>	
<b>PASC139.</b>	<p><b>NEW ITEMS OF URGENT BUSINESS</b></p> <p>There were no items of urgent business submitted.</p>	
<b>PASC140.</b>	<p><b>SITE VISITS</b></p> <p>None requested.</p>	
<b>PASC141.</b>	<p><b>DATE OF NEXT MEETING</b></p> <p>Monday 15 January 2007 ~ (Special meeting)  Monday 22 January 2007 ~ (Scheduled meeting)  Monday 26 February 2007 ~ (Scheduled meeting)  Monday 26 March 2007 ~ (Scheduled meeting)</p> <p style="text-align: center;">The meeting ended at 08:10pm</p>	

COUNCILLOR SHEILA PEACOCK

Chair

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**MINUTES OF THE PLANNING APPLICATIONS SUB-COMMITTEE  
MONDAY, 22 JANUARY 2007**

Councillors \*Peacock (Chair), \*Bevan (Deputy Chair), \*Beacham, Demirci, \*Dodds,  
\*Hare, \*Patel, \*Weber and \*Lister

Also Present: Councillors Dobbie, Engert, Meehan, Newton, & Santry.

\* Members present

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
PASC142.	<p><b>APOLOGIES</b></p> <p>Apologies for absence were received from Cllr Adje for whom Cllr Lister was substituting and for lateness from Cllr Lister.</p>	
PASC143.	<p><b>URGENT BUSINESS</b></p> <p>None requested.</p>	
PASC144.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest received.</p>	
PASC145.	<p><b>DEPUTATIONS/PETITIONS</b></p> <p>None received.</p>	
PASC146.	<p><b>MINUTES</b></p> <p><b>RESOLVED</b></p> <p>That the minutes of the Planning Application Sub Committee meeting held on 11 December 2006 be approved and signed as a correct record.</p>	
PASC147.	<p><b>APPEAL DECISIONS</b></p> <p>The Committee noted there were 21 appeal decisions reported. The council had won 2 cases on developments in conservation areas. The employment policy had been agreed by the Inspector. The overall outcome was satisfactory for November 2006.</p> <p>Members offered their congratulations to officers on the excellent work carried out on Appeal decisions and endorsed by the Chair.</p> <p>Cllr Hare entered the meeting at 7:07pm.</p> <p><b>RESOLVED</b></p> <p>That the report be noted.</p>	

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<p><b>PASC148.</b></p>	<p><b>DELEGATED DECISIONS</b></p> <p>Members were asked to note the decisions taken under delegated powers between 27 November 2006 and 17 December 2006.</p> <p><b>RESOLVED</b></p> <p>That the report be noted.</p>	
<p><b>PASC149.</b></p>	<p><b>PERFORMANCE STATISTICS</b></p> <p>The Committee was asked to note that the performance targets were either met or exceeded. The number of applications refused was outlined on a table on page 42 of the agenda and detailed applications received from April 2006. The number of applications refused hovered between 35 and 40%.</p> <p>The Committee was also asked to note the performance statistics on Development Control and Planning Enforcement Action for December 2006.</p> <p><b>RESOLVED</b></p> <p>That the report be noted.</p>	
<p><b>PASC150.</b></p>	<p><b>PLANNING APPLICATIONS</b></p> <p><b>RESOLVED</b></p> <p>That the decisions of the Sub Committee on the planning applications and related matters be approved or refused with the following points noted.</p>	
<p><b>PASC151.</b></p>	<p><b>WESTERN ROAD N22, CLARENDON ROAD N8, GAS HOLDER STATION, SPINE ROAD</b></p> <p>The Committee was advised that this application site consisted of parts of Western Road, Clarendon Road and part of the site of the old Gas Holder Station. The northern end of Western Road fell within Wood Green Conservation Area. The proposal was to construct a new 7.3 metre wide road with some realignment of Western Road and at the junction of Mayes Road. The road would be funded by the Department for Transport Communities Infrastructure Fund.</p> <p>The road was not intended as a relief road for Hornsey Park Road, however the Council would be putting forward a range of traffic calming measures which would go out to consultation. Noise and Air pollution studies had also been carried out to cope with the road.</p> <p>Members questioned officers on traffic movement and the impact</p>	

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of the road on developing the Heartlands Area. Officers responded that it was difficult to assess what the movements would be and that issues would need to be dealt with as part of individual developments. However, they assured the Committee that the road was fit for development.

The Committee also requested clarification on the number of trees to be removed on Western Road and was informed that they had been inspected by the Council Arboriculturalist who confirmed that some were of a poor condition and had decay. It was agreed that if any of the trees could be saved they would be retained.

Objections to the proposal were received on behalf of Avenue Road Residents Association who raised concern that an environmental impact assessment had not been carried out on the development of the road to enable the Council to mitigate harmful effects on the community. Traffic reduction was required on Hornsey Park Road as it was narrow and residential and an HGV analysis needed. If the current proposal was granted un-amended there would be no traffic relief for residents.

Cllr Meehan entered the meeting 7:30pm.

Cllr Newton spoke on behalf of local residents who did not agree that an environmental impact assessment was not needed for this development and requested that one be carried out before the application was finalised and granted.

Cllr Dobbie voiced concern over the consultation process and that Alexandra Park School had not been consulted. His main concern was with respect to the extra traffic that this development would attract for the school and requested the application be withdrawn and reconsidered.

Cllr Lister entered the proceedings at this point 7:35pm.

The Committee discussed the reasons why an environmental impact assessment was not required for the size of this development and were informed that a number of impact assessments had already been carried out. Members agreed to grant the application subject to conditions and a further condition being imposed that a school travel plan be drawn up before the application is implemented.

INFORMATION RELATING TO APPLICATION REF:  
HGY/2006/2062  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
22/01/2007

Location: Western Road, N22, Clarendon Road, N8, Gas Holder Station, Hornsey Park Road.

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<p>Proposal:</p> <p>Recommendation:</p> <p>Decision:</p> <p>Drawing No.s:</p> <p>Conditions:</p>	<p>Construction of a new 7.3m wide road with 2m wide footways on either side (known as The Heartlands Spine Road) between the north end of Clarendon Road, N8 and the south end of Western Road, N22. Realignment of existing road at northern end of Western Road by Alexandra School; realignment at junction of Western Road and Mayes Road (eastern corner of Wood Green Common); improvements to Penstock footpath.</p> <p>Grant subject to conditions.</p> <p>Grant subject to conditions.</p> <p>SS HI 10026 - PL-02 PLAN 10A, SS HI 10026 - PL- 02 PLAN 10B, SS HI 10026 - PL - 02 PLAN 10C, SS HI 10026 - PL-02 PLAN 10D, and 10026-PL-04(PLAN 9), 07 (PLAN 3),08 (PLAN 5), 09 (PLAN 6), 10 (PLAN 8) &amp; 11(PLAN 7).</p> <p>1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. Reason: This condition is imposed by virtue of the provisions of the Planning &amp; Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.</p> <p>2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority. Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.</p> <p>3. No development shall take place until site investigation detailing previous and existing land uses, potential land contamination, risk estimation and remediation work if required have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Reason: In order for the Local Planning Authority to ensure the site is contamination free.</p> <p>4. No development shall take place until full details of both hard and soft landscaping (specifically to include, inter alia, treatment of Wood Green Common and Penstock Path) have been submitted to and approved by the local planning authority, and these works shall be carried out as approved, and any new planting shall be implemented in the first planting season after completion of the road. Any proposed trees or plants which, within a period of 5 years after completion of the development, are dead, removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. These details shall</p>
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include:

- hard surfacing materials
- street furniture and lighting
- boundary treatments
- existing trees to be removed
- new trees and shrubs to be planted, together with a schedule of species

The landscaping scheme once implemented is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order for the local planning authority to assess the acceptability of any landscaping scheme and to retain control over the materials to be used in the development, in the interests of visual amenity.

5. Vehicle wheel washing facilities shall be provided on site before any works start on site and no work shall take place at any time that such wheel washing facilities are not operating.

Reason: To ensure that the implementation of this permission does not prejudice conditions of safety on the adjacent highways.

6. Within 6 months of the completion of the road hereby approved, a School Travel Plan for Alexandra School shall be submitted to the Local Planning Authority to include measures for traffic calming and road safety in the vicinity of the school.

Reason: In order to ensure that the development makes adequate provision for the safe movement of pedestrians and vehicles in the vicinity of the school.

7. The construction works of the development hereby granted shall not be carried out before 0700 or after 2000 hours Monday to Friday or before 0800 or after 1400 hours on Saturday, and not at all on Sunday or Bank Holidays unless the prior approval is obtained in writing from the Local Planning Authority.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

**INFORMATIVE:** You are advised that the Committee wishes to be assured that proposals for traffic calming and traffic management and improvements to pedestrian facilities on Hornsey Park Road/Mayes Road (including arrangements at the Western Road/Mayes Road and the Clarendon Road/Hornsey Park Road junctions) shall be prepared for public consultation.

**REASONS FOR APPROVAL**

The proposal is essential to the redevelopment of the Heartlands site and the regeneration of this area. Although there are traffic issues that will arise when the redevelopment itself takes place, these will have to be dealt with in the Master Plan for the area, and the road proposal itself is unlikely to produce any significant issues for the local environment and will provide some relief to Hornsey Park Road. The scheme largely

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	<p>complies with Policies AC1 "The Heartlands/Wood Green", M1 "Improvements", and Schedule 7 "Road Proposals", M7 "Road Schemes", the Haringey Heartlands Framework Supplementary Planning Guidance" and OS3 "Significant Local Open Land", and is considered acceptable.</p> <p>Section 106 - No</p>	
<p><b>PASC152.</b></p>	<p><b>COLERIDGE PRIMARY SCHOOL &amp; FORMER TUC CENTRE SITE CROUCH END HILL N8</b></p> <p>The Committee was informed that Coleridge Primary School and Former TUC Centre fall within the Crouch End Conservation Area. The proposal was to demolish the 3 storey wings on either side of the existing main building and replace with single and 2 storey teaching wings. These would blend in with the existing buildings and associated landscaping would enable the expansion of Coleridge Primary School.</p> <p>Officers advised that since the publication of the report the Authority had received:</p> <ol style="list-style-type: none"> <li>1. Three additional objections from residents</li> <li>2. A letter from the Chair of the PTA of Ashmount School stating that a new school was not needed.</li> <li>3. A tabled email from Cllr Winskill raising concerns about traffic.</li> </ol> <p>Several local residents spoke and raised objections to the traffic plans which were believed to be fatally flawed as there would be a further two hundred car journeys to and from the school. The surrounding roads were already to capacity in terms of available parking spaces and would make safety a major issue. Objectors questioned how consistently the Council applied decision making to applications within the area. There had been two previous smaller applications for nurseries which had been refused due the increased level of traffic that would have been caused.</p> <p>The Chair of Governors, Coleridge Primary School spoken in favour of the application, of the school's excellent ofsted report and ethos would not be lost in a bigger school. There were many benefits about the expansion which would bring improvements. The school's original concerns had now been allayed by the report from Tucker Morgan and the recommendation for a school travel plan.</p> <p>Cllr Engert entered the meeting 8:10pm</p> <p>The Committee discussed the proposal in detail and questioned all parties on the issues raised:</p> <ul style="list-style-type: none"> <li>• Increased traffic and calming measures</li> <li>• Design of the new buildings and materials to be used –</li> </ul>	

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retention of the Victorian house.

- The use of the buildings and layout of nursery, classrooms, library and staff rooms.
- Parking for teachers
- The possible widening of pavement in front of the TUC site by moving the front wall and rebuilding it further back from the road.

Cllr Santry entered the meeting 9:00pm

The Chair moved to a vote to grant the application. Members voted 6 in favour, 1 against and 1 abstention. The application was granted subject to conditions and a further condition to implement a school travel plan prior to the school being opened. Members voted not to impose a condition restricting evening use of the building.

INFORMATION RELATING TO APPLICATION REF:  
HGY/2006/2234  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
22/01/2007

Location: Former TUC Centre Site, Crouch End Hill And Coleridge Primary School, Crescent Road Crouch End Hill N8

Proposal: 1. Demolition of 3 storey wings on either side of existing main buildings and replacement with new part single/part 2 storey teaching wings; retention of and alterations to main building, associated landscaping to enable expansion of Coleridge Primary School, and

Proposal: 2. Demolition of existing nursery block, and minor extensions, and provision of additional parking on existing Coleridge School site.

Recommendation: Grant subject to conditions

Decision: Grant subject to conditions

Drawing Numbers: 444.04, 444.05, 444.06, 444.07, 444.100 Rev A; 542-PL-001, 542-PL-010, 542-PL-011, 542-PL-012, 542-0-013, 542-PL-015, 542-PL-050, 542-PL-051, 542-PL-100, 542-PL-110, 542-PL-111, 542-PL-112, 542-PL-113 rev 03, 542-0-114 rev 01, 542-PL-115, 542-PL-150 Rev 02, 542-PL-151 Rev 02, 542-PL-152 Rev 00 & 542-PL-155.

Conditions:

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the

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permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:

- a. those existing trees to be retained.
- b. those existing trees to be removed.
- c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.
- d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual

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amenity of the area.

5. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from the Local Planning Authority.

Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

6. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837:2005 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

7. Details of the proposed foundations in connection with the development hereby approved and any excavation for services shall be agreed with the Local Planning Authority prior to the commencement of the building works.

Reason: In order to safeguard the root systems of those trees on the site which are to remain after building works are completed in the interests of visual amenity.

8. That the levels of all thresholds and details of boundary treatment be submitted to and approved by the Local Planning Authority.

Reason: In order to safeguard the visual amenity of the area and to ensure adequate means of enclosure for the proposed development.

9. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

10. That the accommodation for car parking and/or loading and unloading facilities be specifically submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority before the occupation of the building and commencement of the use; that accommodation to be permanently retained for the accommodation of vehicles of the occupiers, users of, or persons calling at the premises and shall not be used for any other purposes.

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	<p>Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.</p> <p>11. Prior to the development hereby approved being occupied, the applicant shall submit a School Travel Plan incorporating the road safety measures to be taken to address the need to reduce and manage vehicle activity associated with the site, these measures to include those identified within the Coleridge School Road Safety report produced in association with the road safety consultant.</p> <p>Reason: to ensure the proper management of vehicle activity associated with the school.</p> <p><b>REASONS FOR APPROVAL</b></p> <p>The proposal to expand the existing 2-form entry Coleridge Primary School to 4-form entry by redevelopment of the former TUC Centre site and buildings and alterations to the existing school is considered to be acceptable in terms of i) demonstration of educational need, ii) appropriate design which fits in with the local area and the conservation area, iii) traffic, parking and road safety, coupled with the package of highway works identified, and iv) other issues relevant to the scheme. It is considered that the proposed school expansion meets the appropriate planning policy requirements as set out in Policies CW1: New Community Facilities, CSV1: Development In Conservation Areas, CSV5: Alterations &amp; Extensions In Conservation Areas, UD2: Sustainable Design and Construction, UD3: General Principles, UD4: Quality Design, ENV9: Energy Efficiency, ENV10: Renewable Energy and M10: Parking For Development of the Unitary Development Plan 2006 and other relevant guidance.</p> <p>Section 106:           No</p>	
<p><b>PASC153.</b></p>	<p><b>COLERIDGE PRIMARY SCHOOL &amp; FORMER TUC CENTRE SITE CROUCH END HILL N8 ~ CONSERVATION AREA CONSENT</b></p> <p>The Committee was asked to consider Conservation Area Consent for the above demolition. The Committee agreed to grant conservation area consent subject to conditions as planning permission for the above application was granted.</p> <p>INFORMATION       RELATING       TO       APPLICATION       REF: HGY/2006/2235 FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 22/01/2007</p> <p>Location:               Former TUC Centre Site, Crouch End Hill And Coleridge Primary School, Crescent Road, Crouch End Hill N8</p> <p>Proposal:               Conservation Area Consent for:</p>	

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	<p>(1) Demolition of 3 storey wings on either side of existing main buildings and replacement with new part-single/part 2 storey teaching wings; retention of and alterations to main building, associated landscaping to enable expansion of Coleridge Primary School, and</p> <p>(2) Demolition of existing nursery block, and minor extensions, and provision of additional parking on existing Coleridge School site.</p> <p>Recommendation: Grant subject to conditions</p> <p>Decision: Grant subject to conditions</p> <p>Drawing Numbers: 444.04, 444.05, 444.06, 444.07, 444.100 rev A; 524-PL-001, 524-PL-010, 524-PL-011, 524-PL-012, 524-0-013, 524-PL-015, 524-PL-050, 524-PL-051, 524-PL-100, 524-PL-110, 524-PL-111, 524-PL-112, 524-PL-113 rev 03, 524-0-114 rev 01, 524-PL-115, 524-PL-150 rev 02, 524-PL-151 rev 02, 524-PL-152 rev00 &amp; 524-PL-155.</p> <p>Condition:</p> <p>1. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been made and planning permission granted for the redevelopment for which the contract provides.</p> <p>Reason: In order to ensure that the site is not left open and vacant to the detriment of the character and visual amenities of the locality</p> <p>Section 106: No</p>	
<p><b>PASC154.</b></p>	<p><b>COLERIDGE PRIMARY SCHOOL, CRESCENT ROAD N8.</b></p> <p>The Committee was asked to consider the erection of a single storey portakabin to be used as two temporary classrooms in support of the above application to expand Coleridge Primary School. The Committee agreed to grant permission subject to conditions as the above application and conservation area consent were both granted.</p> <p>INFORMATION RELATING TO APPLICATION REF: HGY/2006/2347 FOR PLANNING APPLICATIONS SUB COMMITTEE DATED 22/01/2007</p> <p>Location: Coleridge Primary School, Crescent Road N8</p> <p>Proposal: Erection of 1 x single storey portakabin to be used as two x temporary classrooms in support of Coleridge Primary School expansion project application reference HGY/2006/2234.</p> <p>Recommendation: Grant subject to conditions</p>	

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	<p>Decision: Grant subject to conditions</p> <p>Drawing Numbers: 542-PL-001, 542-PL-015, 542-PL-115, portakabin attachment, site photographs A, B &amp; C.</p> <p>Conditions:</p> <ol style="list-style-type: none"> <li>1. That this permission shall be for a limited period expiring on 31 December 2008 when the building hereby approved shall be removed and the land reinstated to the satisfaction of the Local Planning Authority. Reason: The building, because of its design and siting, is not considered suitable for permanent retention.</li> <li>2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority. Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.</li> </ol> <p><b>REASONS FOR APPROVAL</b></p> <p>The proposed structure will not harm the appearance of the school site generally and will have little impact in terms of loss of sunlight or aspect or overlooking or loss of privacy. Also no additional noise will be caused by the development. The proposal therefore complies with policy CSV1 Development in Conservation Areas and policy UD3 General Principles of the Unitary Development Plan 2006.</p> <p>Section 106: No</p>	
<p><b>PASC155.</b></p>	<p><b>120 - 128 MAYES ROAD N22</b></p> <p>The Committee was informed that this site was formerly occupied by the Job Centre and contained an existing 1950's two storey building stepped back from Mayes Road. There was one tree at the rear of the property which was not worthy of a Tree Preservation Order.</p> <p>The Committee discussed the previous application refused due to the number of dwelling units proposed and thought to be excessive. Members further discussed the bulk, height and footprint of the proposal.</p> <p>Members discussed the scheme and agreed to grant the application subject to conditions and a S106 Legal agreement and the following extra conditions:</p> <ol style="list-style-type: none"> <li>1. That a combined satellite dish system be installed for all of the flats.</li> <li>2. That there be a ten bicycle storage area within the scheme.</li> </ol>	



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The following informatives were also requested:

1. That the scheme is marketed as a car free development.
2. That mail boxes be sited on an internal wall within the development.
3. That Juliette balconies are installed.

INFORMATION RELATING TO APPLICATION REF:  
HGY/2006/2276  
FOR PLANNING APPLICATIONS SUB COMMITTEE DATED  
22/01/2007

Location: 120 - 128 Mayes Road N22

Proposal: Outline planning application for demolition of existing 2 storey job centre and erection of 1 x 3 storey block comprising 1 x one bed, 5 x two bed and 3 x three bed self contained flats.

Recommendation: Grant subject to conditions and S106 Legal Agreement.

Decision: Grant subject to conditions and S106 Legal Agreement.

Drawing No.s: PL(03)001, 002 rev 01, 003 rev 01, 010 rev 03, 011 rev 03, 012 rev 03; PL(04)010 rev 02; PL(05)001 rev 01, 002, 010 rev 02, 011 rev 02, 014 rev 02, 015 rev 02, 021 rev 02, 030

Conditions:

**RECOMMENDATION 1**

The Sub-Committee is recommended to RESOLVE as follows:(1) That OUTLINE planning permission be granted in accordance with planning application no. HGY/2006/2276, subject to a pre-condition that the owners of the application site shall first have entered into an Agreement or Agreements with the Council under Section 106 of the Town & Country Planning Act 1990 (As Amended) and Section 16 of the Greater London Council (General Powers) Act 1974 in order to secure:

(1.1) A contribution of £48,600.00 towards educational facilities within the Borough (£22,906.00 for primary and £25,694.00 for secondary) according to the formula set out in Policy UD10 and Supplementary Planning Guidance 10c of the Haringey Unitary Development Plan July 2006.

(1.2) A contribution of £10,000.00 towards enhancing the cycle routes in the vicinity of this site.

(1.3) A contribution of £10,000.00 towards environmental improvements within the vicinity of the site.

**MINUTES OF THE PLANNING APPLICATIONS SUB-COMMITTEE  
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(1.4) A sum of £200.00 shall be made towards the amendment of the relevant Traffic Management Order(s) (TMO) controlling on-street parking in the vicinity of the site to reflect that the residential units hereby approved shall be designated 'car free' and therefore no residents therein will be entitled to apply for a residents parking permit under the terms of this Traffic Management Order(s) (TMO).

(1.5) Plus 5% of this amount as recovery costs / administration / monitoring which equates to £3,440.00. This gives a total amount for the contribution of £72,240.00.

**RECOMMENDATION 2**

That in the absence of the Agreement referred to in resolution (1) above being completed within two months of the date of approval, planning application reference number HGY/2006/2276 be refused for the following reason:

In the absence of a formal undertaking to secure a Section 106 Agreement for appropriate contribution towards education, cycle route improvements and environmental improvements the proposal is contrary to Policy UD10 'Planning Obligations' of the adopted Haringey Unitary Development Plan (2006) and Supplementary Planning Guidance SPG10a 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG10c 'Educational Needs Generated by New Housing Development'.

**RECOMMENDATION 3**

That following completion of the Agreement referred to in (1) above, planning permission be GRANTED in accordance with planning application no HGY/2006/1975 and Applicant's drawing No.(s) PL(03)001, 002 rev 01, 003 rev 01, 010 rev 03, 011 rev 03, 012 rev 03; PL(04)010 rev 02; PL(05)001 rev 01, 002, 010 rev 02, 011 rev 02, 014 rev 02, 015 rev 02, 021 rev 02, 030 including subject to the following conditions:

1. Application must be made to the Local Planning Authority for approval of any matters reserved in this OUTLINE planning permission, not later than the expiration of 3 years from the date of this permission, and the development hereby authorised must be begun not later than whichever is the later of the following dates, failing which the permission shall be of no effect:
  - a) The expiration of 3 years from the date of this permission.
  - or
  - b) The expiration of 2 years from the final date of the approval of any of the reserved matters.

Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

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2. This permission is granted in OUTLINE, in accordance with the provisions of Regulations 3 & 4 of the Town & Country Planning (General Development Procedure) 1995 and before any development is commenced, the approval of the Local Planning Authority shall be obtained to the following reserved matters, namely:

- a) external appearance
- b) landscaping.

Full particulars of these reserved matters, including plans, sections and elevations, all to an appropriate scale, and any other supporting documents indicating details of

- B1) the materials to be used on all external surfaces
- B2) details of boundary walls, fencing and other means of enclosure

shall be submitted to the Local Planning Authority for the purpose of obtaining their approval, in writing. The development shall then be carried out in complete accordance with those particulars.

Reason: In order to comply with Article 2 of the Town & Country Planning (Applications) Regulations 1988, which requires the submission to, and approval by, the Local Planning Authority of reserved matters.

3. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.

5. That details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.

6. That a detailed scheme for the provision of refuse and waste storage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the

**MINUTES OF THE PLANNING APPLICATIONS SUB-COMMITTEE  
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commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

7. No development shall commence until 2) and 3) below are carried out to the approval of London Borough of Haringey.

1. The Applicant will submit a site-wide energy strategy for the proposed development. This strategy must meet the following criteria:

(a) Inclusion of a site-wide energy use assessment showing projected annual demands for thermal (including heating and cooling) and electrical energy, based on contemporaneous building regulations minimum standards. The assessment must show the carbon emissions resulting from the projected energy consumption.

(b) The assessment should demonstrate that the proposed heating and cooling systems have been selected in accordance with the following order of preference: passive design; solar water heating; combined heat and power for heating and cooling, preferably fuelled by renewables; community heating for heating and cooling; heat pumps; gas condensing boilers and gas central heating. The strategy should examine the potential use of CHP to supply thermal and electrical energy to the site. Resulting carbon savings to be calculated.

(c) Inclusion of onsite renewable energy generation to reduce the remaining carbon emissions (i.e. after (a) is accounted for) by 10% subject to feasibility studies carried out to the approval of LB Haringey.

3. All reserved matters applications must contain an energy statement demonstrating consistency with the site wide energy strategy developed in 2). Consistency to be approved by LB Haringey prior to the commencement of development.

Reason: To ensure the development incorporates energy efficiency measures including on-site renewable energy generation, in order to contribute to a reduction in Carbon Dioxide Emissions generated by the development in line with national and local policy guidance.

8. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days unless previously approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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9. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

10. No development shall take place until site investigation detailing previous and existing land uses, potential land contamination, risk estimation and remediation work if required have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: In order for the Local Planning Authority to ensure the site is contamination free.

11. Notwithstanding the Provisions of Article 4(1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish or aerial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to prevent the proliferation of satellite dishes on the development.

12. A detailed scheme for the provision of covered cycle storage shall be submitted to and approved by the Local Planning Authority prior to the commencement of works. Such scheme shall be implemented and permanently retained thereafter.

Reason: In order to provide satisfactory facilities for the benefit of residents using cycles as a means of transport.

INFORMATIVE: No residents will be entitled to apply for a residents parking permit under the terms of the relevant Traffic Management Order controlling on-street parking in the vicinity of the development.

INFORMATIVE: The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: The proposed development requires a redundant crossover to be removed. The necessary works will be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020-8489 1316 to obtain a cost estimate and to arrange for the works to be carried out.

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INFORMATIVE: - In regards to surface water drainage Thames Water point out that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding. Thames Water recognises the environmental and economic benefits of surface water source control and encourages its appropriate application where it is to the overall benefit of our customers. Hence, in the disposal of surface water, Thames Water will recommend that the Applicant a) Looks to ensure that new connections to the public sewerage system do not pose an unacceptable threat of surcharge, flooding or pollution b) check the proposals are in line with advice from the DETR which encourages, wherever practicable, disposal on site without recourse to the public sewerage system - for example in the form of soakaways or infiltration areas on free draining soils c) looks to ensure the separation of foul and surface water sewerage on all new developments.

INFORMATIVE:- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

INFORMATIVE: Pursuant to Condition 2(a) above, in considering detailed drawings of the proposed development, the Council will wish to see (1) only small "Juliette" type balconies on the front (south west) elevation, rather than large balconies, and (2) provision for post or mail boxes to be inside the building rather than located on the external wall.

#### REASONS FOR APPROVAL

The current application follows the refusal of previous schemes for the site. The height, mass, scale and position of the proposed building on site is now considered to be acceptable and has incorporated appropriate changes in response to the planning issues identified in the previous refusal. The proposed development will not give rise to a significant loss of privacy or result in a significant degree of overlooking to neighbouring properties and in fact the reduction of the building footprint when compared to the existing building will improve the daylight/ sunlight levels received to the front gardens and windows along the front elevation of these nearest properties in Jack Barnet Estate. The proposed development is considered consistent with Policies UD3 'General Principles', UD4 'Quality Design', HSG1 'New Housing Developments', HSG2 'Change of use to Residential', HSG9 'Density Standards', HSG10 'Dwelling Mix', M3 'New Development Location and Accessibility', M9 'Car Free Residential Development' and UD10 'Planning Obligations' of the Haringey Unitary Development Plan (2006) plan and SPG1a 'Design Guidance and Design Statements', SPG3b 'Privacy / Overlooking, Aspect / Outlook and Daylight / Sunlight', SPG10a 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG10c 'Educational Needs Generated by New Housing Development'.

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	Section 106 - Yes	
<b>PASC156.</b>	<b>NEW ITEMS OF URGENT BUSINESS</b>  There were no items of urgent business submitted.	
<b>PASC157.</b>	<b>SITE VISITS</b>  None requested.	
<b>PASC158.</b>	<b>DATE OF NEXT MEETING</b>  Monday 26 February 2007 ~ scheduled meeting. Monday 26 March 2007 ~ scheduled meeting. Tuesday 17 April 2007 ~ scheduled meeting. Monday 14 May 2007 ~ scheduled meeting.	

COUNCILLOR SHEILA PEACOCK  
Chair

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**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**17<sup>th</sup> October 2006**

Councillors \*Gmmh Rahman Khan (Chair), \*Bevan (Deputy Chair),  
\*Aitken, Basu, Beacham, Butcher, \*Mallett and \*Wilson.  
[\* Members present)

In attendance: \*Howard Jones (Advisor to Trustees) and Roger Melling  
(Designated Union Representative).

**1. APOLOGIES FOR ABSENCE AND INTRODUCTION:**

Apologies for absence were received from Councillor Basu, Roger Melling and from Andrew Travers.

**2. URGENT BUSINESS:**

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST:**

Those Trustees who were members of the Haringey LGPS declared their interest.  
Cllr Wilson declared a personal interest, in that he is employed by the Association of British Insurers.

**4. MINUTES:**

**RESOLVED:**

That the Minutes of the meetings held on 15<sup>th</sup> June 2006 and 29<sup>th</sup> June 2006, be confirmed and signed as accurate records.

**5. ATTENDANCE BY FOUR FUND MANAGERS:**

Each was given approximately 10 minutes for presentation, followed by questions from the Trustees:

- Wellington**
- Bernstein**
- Capital**
- Fidelity**

**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**17<sup>th</sup> October 2006**

i) Wellington

Fund performance was 0.14% above benchmark and 0.26% below target in the quarter to June 2006. Annualised performance since inception was 1.69% below benchmark and 3.69% below target.

An introduction was given by the fund manager describing their model used, with a performance summary of the Haringey Fund. Performance, together with returns had again been disappointing, worst segments being telecoms, consumer discretionary and financials. To help in rectifying the current trends, the company reported that added resources were now in place to improve performance, with an increase in fundamental analysts in Europe. It was considered that US inflation was past its peak. Problems with various investments within the LBH portfolio were mentioned. The Chair highlighted the Panel's wish to see a reversal in performance and hoped that the changes in resources would produce the desired results.

ii) Bernstein

Fund performance was 0.17% below benchmark and 0.67% below target in the quarter to June 2006. Annualised performance since inception was 0.17% above benchmark and 1.83% below target.

Following an introduction and reassurances, the fund managers gave a summary of investment of the Haringey Fund, together with an up-to-date valuation. The fund managers outlined their approach for investing. A range of returns had been noted on the UK stockmarket, best segments being consumer cyclicals and medical. The FTSE 250 had risen, with mid cap stocks at a premium since 2004. UK banks were attractively valued and pub chains, with the impending smoking ban, highlighted. The Chair indicated that he was happy with the performance and wished to see this continued.

iii) Capital

Fund performance was 0.47% below benchmark and 0.86% below target in the quarter to June 2006. Annualised performance since inception was 0.35% below benchmark and 1.63% below target.

After an introduction on the investment process and reassurances, the fund manager reported a quarter with stock selection explained as having caused the under-performance, particularly on UK and overseas equities. There had been a reduced over-exposure in emerging markets. This was detailed and a reassessment of their approach explained. Commission paid had fallen sharply and the fees structure for bonds would be reviewed. Reassurance was given by the fund manager of 100% care of the fund and the Chair indicated that he was happy with the past performance and hoped that this would continue, with a good third quarter.

**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**17<sup>th</sup> October 2006**

iv) Fidelity

Fund performance was 0.7% below benchmark and 1.00% below target in the quarter to June 2006. Annualised performance since inception was 0.2% above benchmark and 0.8% below target.

A summary was given on Fidelity's operation as a fund manager, with a diverse investment strategy led by research and a portfolio built in a risk controlled way. The Haringey fund portfolio position was summarised. They reported on positive European equity markets (ex UK), whilst UK equities were a significant detractor. US, Japanese and emerging market equities also produced reduced performance.

With regard to the markets, there were concerns about the slowdown in economic growth and reduction in UK equities. Bonds had been invested in a cautious manner without high interest rates.

**RESOLVED:**

That the reports presented individually by Wellington, Bernstein, Capital and Fidelity each be accepted with the added reassurances of care and expertise by each of the fund managers.

**6. FUND PERFORMANCE UPDATE:**

It was reported that the fund had increased in absolute terms since inception to the end of June 2006 by 16.65% (annualised), but had under performed against the gross benchmark and target by 0.45% and 2.10% respectively, in annualised terms. Bernstein and Fidelity had met their agreed benchmarks to date. The annualised performance of Capital was 0.40% below benchmark and ING was 0.35% below benchmark to date.

The performance of Wellington was still a concern as annualised under-performance compared to benchmark and target since inception were 2.04% and 4.04% respectively. Performance in the quarter to June 2006 was 0.51% below target. This would continue to be monitored carefully, as agreed as part of the health-check.

As previously requested, ING'S benchmark had started to become more volatile as the constituent holdings had grown significantly. As part of the review of investment strategy it would be considered whether to change this benchmark, as this would involve taking more risk in order to outperform.

It was reported that, in overall terms, spend to date was within the approved budget. The current surplus was being monitored carefully, so that any net gain was invested at the appropriate time, in line with the new investment strategy.

With regards to providing training for Trustees, it was reported that this would be undertaken over two days, on 2<sup>nd</sup> November and 22<sup>nd</sup> November 2006 at Alexandra Palace.

The Panel had previously agreed that the Updated Statement of Investment Principles (SIP) would be updated annually and the revised version was presented. The main change was that the data had been updated to 31<sup>st</sup> March 2006.

**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
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**RESOLVED:**

That the Fund Performance, as at the end of June 2006, be noted together with recommendations made.

**7. FUND ADMINISTRATION UPDATE:**

This was the first separate report on 'Fund Administration Update'. The report set out the administration updates to the end of 30<sup>th</sup> September 2006 and the quarterly statistical reports, on early retirements and appeals, to 30<sup>th</sup> June 2006.

In considering Salary Sacrifice schemes for Haringey Staff, contracts of employment would be amended to state that the value of the Salary Sacrifice was a pensionable element of pay. This was to ensure that the deduction of pension contributions could not be challenged.

It was proposed that it would be reasonable to set a benchmark for each employing body's ill health retirements, as part of the next Fund Valuation at 31<sup>st</sup> March 2007. From that date onwards, ill health retirements would be monitored and any likely impact on employer contribution rates flagged up to the employers at an early stage.

The Chair requested that additional items be included in future reports.

**RESOLVED:**

That the Fund Administration Update, as at the end of September 2006, be noted together with recommendations made.

**8. BUSINESS PLAN 2006 – 07:**

The first Business Plan that had been prepared for the Pensions Fund was presented. This would be updated on an annual basis, as necessary. The Plan included key information relating to the Pensions Fund, including Trustees, officers, advisors and external key providers of services, the Local Government Pension Scheme, how the Service was structured and delivered, Admitted and Scheduled Bodies, Fund membership, Pension Fund accounts for 2006/07 (including the actuarial position), internal and external audit reports, Statement of Investment Principles (SIP), Funding Strategy Statement (FSS), Fund Managers, Master Custodian and external advice, and the Budget for 2006/07.

**RESOLVED:**

That the 2006 – 07 Business Plan be accepted.

**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**17<sup>th</sup> October 2006**

**9. NEW ITEMS OF URGENT BUSINESS:**

There were no New Items of Urgent Business.

**10. EXCLUSION OF PRESS AND PUBLIC:**

The following item is likely to be the subject of a motion to exclude the press and public from the meeting as they contain 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely that it contains terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**11. EXEMPT MINUTES :**

**RESOLVED:**

That the Exempt Minutes of the meetings held on 29<sup>th</sup> June and 26<sup>th</sup> July 2006 be confirmed and signed as accurate records.

**12. NEW ITEMS OF URGENT EXEMPT BUSINESS:**

There were no New Items of Urgent Exempt Business.

The meeting ended at 21.25 hours.

Signed.....

Date.....

**COUNCILLOR Gmmh RAHMAN KHAN**  
**CHAIR.**

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**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**20<sup>th</sup> November 2006**

Councillors \*Gmmh Rahman Khan (Chair), \*Bevan (Deputy Chair),  
\*Basu, \*Beacham, \*Butcher, Davies, Mallett and Wilson.  
[\* Members present]

In attendance: \*Howard Jones (Advisor to Trustees) and Roger Melling  
(Designated Union Representative).

**1. APOLOGIES FOR ABSENCE AND INTRODUCTION:**

Apologies for absence were received from Cllrs Mallett and Wilson and Roger Melling  
(Designated Union Representative).

**2. URGENT BUSINESS:**

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST:**

Those Trustees who were members of the Haringey LGPS declared their personal  
interest.

**NEW ITEMS OF URGENT BUSINESS:**

There were no new items of urgent business.

**4. TO EXTEND AND VARY THE CONTRACT FOR THE PROVISION OF ACTUARIAL  
AND INVESTMENT SERVICES :**

The report set out the results of work to agree the contract for the provision of actuarial  
and investment services to the Pensions Fund. The report recommended that the  
contract be extended from 1<sup>st</sup> June 2005 to 31<sup>st</sup> May 2007 on existing terms. The  
terms and conditions of the contract would then be varied, and extended for a further  
period from 1<sup>st</sup> June 2007 to 31<sup>st</sup> May 2008. £1.5m professional indemnity insurance  
would replace the unlimited indemnity which meets Council requirements. Following  
this, it was proposed that the service provision would be tendered to provide market  
testing. The triennial valuation was to take place in June 2007 and would be  
successfully concluded prior to the tendering exercise. Following discussion Trustees  
requested that the issue of limited professional indemnity be considered further.

**RESOLVED:**

It was confirmed that the existing contract expired in May 2005 and contained  
unlimited liability. However, following discussion, it was agreed to extend the contract  
to May 2007 with the continuation of unlimited liability. The second extension from  
June 2007 was not agreed. Officers were asked to report back on options for the

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second extension from June 2007 including the cost of retaining unlimited liability. It was further confirmed that the contract should include a statement on sustainability, with due consideration to be given to the environment.

- 5. **EXCLUSION OF THE PRESS AND PUBLIC:** The following items are likely to be the subject of a motion to exclude the press and public from the meeting as they contain 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely that they contain terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services
- 6. **EXEMPT ITEM – REVIEW OF INVESTMENT STRATEGY:**
- 7. **NEW ITEMS OF URGENT EXEMPT BUSINESS :**

There were no new items of urgent exempt business.

The meeting ended at 20.10 hours.

Signed.....

Date.....

**COUNCILLOR Gmmh RAHMAN KHAN  
CHAIR.**



**MINUTES OF A MEETING OF THE PENSIONS PANEL:**  
**29<sup>th</sup> January 2007**

Councillors \*Gmmh Rahman Khan (Chair), Bevan (Deputy Chair), Aitken, \*Basu, \*Beacham, \*Butcher, \*Mallett and \*Wilson.  
[\* Members present)

In attendance: \*Howard Jones (Advisor to Trustees) and \*Roger Melling (Designated Union Representative).

**1. APOLOGIES FOR ABSENCE AND INTRODUCTION:**

Apologies for absence were received from Councillors Aitken and Bevan.

**2. URGENT BUSINESS:**

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST:**

The Chair and Cllr Mallett declared a personal and prejudicial interest in Agenda Item 11, Part 2 (Update to Policy Statement on Pension Scheme Discretions) ~ this was not actually taken at the meeting.

Those Trustees who were members of the Haringey LGPS declared their interest (Cllrs Khan, Butcher, Mallett and Wilson). Cllr Wilson declared a personal interest, in that he is employed by the Association of British Insurers.

**4. MINUTES:**

**RESOLVED:**

That the Minutes of the meeting held on 5<sup>th</sup> October 2006 be confirmed and signed as an accurate record.

**5. ATTENDANCE BY MASTER CUSTODIAN, NORTHERN TRUST :**

Northern Trust were given approximately 15 minutes for their presentation, followed by questions from the Trustees.

Northern Trust gave their presentation to the Panel, outlining their business strategy and organisation's role as the Haringey LGPS Custodian and Performance Manager. The public sector was their key market. The role of the custodian was to ensure that the transactions of the Haringey LGPS were settled quickly and with minimal financial impact. They did not have control over the decisions as to what shares were bought or sold, which was a matter for the fund managers. The status of custodian was one that had become more common since the Maxwell Report, as that had recommended the separation of the functions of asset management from those of safekeeping of those assets. Northern Trust had also been the commission recapture agent for the LGPS since November 2005.

The Chair stated that he was happy with the performance and service of Northern Trust. The

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challenges for a custodian included ensuring that information relating to transactions was provided in a timely, accurate and automated fashion. The monitoring system used was developed in-house and based on double-entry principles.

**RESOLVED:**

That the presentation and report by Northern Trust be noted.

**6. ATTENDANCE BY FOUR FUND MANAGERS:**

Each was given approximately 10 minutes for presentation, followed by questions from the Trustees:

- **Fidelity**
- **Capital**
- **Bernstein**
- **Wellington**

i) Fidelity

Fund performance was 0.5% below benchmark and 0.8% below target in the quarter to September 2006. Annualised performance since inception was on benchmark, but 1.0% below target.

The Haringey fund portfolio position was summarised and Fidelity's operation as a fund manager. Their investment strategy was led by research and a portfolio built in a risk controlled way. They reported on UK and US equities detracting from performance and Japanese and emerging market equities also produced reduced performance. They reported that in May and June 2006 equity markets had been volatile with turbulence in Q2. there had been less concern about inflation in Q3, with a reduction in the oil price, less tension in the Middle East and earnings expectations moderated. These trends were continuing in Q4, where an improvement had been noted.

ii) Capital

Fund performance was 1.27% above benchmark and 0.90% above target in the quarter to September 2006. Annualised performance since inception was 0.04% above benchmark and 1.25% below target.

UK equities accounted for the out-performance during the last quarter, with the fund manager reporting that stock selection had produced this out-performance. Turnover in the latest quarter continued to be low, with 6.0% of the portfolio in the last two quarters, compared with 41.03% for the last year to date.

Reassurance was given by the fund manager of 100% care of the fund and the Chair indicated that he was happy with the performance and hoped that this would continue.

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iii) Bernstein

Following an introduction and reassurances, the fund managers gave a summary of investment of the Haringey Fund, together with an up-to-date valuation. Fund performance was 0.27% above benchmark and 0.23% below target in the quarter to September 2006. Annualised performance since inception was 0.24% above benchmark and 1.76% below target. A range of returns had been noted on the UK stockmarket, with the best segments in the last quarter being financials and consumer cyclicals, whilst the worst performer was that of industrial commodities. The Chair indicated that he was happy with the performance and wished to see this continue.

iv) Wellington

Fund performance was 1.53% below benchmark and 2.03% below target in the quarter to September 2006. Annualised performance since inception was 2.13% below benchmark and 4.13% below target. An introduction was given by the fund manager describing their model used, with a performance summary of the Haringey Fund. Performance, together with returns had again been disappointing, worst segments being industrials and energy. In an attempt to help in rectifying the current trends, the company reported that added resources were now in place to improve performance, with an increase in fundamental analysts in Europe. Problems with various investments within the LBH portfolio were mentioned. It was considered that US inflation was past its peak. The Chair highlighted the Panel's wish to see a reversal in performance and hoped that the changes mentioned in resources would produce the desired results.

**RESOLVED:**

That the reports presented individually by Fidelity, Capital, Bernstein, and Wellington each be accepted with the added reassurances of care and expertise by each of the fund managers.

**7. FUND PERFORMANCE UPDATE:**

It was reported that the fund had increased in absolute terms since inception to the end of September 2006 by 16.55% (annualised), but had under performed against the gross benchmark and target by 0.39% and 2.04% respectively, in annualised terms. Bernstein and Capital had met their agreed benchmarks to date. The annualised performance of Fidelity was 0.03% below benchmark and ING was 0.1% below benchmark to date.

The performance of Wellington was still a concern as annualised under-performance compared to benchmark and target since inception were 2.41% and 4.41% respectively. Performance in the quarter to September 2006 had increased to 2.07% below target. This would continue to be monitored carefully.

It was reported that, in overall terms, spend to date was within the approved budget. The current surplus was being monitored carefully, so that any net gain was invested at the appropriate time, in line with the new investment strategy.

It was reported that training for Trustees, had been undertaken over two days, on 2<sup>nd</sup>

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November and 22<sup>nd</sup> November 2006 at Alexandra Palace.

**RESOLVED:**

That the Fund Performance, as at the end of September 2006, be noted together with recommendations made.

**8. FUND ADMINISTRATION UPDATE:**

The report set out the administration updates and the quarterly statistical reports on early retirements and appeals to the end of December 2006.

Following the outcome on the new look LGPS consultation the government had opted for Option B. This was summarised, to provide a pension only based on an accrual rate of 1/60<sup>th</sup> of Final Pay. Members would have the option to convert pension to lump sum on the basis of £12 Lump Sum for every £1 of pension given up.

**The ill-health retirement package will be revised to provide a higher level of benefits for total incapacity, and with different levels of benefits to recognise lesser incapacities. There is no proposal to review awards of ill health benefits in payment.**

**There will be a tiered contribution rate of 5.5% on the first £12000 and 7.5% on the remaining balance. The average contribution is estimated to be 6.3%**

**The increase in employee contributions has acted to reduce the Benchmark Fund Cost for future service from 20.9% to 14.2% for existing members. The Benchmark Cost was calculated by the Government Actuary's Department, but Hymans will advise on how the revised package will impact on the Haringey Fund.**

**Benefits accrued on membership to 31<sup>st</sup> March 2008 will be fully protected.**

**To assist with the ongoing monitoring of the scheme DCLG propose setting up a Policy Group which will focus on strategic issues and to advise on future cost sharing.**

**Draft regulations were issued on 2<sup>nd</sup> January 2007 for consultation. A separate set of Administration Regulations are awaited. These will carry over the provisions of the existing scheme but also include new provisions for :-**

- 8.**
- Pension Administration Strategy Documents
  - Governance Pension Fund Annual Reports
  - Ill Health Retirement Guidance

**There are no changes to the scheme for Councillor Members.**

In considering Salary Sacrifice schemes for Haringey Staff, contracts of employment would be amended to state that the value of the Salary Sacrifice was a pensionable element of pay. This was to ensure that the deduction of pension contributions could not be challenged.

It was proposed that it would be reasonable to set a benchmark for each employing body's Ill health retirements, as part of the next Fund Valuation at 31<sup>st</sup> March 2007. From that date onwards, ill health retirements would be monitored and any likely impact on employer

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contribution rates flagged up to the employers at an early stage.

The Chair requested that additional items be included in future reports.

**RESOLVED:**

That the Fund Administration Update, as at the end of September 2006, be noted together with recommendations made.

**BUSINESS PLAN 2006 – 07:**

The first Business Plan that had been prepared for the Pensions Fund was presented. This would be updated on an annual basis, as necessary. The Plan included key information relating to the Pensions Fund, including Trustees, officers, advisors and external key providers of services, the Local Government Pension Scheme, how the Service was structured and delivered, Admitted and Scheduled Bodies, Fund membership, Pension Fund accounts for 2006/07 (including the actuarial position), internal and external audit reports, Statement of Investment Principles (SIP), Funding Strategy Statement (FSS), Fund Managers, Master Custodian and external advice, and the Budget for 2006/07.

**RESOLVED:**

That the 2006 – 07 Business Plan be accepted.

**9. NEW ITEMS OF URGENT BUSINESS:**

There were no New Items of Urgent Business.

**10. EXCLUSION OF PRESS AND PUBLIC:**

The following item is likely to be the subject of a motion to exclude the press and public from the meeting as they contain 'exempt' information as defined in Section 100A of the Local Government Act 1972, namely that it contains terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**11. EXEMPT MINUTES :**

**RESOLVED:**

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That the Exempt Minutes of the meetings held on 29<sup>th</sup> June and 26<sup>th</sup> July 2006 be confirmed and signed as accurate records.

**12. NEW ITEMS OF URGENT EXEMPT BUSINESS:**

There were no New Items of Urgent Exempt Business.

The meeting ended at 21.25 hours.

Signed.....

Date.....

**COUNCILLOR Gmmh RAHMAN KHAN**  
**CHAIR.**

**General Purposes Committee on 8 March 2006**

Report Title: **Implementation of the Gambling Act 2005**

Report of: **The Head of Legal Services and Monitoring Officer**

**Wards affected: All**

**Report for: Recommendation to Council**

**1. Purpose**

1.1 To ask the Committee to make recommendations to full Council on proposed arrangements to implement the Gambling Act 2005 involving amendments to the terms of reference of full Council, the Licensing Committee, the Licensing Sub-Committees, the scheme of delegation to officers and the Local Licensing Procedure Rules

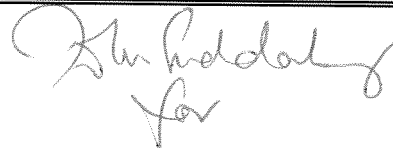
**2. Recommendations**

2.1 That Members note the report to the Licensing Committee, attached as Appendix 1 to this report, and the views of that Committee at its meeting on 20 February as set out in paragraph 5.2 of this report.

2.2 That Members of the General Purposes Committee recommend to Annual Council the amendments to the terms of reference of full Council, the Licensing Committee, the Licensing Sub-Committees, the scheme of delegation to officers and the Local Licensing Procedure Rules as set out in Appendices 2, 3, 4, 5 and 6 to this report.

2.3 That Members note that the adoption of the amended terms of reference of the Licensing Sub-Committees, the amended scheme of delegation to officers and the amended Local Licensing Procedure Rules by Annual Council must be subject to the formal confirmation of those matters by the June meeting of the Licensing Committee.

Report authorised by:



**Davina Fiore, Head of Legal Services and Monitoring Officer**

**Contact officer: Terence Mitchison – Senior Project Lawyer, Corporate**

**Telephone: 020 8489 5936**

[terence.mitchison@haringey.gov](mailto:terence.mitchison@haringey.gov)

### **3. Executive Summary and Reasons for Change**

3.1 The Gambling Act 2005 comes fully into force by 1 September 2007. New statutory powers under the Act will be given to the Council and its Licensing bodies and so their terms of reference will need to be amended. Changes will also be needed to the scheme of delegation to officers and the Local Licensing Procedure Rules in order that hearings can be held into applications under the Act and related statutory functions can be discharged.

### **4. Local Government (Access to Information) Act 1985**

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

(i) the Council's Constitution (ii) Gambling Commission Guidance on the Gambling Act 2005 (iii) Local Licensing Procedure Rules and (iv) draft Regulations on Conducting Hearings under the Gambling Act 2005.

### **5. Report**

- 5.1 Members of the General Purposes Committee will find attached, as Appendix 1 to this report, the report submitted to the Licensing Committee at its meeting on 20 February 2007. The Licensing Committee is the body with responsibility for monitoring the successful implementation of the Gambling Act 2005 and therefore it was consulted first.
- 5.2 At the meeting on 20 February Licensing Committee Members considered the report attached as Appendix 1 and agreed with all the recommendations in paragraphs 2.1 to 2.6 of that report. The Committee approved the content of Appendices 2, 3, 4, 5 and 6 to that report which are the same numbered Appendices to this report.
- 5.3 The General Purposes Committee is responsible for making recommendations for the amendment of the Constitution to full Council. As explained in the report to the Licensing Committee, the coming into force of the Gambling Act 2005 will create new powers for Haringey as the Local Licensing Authority. This will require changes to the terms of reference of the full Council, the Licensing Committee, and its Sub-Committees. The Scheme of Delegation to Officers and the Local Licensing Procedure Rules must also be amended to take account of the 2005 Act. All these are matters that will involve formal amendments to the Council's Constitution.
- 5.4 The new statutory powers in the Gambling Act 2005 only come into force after the end of April 2007. For this reason the formal decisions of the full Council cannot be made before then and will have to be delayed until the Annual Council meeting on 21 May.
- 5.5 For legal reasons the Licensing Committee itself must confirm the terms of reference of its Licensing Sub-Committees, the powers delegated to officers under the Gambling Act 2005 and the amendments to the Local Licensing Procedure Rules.



These matters would be recommended to Annual Council for adoption subject to subsequent confirmation by the meeting of the Licensing Committee in June 2007.

## **6. Recommendations**

6.1 That Members note the report to the Licensing Committee attached as Appendix 1 to this report and the views of that Committee at its meeting on 20 February as set out in paragraph 5.2 of this report.

6.2 That Members of the General Committee recommend to Annual Council the amendments to the terms of reference of full Council, the Licensing Committee, the Licensing Sub-Committees, the scheme of delegation to officers and the Local Licensing Procedure Rules as set out in Appendices 2, 3, 4, 5 and 6 to this report.

6.3 That Members recommend the adoption of the amended terms of reference of the Licensing Sub-Committees (Appendix 4), the amended scheme of delegation to officers (Appendix 5) and the amended Local Licensing Procedure Rules (Appendix 6) to Annual Council subject to the formal confirmation of those matters by the June meeting of the Licensing Committee.

## **7. Equalities Implications**

7.1 There are no specific equalities implications

## **8. Comments of the Director of Corporate Resources**

8.1 There are no specific financial implications

## **9. Comments of the Head of Legal Services**

9.1 The legal implications are set out in the main part of the report.

## **10. Use of Appendices**

10.1 Appendix 1 to this report is the report to the meeting of the Licensing Committee on 20 February 2007.

10.2 Appendix 2 to this report sets out the proposed amendment to the terms of reference of the full Council in Parts E.1 and E.7 of the Constitution.

10.3 Appendix 3 to this report sets out the proposed amendments to the terms of reference of the Licensing Committee in Part E.7 of the Constitution.

10.4 Appendix 4 to this report sets out the proposed amendments to the terms of reference of the Licensing Sub-Committees in Part E.7 of the Constitution.

10.5 Appendix 5 to this report shows the proposed amendments to section 4 of Part F.7 of the Constitution (Scheme of Delegation to Officers)

10.6 Appendix 6 to this report shows the proposed changes to the Local Licensing Procedure Rules in Part C.9 of the Constitution.

Agenda item:

**Licensing Committee on 20 February 2007**
**Report Title: Implementation of the Gambling Act 2005**
**Report of: The Head of Legal Services and Monitoring Officer**
Forward Plan ref. no. **N/A**Wards Affected: **All**Report: **Recommendation to Full Council**
**1. Purpose**

- 1.1 To consult the Licensing Committee on proposed arrangements to implement the Gambling Act 2005 involving amendments to the terms of reference of full Council, the Licensing Committee and the Licensing Sub-Committees, the scheme of delegation to officers and the Local Licensing Procedure Rules

**2. Recommendations**

- 2.1 To note the Briefing on the Gambling Act attached as Appendix 1 to this report.
- 2.2 That Members approve in principle the amended terms of reference of the full Council, the Licensing Committee and the Licensing Sub-Committees as set out in Appendices 2, 3, and 4 to this report
- 2.3 That Members approve in principle the amendments to the Scheme of Delegation to Officers as set out in Appendix 5 to this report.
- 2.4 That Members approve in principle the amendments to the Local Licensing Procedure Rules as set out in Appendix 6 to this report.
- 2.5 To note that full Council, at the Annual Council meeting on 21 May, will determine its own terms of reference and those of the Licensing Committee while the terms of reference of the Licensing Sub-Committees, the amendments to the Scheme of Delegation to Officers and the amendments to the Local Licensing Procedure Rules under the Gambling Act 2005 must be formally confirmed by the Licensing Committee at its meeting in late May or early June 2007.
- 2.6 That Members refer and recommend that proposals set out in Appendices 2, 3, 4, 5 and 6 to the General Purposes Committee for consideration and recommendation to full Council.

Report Authorised by:

**Davina Fiore, Head of Legal Services and Monitoring Officer**

Contact Officer: **Terence Mitchison, Senior Project Lawyer, Corporate**  
**(8489 5936) [terence.mitchison@haringey.gov](mailto:terence.mitchison@haringey.gov)**

### **3. Executive Summary and Reasons for Change**

3.1 The Gambling Act 2005 comes fully into force by 1 September 2007. New statutory powers under the Act will be given to the Council and its Licensing bodies and so their terms of reference will need to be amended. Changes will also be needed to the scheme of delegation to officers and the Local Licensing Procedure Rules in order that hearings can be held into applications under the Act and related statutory functions can be discharged.

### **4. Local Government (Access to Information) Act 1985**

4.1 The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

(i) the Council's Constitution (ii) Gambling Commission Guidance on the Gambling Act 2005 (iii) Local Licensing Procedure Rules and (iv) draft Regulations on Conducting Hearings under the Gambling Act 2005.

### **5. Introduction**

5.1 The Gambling Act 2005 ("the 2005 Act") will come into force at various dates this year and fully into force by 1 September 2007. The new statutory powers will require amendments to the terms of reference of the Full Council, the Licensing Committee and its Licensing Sub-Committees. The Licensing Committee and its Sub-Committees are already empowered to make the important decisions under the Licensing Act 2003 ("the 2003 Act"). The functions under the 2005 Act will be allocated to the Council, Committee, Sub-Committees and officers in a manner similar to the arrangements under the 2003 Act. This will enable Members to carry out one of the most important new functions under the 2005 Act which will be hearing contested applications for premises licences where various forms of gambling will be permitted.

5.2 In order to comply with proposed new Government Regulations and to ensure the smooth running of hearings, the Local Licensing Procedure Rules will need some relatively minor amendments. Other functions under the 2005 Act are recommended for delegation to officers in the Licensing Service so that the Service can operate effectively.

5.3 Members will be aware that full Council at its meeting on 13 November 2006 adopted the Council's Statement of Gambling Policy ("SGP") which took effect from 15 January 2007. The SGP reflects the Guidance to all Councils from the Gambling Commission and now contains the Council's own policies to be applied in dealing with applications under the 2005 Act subject to the requirement that the facts of each individual case must be taken into account.

5.4 Attached as Appendix 1 to this report is a Briefing of the main points of the 2005 Act as it will affect this Council. Members may find this helpful as background to the proposals in this report.

## **6. The terms of reference of full Council**

6.1 The 2005 Act requires two functions to be performed by the full Council and not to be delegated. The first is the adoption of the SGP. This should be added to the Council's Policy Framework in Part F.6 when that Part of the Constitution is updated in the course of the on-going Review of the Constitution.

6.2 The other function for full Council is the power to pass a resolution not to issue any casino premises licences in the Borough. Such a resolution, if passed, would prevent any casino from being licensed for the next three years. After the end of three years the resolution would lapse unless passed again. No such resolution has been passed and there are no casinos in the Borough. The power should be added to the terms of reference of the full Council in Part E.1 and Part E.7 of the Constitution as shown in Appendix 2 to this report.

## **7. Fixing Fees for Applications**

7.1 The power to fix fees for applications under the 2005 Act may be exercised either by full Council or by the Licensing Committee. It is suggested that this is an appropriate function for the Committee. The discretion to set fees is likely to be limited by Regulations yet to be made. In any event, Members will be under a statutory duty when fixing fees to aim to ensure as far as possible that fee income equates to the cost of providing the relevant service.

## **8. The terms of reference of the Licensing Committee**

8.1 As is the case with the Licensing Act 2003 ("the 2003 Act"), most of the functions under the 2005 Act are referred to the Licensing Committee. The Guidance issued by the Gambling Commission recommends that decisions on individual contested applications should be delegated to the three-Member Licensing Sub-Committees.

8.2 Under the 2003 Act, the main Committee has retained jurisdiction to hear the few cases where 500 persons or more would be present at an event. Members may wish to keep this threshold for contested applications under the 2005 Act to be heard by the main Committee even though such cases are likely to be rare. The Chair also has power to refer any specially significant or difficult cases to the Committee and it is recommended that this power should apply to the 2005 Act.

8.3 The proposed terms of reference of the Committee would include the monitoring of gambling activities in the Borough and the right to receive reports on gambling matters. So far as is legally possible, the main Committee will co-ordinate the work of the Sub-Committees through reviewing the lessons of past decisions and by determining the Local Procedure Rules for hearings.

8.4 The terms of reference of the Licensing Committee being recommended to Members are shown in Appendix 3 to this report which would amend Part E.7 of the Constitution.

## **9. The terms of reference of the Licensing Sub-Committees**

9.1 If Members agree, then the Licensing Sub-Committees (“LSCs”) would be given powers under the 2005 Act in relation to gambling equivalent to those already exercised under the 2003 Act in relation to alcohol sales and entertainment licensing. The proposed terms of reference are shown in Appendix 4 to this report which would amend Part E.7 of the Constitution. The main function would be hearing applications for a premises licence where relevant representations (i.e. objections) had been made. LSCs would also have the power to “review” premises licences for gambling where valid complaints had been made.

9.2 There are important differences between a premises licence under the 2003 Act and the 2005, as explained in the Briefing at Appendix 1. Under the 2005 Act the Gambling Commission will have the responsibility for granting personal licences and operating licences which must be obtained before the Council grants a premises licence to an applicant. In consequence, the LSCs would not be legitimately concerned with the suitability of an applicant or the operational details of the proposed gambling activities. The main role of the LSCs would be to consider whether any particular factors affecting the nature and location of the premises would justify refusal of the application or the imposition of special conditions in addition to the statutory conditions.

9.3 The differences in procedures between the 2003 Act and the 2005 Act are reflected in the proposed terms of reference in Appendix 4. For example, under the 2003 Act objections to the transfer of a premises licence would be made by the Police whereas under the 2005 Act objections to transfer would be made by the Gambling Commission (see sub-paragraphs 3.01 (j) and (s) in Appendix 4).

9.4 There are different procedures for Temporary Event Notices (“TENs”) under the 2003 Act as compared to Temporary Use Notices (“TUNs”) under the 2005 Act. Objections to a TEN can only be made by the Police whereas objections to a TUN would generally, but not always, be made by the Gambling Commission (see sub-paragraphs 3.01 (o) and (u) in Appendix 4).

9.5 Under the 2005 Act, unlike the 2003 Act, there is a procedure whereby a premises licence which has lapsed can be re-instated upon application. A licence will lapse if the holder dies, becomes bankrupt or goes into liquidation (companies). Either the original holder or a new applicant may apply within 6 months to take over the lapsed premises licence and this application for re-instatement would be heard by a LSC in the event of an objection.

9.6 There will be a new power for LSCs to hear applications for club gaming permits if there were objections from the Gambling Commission or the Police. Members would also hear officers’ proposals to cancel a club gaming permit (for example, where a category B4 or C gaming machine had been used by children) if the holder had requested a hearing before Members.

9.7 A club gaming permit can be granted to a club having at least 25 members which has been established wholly or mainly for purposes other than gaming, for example, a bridge or whist club or a branch of the Royal British Legion. A permit would enable the club to provide certain games of chance and up to 3 gaming machines in categories B4, C or D. Where only the gaming machines were applied for, then a club machine permit could be issued.

## **10. Amendment of the Scheme of Delegation to Officers**

10.1 Under the 2005 Act, as under the 2003 Act, there are a large number of routine management and operational functions that need to be delegated to officers to ensure the effective working of the Licensing Service. This will be necessary to enable officers to complete the large volume of work anticipated in converting existing licences under the "old" legislation into new premises licences under the 2005 Act which will come into effect on 1 September.

10.2 The same principles of delegation are recommended to apply under the 2005 Act as apply now under the 2003 Act. Members will make the decisions in all cases that require a hearing because relevant representations or objections have been received against the application. Other cases that are not contentious will be decided by officers on the basis of the policies set out in the adopted SGP.

10.3 In relation to "reviews", officers would act to rule out complaints that were clearly frivolous, vexatious or repetitious. Valid applications for review of a premises licence under the 2005 Act would be decided by Members of a LSC after hearing the evidence from the parties.

10.4 There will be several new statutory procedures for the grant of various types of permit under the 2005 Act. Most of these applications for permits must be notified to the Police and the Gambling Commission which may object but there is no provision for objections by local residents or others. Most of these permits would be routine matters which could be dealt with by officers within the policies in the SGP. However, the club gaming and club machine permits might be more significant and are therefore proposed for Members' decision.

10.5 Officers would also be given delegated powers to enforce the 2005 Act, carry out registration and other routine operational duties and exercise procedural functions under the Regulations made under the Act. The recommended additional delegated powers are shown in Appendix 5 as amendments to Part F.7, section 4 of the Constitution. They would be granted to the Director, Urban Environment, the Assistant Director Enforcement and the Licensing Manager.

## **11. Amendments to the Local Licensing Procedure Rules**

11.1 Hearings under the 2005 Act relating to gambling activities will be substantially similar to the hearings that have been regularly held into contested applications under the 2003 Act relating to alcohol sales and public entertainments. In both cases there will be a broad framework established by central Government through Regulations that set out the "ground rules" for hearings and preliminary matters such as the notification requirements and time

limits for hearings. The details of procedure are left to local discretion subject to the relevant Regulations and the legal rules of "Natural Justice" i.e. fairness to all parties.

11.2 The Council already has Local Licensing Procedure Rules that have operated successfully to regulate the numerous hearings of contested applications under the 2003 Act. The draft Regulations issued by central Government for hearings under the 2005 Act contain very similar ground rules. The simplest course would be for the existing Local Licensing Procedure Rules to be extended so that they apply to hearings under the 2005 Act.

11.3 If the Local Licensing Procedure Rules were extended as recommended, there would have to be some minor adaptations to ensure compliance with the Government's Regulations for hearings under the 2005 Act. Some of these are very minor changes that expand the definitions given under the Local Rules. The others are as follows.

11.4 In the case of gambling hearings under the 2005 Act, the parties have an absolute right to call witnesses provided the appropriate prior notice has been given. If such notice has not been given as required, or at all, and in the case of all 2003 Act licensing hearings, the LSC will have an element of discretion about allowing witnesses to be called although this has generally been permitted in cases under the 2003 Act.

11.5 In the case of gambling hearings, no documentary evidence that is produced at the hearing (but not beforehand) can be admitted except with the consent of the other party or parties. This is more rigid than the existing provisions in the Local Licensing Procedure Rules for 2003 Act cases.

11.6 In the case of gambling hearings, each party must each be allowed an equal maximum period of time for the presentation of its case, including the opening and closing address, any other submissions and the evidence in chief of the party's witnesses. This contrasts with the rule for licensing hearings where an equal maximum period of time must be allowed to each party for the closing address only.

11.7 In the case of gambling hearings, any disruptive person excluded from the hearing must be offered the chance to put his/her evidence in writing for the LSC to take into account before the end of the hearing. This is a more rigid rule than in the case of 2003 Act licensing hearings where the LSC has more discretion about admitting the evidence of excluded persons.

11.8 The recommended changes to the Local Licensing Procedure Rules are shown in Appendix 6 which would amend Part C.9 of the Constitution.

## **12. Timing of the Changes**

12.1 The statutory provisions in the 2005 Act relating to applications for premises licences and many other provisions will come into force after 30 April 2007. After 21 May the holders of existing licences under the "old" legislation, and applicants for the new premises licences under the 2005 Act, can both start making applications to this Council. In the event of objections, there would be hearings before LSCs but such hearings would not have to be held at the earliest until late June 2007.

12.2 The holders of existing licences will only be able to claim “grand-father” rights, and avoid possible objections and hearings, if they submit their applications to convert their old licences by 31 July 2007.

12.3 The new premises licences under the 2005 Act will only come into effect on 1 September 2007. On that date the 2005 Act will be fully in force and the “old” legislation, such as the Gaming Act 1968 will be repealed.

12.4 The Licensing Committee and the General Purposes Committee on 8 March can consider the proposals in this report and make their recommendations before the statutory provisions are actually in force. Full Council on 19 March will be asked to consider the report and recommendations “in principle”. However, all formal decisions on the terms of reference and other matters must be made after 30 April 2007.

12.5 For this reason the recommendations of the Licensing Committee and the General Purposes Committee, as approved or modified by full Council on 19 March, will be reported to the Annual meeting of the full Council on 21 May. Annual Council will formally confirm its own terms of reference and those of the Licensing Committee. Full Council can also approve the terms of reference of the LSCs, the delegation of powers to officers and the amendments to the Local Licensing Procedure Rules but subject to these matters all being formally confirmed by the meeting of the Licensing Committee following soon after the Annual Council.

### **13. Comments of the Head of Legal Services**

13.1 The legal implications are set out in the body of this report.

### **14. Comments of the Director of Corporate Resources**

14.1 There are no specific financial implications.

### **15. Use of Appendices / Tables / Photographs.**

15.1 Appendix 1 to this report is the Briefing on the Gambling Act 2005

15.2 Appendix 2 to this report sets out the proposed amendment to the terms of reference of the full Council in Parts E.1 and E.7 of the Constitution.

15.3 Appendix 3 to this report sets out the proposed amendments to the terms of reference of the Licensing Committee in Part E.7 of the Constitution.

15.4 Appendix 4 to this report sets out the proposed amendments to the terms of reference of the Licensing Sub-Committees in Part E.7 of the Constitution.

15.5 Appendix 5 to this report shows the proposed amendments to section 4 of Part F.7 of the Constitution (Scheme of Delegation to Officers)

15.6 Appendix 6 to this report shows the proposed changes to the Local Licensing Procedure Rules in Part C.9 of the Constitution.



[the words proposed for addition and insertion are shown in italics and underlined at Article 6.02 (u) on page 3]

[**N. B.** The same amendment will be required for the same list of full Council functions in Part E.7 section 1]

## Part E.1

# The Full Council Article

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### Article 6 - The Full Council

#### 6.01. Meanings

- (a) **Policy Framework.** A complete list of all the plans and strategies comprising the Council's Policy Framework is set out in the appropriate Schedule in **Part F, Decision Making**. These are the plans and strategies that Haringey Council has decided should be reserved to the full Council for approval:
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Director of Finance in consultation with the Executive Member for Finance and the Executive Advisory Board.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 6.02. Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the **policy framework** as set out in the appropriate schedule in **Part F**;

- (c) Approving the budget, levying Council Tax and setting the non-domestic rate multiplier;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 6.01 (c) above;
- (f) Subject to the urgency procedure contained in **the Access to Information Procedure Rules in Part D** of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Executive;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Executive and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers;
- (l) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (m) Adopting and amending an allowances scheme under Article 4.05;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;

- (q) All **local choice functions** set out in **Part F** of this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Finance Procedure Rules; and
- (y) All other matters that, by law, must be reserved to Council.

### **6.03. Council meetings**

There are three types of Council meetings:

- (a) The annual meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

They will be conducted in accordance with the **Standing Orders (Council Procedure Rules)** in **Part E** of this Constitution.

Council meetings will be chaired by the Mayor if he/she is present. If the Mayor is not present, Council will select another Councillor to take the Chair. The Deputy Mayor does not automatically chair the meeting in the Mayor's absence. The Council may select the Deputy Mayor if it so wishes.

### **6.04. Responsibility for functions**

The Council will maintain the tables in **Part E** of this Constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Executive.

[the words proposed for addition or insertion are shown in italics and underlined and the words proposed for deletion are shown struck through]

## **PART E.7 of the Council's Constitution**

### **SECTION 2 – COMMITTEES**

[this extract starts at page 7 of Part E.7 in the version of the Constitution last updated in May 2006]

#### **6. Licensing Committee**

- (1) The Licensing Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
- (a) To be responsible for monitoring the operation of the Acts ~~and~~ licensable activities and gambling in the Borough;
  - (b) To receive reports on these matters and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
  - (c) To be consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
  - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
  - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
  - (f) To exercise the functions of the Licensing Sub-Committees in relation to any premises, site or event where 500 or more persons are to be present;
  - (f) To exercise the functions of the Licensing Sub-Committees in any case referred to the Committee by its Chair, or by the Chair of a Licensing Sub-Committee on the grounds of its special significance or difficulty;
  - (g) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to

exercise any of the functions of the Licensing Sub-Committees, or under (e) above, and shall elect a Chair for the meeting.

- (2) Excluded from the Licensing Committee's terms of reference are:
- (a) The functions statutorily referred to the General Purposes Committee, *The Executive and the full Council* including the *formal* review and determination of the Licensing Policy Statement *and the Statement of Gambling Policy*;
  - (b) The functions delegated to the Licensing Sub-Committees, as set out below, except where referred back to the Committee under subparagraph 6(1)(f) above.

[the words proposed for addition or insertion are shown in italics and underlined and the words proposed for deletion are shown struck through]

[the words in **bold text** which refer to the dates when specific functions come into effect, or are repealed under the Gambling Act 2005, are intended for explanation and direction and not as a part of the permanent text of the Constitution]

## **PART E.7 of the Council's Constitution**

### **SECTION 3 – SUB-COMMITTEES AND PANELS**

[this extract starts at page 14 of Part E.7 in the version of the Constitution last updated in May 2006]

## **3. Under Licensing Committee**

### **3.01. Licensing Sub-Committee**

#### **General Provisions**

- (a) To exercise all the functions listed in ~~sub-paragraphs (c) to (q)~~ below these terms of reference in relation to any premises, site or event where less than 500 persons are to be present;
- (b) The Chair of a Licensing Sub-Committee may, before hearing it, refer any case falling within ~~(a) above~~ these terms of reference to the Licensing Committee on the grounds of its special significance or difficulty. This power may also be exercised by the Chair of the Licensing Committee;
- (c) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Licensing Committee.

#### **Functions under both the Licensing Act 2003 and the Gambling Act 2005**

- (d) To determine applications for premises licences where relevant representations have been made;
- (e) To determine applications for provisional statements where relevant representations have been made;

- (f) To determine applications for variations of premises licences where relevant representations have been made;
- (g) To determine valid applications for review of premises licences;
- (h) To decide on any other matter ~~within the licensing functions under the Licensing Act 2003~~ where it is necessary or desirable for Members to make that decision;

**Functions under the Licensing Act 2003 alone**

- (i) To determine applications to vary designated premises supervisors following police objections;
- (j) To determine applications for transfer of premises licences following police objections;
- (k) To consider police objections made to interim authority notices;
- (l) To determine applications for club premises certificates where relevant representations have been made;
- (m) To determine applications to vary club premises certificates where relevant representations have been made;
- (n) To determine valid applications for review of club premises certificates;
- (o) To decide whether to give counter notices following police objections to temporary event notices;
- (p) To determine applications for grants of personal licences following police objections;
- (q) To determine applications for renewals of personal licences following police objections;
- (r) To decide on revocation of personal licences where convictions come to light after grant;

**Functions under the Gambling Act 2005 alone**

- (s) To determine applications for transfer of premises licences following representations by the Gambling Commission or others;
- (t) To determine applications for the reinstatement of premises licences where relevant representations have been made;
- (u) To decide whether to give counter notices following objections to temporary use notices;

- (v) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (w) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (x) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (y) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;
- (z) ~~To determine applications for permits for amusements with prizes gaming machines in accordance with the policy resolution of the Licensing Committee on 6 December 2005; [this sub-paragraph to be deleted on repeal with effect from 1<sup>st</sup> June 2007]~~
- (aa) ~~To determine applications for permits for games or lotteries under section 16 of the Lotteries and Amusements Act 1976; [this sub-paragraph to be deleted on repeal with effect from 1<sup>st</sup> September 2007]~~
- (bb) ~~To determine applications for orders permitting games under section 6 of the Gaming Act 1968; [this sub-paragraph to be deleted on repeal with effect from 1<sup>st</sup> September 2007]~~



## APPENDIX 5

[The words proposed for addition and insertion are shown in italics and underlined]

## PART F.7 of the Council's Constitution – Scheme of Delegation to Officers

### Section 4 – Delegated Powers of the Director of Urban Environment

[the text shown below would be added to the end of the schedule of statutory delegations starting at page 110 of Part F.7 in the version of the Constitution last updated in May 2006]

<b><u>Gambling Act 2005</u></b>	<b><u>The delegations below do not include the functions of the Licensing Sub-Committees</u></b>	
<u>Sections 29, 30, 350 and Schedule 6 Parts 1 &amp; 4</u>	<u>Duties and powers to provide information required or requested by the Gambling Commission or other bodies</u>	<b>AD-Enf</b>
<u>Sections 33, 37, 41, 42, 43 and 44</u>	<u>Power to prosecute and enforce against offences including unlawful use of premises for gambling activities</u>	<b>AD-Enf</b>
<u>Section 156</u>	<u>Duty to make publicly available the register of premises licences and to provide copies on payment of prescribed fees</u>	<b>AD-Enf</b>
<u>Section 161</u>	<u>Power to make representations on applications for premises licences</u>	<b>AD-Enf</b>
<u>Sections 163 to 165 and 167 to 169</u>	<u>Powers to grant or reject applications where valid representations have not been made, to give relevant notices and to impose or exclude conditions</u>	<b>AD-Enf</b>
<u>Section 185</u>	<u>Power to prosecute for failure to keep licence on premises or make it available on request</u>	<b>AD-Enf</b>
<u>Sections 186 to 190</u>	<u>Power to alter or provide copies of premises licence on application and to enforce provisions. Power to vary or transfer a premises licence where valid representations have not been made and to impose or exclude conditions</u>	<b>AD-Enf</b>
<u>Sections 192 to 196</u>	<u>Power to notify surrenders, revoke premises licence on non-payment of fees and to reinstate licence</u>	<b>AD-Enf</b>
<u>Section 197 to 200</u>	<u>Power to grant an application for review of a premises licence or to reject an application under s.198(1), to initiate any review and to make all arrangements connected with the hearing of a review by Members</u>	<b>AD-Enf</b>
<u>Sections 206 to 209</u>	<u>Power to conduct appeals</u>	<b>AD-Enf</b>
<u>Sections 218, 220, 222,</u>	<u>Power to give counter-notice in response to a temporary</u>	<b>AD-Enf</b>

<u>225, 226, 227, 228 and 234</u>	<u>use notice, to acknowledge temporary use notice, to agree with other parties in the event of objection that a hearing is unnecessary, to dismiss objections, to conduct appeals and to endorse, return and provide copies of temporary use notices and to maintain and make available the register</u>	
<u>Section 242</u>	<u>Power to prosecute for making a gaming machine available for use in contravention of an operating schedule or Regulations</u>	<b>AD-Enf</b>
<u>Section 247 and Schedule 10</u>	<u>Power to grant or reject applications for the grant or renewal of permits for family entertainment gaming machines including consideration of representations, making notifications, replacing permits, the conduct of appeals, maintaining and making available the register, providing copies on payment of fees and enforcement of all provisions</u>	<b>AD-Enf</b>
<u>Section 258 to 261 and Schedule 11</u>	<u>Power to prosecute and enforce in cases of unlawfully promoting or facilitating a lottery and misusing profits of lotteries and exempt lotteries</u>	<b>AD-Enf</b>
<u>Section 262 and Schedule 11 Parts 4 &amp; 5</u>	<u>Power to register or refuse registration of small society and non-commercial society lotteries in accordance with the provisions including cancellations, provision of copies, the conduct of appeals, maintaining and making available records and enforcing all provisions</u>	<b>AD-Enf</b>
<u>Section 274 and Schedule 12</u>	<u>Power to grant or refuse applications for the grant or renewal of club gaming permits or club machine permits in accordance with the provisions including grant by "fast track procedure", variation, cancellation, and surrender of permits, the conduct of appeals, maintaining and making available the register, providing copies on payment of fees and enforcement of all provisions</u>	<b>AD-Enf</b>
<u>Section 283 and Schedule 13</u>	<u>Power to grant, refuse or modify applications for licensed premises gaming machine permits in accordance with the provisions including the variation, transfer or cancellation of permits, the conduct of appeals, maintaining and making available the register, providing copies on payment of fees and enforcement of all provisions</u>	<b>AD-Enf</b>
<u>Section 284</u>	<u>Power to make orders for specific premises removing the right to provide exempt gaming under section 279 or the right to make up to two gaming machines available for use under section 282 in accordance with the requirements for notifications, considering representations and the conduct of appeals</u>	<b>AD-Enf</b>
<u>Section 289 and Schedule 14</u>	<u>Power to grant or refuse applications for prize gaming permits in accordance with the provisions including amendment and renewal of permits, the conduct of appeals, maintaining and making available the register,</u>	<b>AD-Enf</b>

	<u>providing copies on payment of fees and enforcement of all provisions. Power to prepare a draft statement of principles in relation to prize gaming permits for approval by Members</u>	
<u>Section 304</u>	<u>Power to designate officers as authorised persons for the purposes of the Act</u>	<b><u>AD-Enf delegation to AD only</u></b>
<u>Section 305</u>	<u>Power to undertake activities to assess compliance with the Act or detect offences</u>	<b><u>AD-Enf</u></b>
<u>Section 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319, 322 and 326</u>	<u>Power to enter premises in connection with facilities for gambling, gaming machines at family entertainment centres, premises licensed for alcohol, prize gaming permits, clubs, licensed premises, lotteries, temporary use notices, and to exercise all functions under these provisions including application for warrants and enforcement against obstruction</u>	<b><u>AD-Enf</u></b>
<u>Section 342</u>	<u>Power to prosecute in relation to persons giving false or misleading information</u>	<b><u>AD-Enf</u></b>
<u>Section 346</u>	<u>Power to prosecute for any offence referred to in this section</u>	<b><u>AD-Enf</u></b>
<u>Section 349</u>	<u>Power to prepare and consult upon a draft statement of principles and any review or revision of such statement subject to Members' approval of the final statement or revision</u>	<b><u>AD-Enf</u></b>

[the words proposed for addition or insertion are shown in italics and underlined and the words proposed for deletion are struck through]

**PART C.9 of the Council's Constitution**

**HARINGEY COUNCIL – LOCAL LICENSING PROCEDURE RULES FOR HEARINGS UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005**

Interpretation

1. “Acts” means the Licensing Act 2003 *and the Gambling Act 2005*

“Applicant” means a natural person or other legal entity making any application *or initiating any procedure* or giving any notice for any form of licence, certificate, consent or determination in accordance with the Acts

“Application” means any type of application, *procedure* or notice for any form of licence, certificate, consent or determination for which provision is made under the Acts

“Chair” means the Chair of the Licensing Committee or Licensing Sub-Committee determining the relevant application

“Committee clerk” means the officer(s) instructed by the Head of ~~Members’ Services~~ *Local Democracy* to attend Licensing Sub-Committee meetings to take the minutes and assist with the proper running of the meetings

“Council” means the Council of the London Borough of Haringey

*“Gambling hearing” means a hearing by a Sub-Committee to determine an application under the Gambling Act 2005*

*“Hearing” means a Gambling hearing or a Licensing Hearing as appropriate to the application*

“Hearings Regulations” means The Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005 no. 44) *in relation to licensing hearings and The Gambling Act (Proceedings of Licensing Committees and Sub-Committees) (England and Wales) Regulations 2007 in relation to gambling hearings.*

“Interested party” has the meaning prescribed in the Acts

“Legal representative” means the officer(s) instructed by the Head of Legal Services to attend Licensing Sub-Committee meetings to advise on matters of law and procedure

“Licensing hearing” means a hearing by a Sub-Committee to determine an application under the Licensing Act 2003

“Licensing Committee” means the Council’s statutory Committee under the Acts

“Licensing representative” means the officer(s) instructed by the Assistant Director, Enforcement to administer application procedures and to attend Licensing Sub-Committee meetings to advise on licensing matters and gambling matters

“Licensing Service” means the Service under the Assistant Director, Enforcement responsible for administering the Council’s functions under the Acts

“Member” means Haringey Councillor appointed to serve as a Member of the Licensing Committee or a Licensing Sub-Committee as the context requires

“Notice” means any notice made in accordance with the Acts, or Regulations made thereunder, in relation to an application

“Objector” means each interested party, responsible authority, other natural person or legal entity who/which has made a relevant representations or an objection or given any notice in relation to any application

“Party/Parties” means the applicant(s) and/or the objector(s) in relation to any particular application

“Premises” means any premises, ~~or~~ land, vessel, vehicle or moveable structure in respect of which an application is made

“Relevant Representation” means any relevant representation made in accordance with the Acts, or Regulations made thereunder, in relation to an application

“Responsible authority” has the meaning prescribed in the Acts

“Sub-Committee” means a Licensing Sub-Committee to which the Licensing Committee of the Council has delegated powers to determine applications. Unless the context otherwise requires, this shall be interpreted to include the Council’s Licensing Committee when that Committee is hearing an application within its terms of reference.

“Ward Councillor” means a Haringey Councillor representing a Ward within which are located any premises that are the subject of an application.

Scope and Application

2. These Rules apply to all applications *and hearings* made in accordance with the Acts, or Regulations made thereunder. These Rules should be read and interpreted in conjunction the Hearings Regulations and the Acts.
3. Council/Committee Standing Orders do not apply to hearings except the Standing Order on Attendance/Substitute Members.

Pre-Hearing Procedure

4. The Licensing Service will notify the relevant Ward Councillors of each application, notice or relevant representation relating to premises within their Ward within 2 working days of receiving such application, notice or relevant representation. This requirement is in addition to any requirement arising under the Hearings Regulations.
5. The Licensing Service may seek to mediate between the parties to an application with a view to securing: -
  - (a) the withdrawal of any relevant representation or notice, or
  - (b) the agreement of the parties that a hearing is unnecessary.
6. If, in any case, the parties agree that a hearing is unnecessary, the Licensing representative, in consultation with the Chair, shall decide whether the Council consider that a hearing is unnecessary to determine the application and shall give notice of that decision to the parties forthwith.
7. In any case where it has been decided that a hearing is unnecessary, the Sub-Committee shall consider the application at an ordinary meeting. In reaching its decision, the Sub-Committee shall take into account the form of application and accompanying documents, any written relevant representations and notices that have not been withdrawn and any report or other documents that appear to be relevant.

Membership and Quorum for Hearings

8. Where an application relates to premises within a Ward, then a Ward Councillor shall not take part in the decision upon that application as a Member.
9. So far as practicable, hearings will be arranged so that the Sub-Committee determining the application does not include Members representing any Ward in which premises affected by the application are located
10. The quorum for any hearing of a Sub-Committee shall be three Members and the quorum for any hearing by the Licensing Committee shall be four Members.

11. Any Member arriving after the commencement of a hearing, or leaving during the course of a hearing, shall take no part, or no further part, in the conduct of that hearing or the decision on the application in question.

Councillors' Participation in Hearings

12. A Councillor, who is not a Member of the Sub-Committee determining the application in question, may participate in the hearing but only if the Councillor is an objector who has made relevant representations in accordance with the Hearings Regulations and the Acts, or if the Councillor has been asked to attend by a party in order to act as a witness or a representative for that party.
13. A Councillor, who is a Member of the Sub-Committee determining the application in question, will have a prejudicial interest in that application if the he/she makes a relevant representation by way of objection to it and may well have a prejudicial interest if he/she has otherwise been involved in supporting or opposing the application. Any Member of a Sub-Committee who has a prejudicial interest for these or other reasons must not participate in the decision upon the application and must not be present at the hearing in any capacity or at all.
14. Any Member of a Sub-Committee who has made a relevant representation by way of objection to an application on behalf of his/her constituents and who cannot attend the hearing personally by reason of Rule 13, should arrange to be represented by an agent or a fellow Ward Councillor who is not a Member of the Sub-Committee.
15. A Councillor will have a personal interest in an application if it might reasonably be regarded as affecting that Councillor (or his/her spouse/partner, relatives, friends, employer or business) to a greater extent than other residents in the area. A Councillor with a personal interest shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee. This is in order to avoid any possible allegation of bias.
16. Whenever a Councillor, who is not a Member of the Sub-Committee, intends to participate in a hearing in accordance with Rule 12, the Councillor must consider whether he/she has a personal or a prejudicial interest before the hearing. A Councillor with a personal interest, who is not a Member of the Sub-Committee determining the application, may participate in a hearing in accordance with Rule 12 but must disclose such an interest first. A Councillor with a prejudicial interest, who is not a Member of the Sub-Committee determining the application, must not be present at the hearing in any capacity or at all. Members must be aware that their Code of Conduct applies to all Councillors at all times in whatever capacity they attend a hearing.
17. Where a Member of a Sub-Committee has had any form of personal or business involvement with a party to an application, which is to be

determined by the Sub-Committee, or with any person connected to a party, then the Member must consider whether such involvement could amount to a personal or a prejudicial interest or whether such an interest could exist for any other reason. If there is any doubt on this matter, the Member must seek the advice of the Monitoring Officer or the legal representative.

18. A Councillor who has participated in a decision by the Council to make any application, or to support or assist an application made by another person, shall not participate in decision-making on the application in question as a Member of the relevant Sub-Committee.

#### Lobbying of Members and Expressions of Opinion by Members

19. If a Member of a Sub-Committee is approached by a party or a lobbyist for or against an application to be determined by that Sub-Committee, then the Member must: -
  - (a) explain that he/she cannot discuss the matter, and
  - (b) refer the lobbyist to another Councillor who is not a Member of the Sub-Committee or to the Licensing Service who can give further information on the process of dealing with the application, and
  - (c) keep an adequate written record of the approach, and
  - (d) disclose the fact of the approach before the hearing in accordance with Rule 51(c).
20. If a Member of a Sub-Committee receives any written representation either supporting or opposing an application to be determined by that Sub-Committee, then the Member shall pass the representation to the Licensing Service for appropriate action.
21. A Member of a Sub-Committee must avoid expressing any personal opinion about the merits of an application to be determined by that Sub-Committee and must not take any action that would bring into question the Member's capacity to consider the application objectively.
22. A Member of a Sub-Committee must not accept any gift, favour or free hospitality that could be seen as connected to any application to be determined by that Sub-Committee.
23. Members of Sub-Committees are not to be influenced by party political factors or pressures when determining any application.

#### Non-Attendance at Hearings

24. Where a party has not notified the Council that he/she does not intend to attend or to be represented at a hearing, and that party fails to attend the hearing then the Sub-Committee may either: -
  - (a) adjourn the hearing to a specified date where it considers this to be necessary in the public interest, or



- (b) hold the hearing in the party's absence.
- 25. Normally, a party who fails to attend a hearing in the circumstances described in Rule 24 above, will be allowed one further opportunity to attend the hearing adjourned to a specified date.
- 26. Where an adjournment is granted, the Licensing representative shall make every reasonable endeavour to contact the party who failed to attend by telephone or in person in order to warn them of the new date for the adjourned hearing and the likelihood that the application will be determined in that party's absence in the event of further failure to attend.

#### Calling Witnesses

- 27. Where a party wishes to call a witness to give evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing stating: -
  - (a) the name of the witness, and
  - (b) a brief description of the point or points upon which the witness' evidence may assist the Sub-Committee in making its decision on the application
- 28. Where a party has given notice under Rule 27, the Licensing Service shall forthwith communicate this notice to the other party/parties, if possible by electronic means or by the most rapid practicable alternative means.
- 29. Where a party has given notice under Rule 27, the Sub-Committee shall consider at the commencement of the hearing whether it will permit the party to call the witness for the purpose(s) notified. Such permission shall not be refused at a gambling hearing and shall not be unreasonably withheld at a licensing hearing or at any hearing where there has not been full compliance with Rule 27.

#### Documentary Evidence

- 30. Where a party wishes to rely upon documentary evidence at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. This notice shall be accompanied by six copies for the Council and sufficient additional copies of all the relevant documentary evidence for each other party made known to the notifying party. Compliance with this Rule is especially important in relation to documents that are not easy to photocopy because, for example, they are coloured or not A4 size.
- 31. Where a party has given notice under Rule 30, the Licensing Service shall forthwith communicate all the relevant documentary evidence to the other party/parties if possible by electronic means or by the most rapid practicable alternative means.

32. Where a party has complied fully with Rule 30, that party shall have the right to have the relevant documentary evidence admitted and, subject to the provisions of the Hearings Regulations, the Sub-Committee shall take such evidence into account in making its decision.
33. In any case where a party wishes to rely upon documentary evidence but has not fully complied with Rule 30, then at the commencement of the hearing the Sub-Committee shall follow this procedure subject to sub-paragraph (h) of this Rule: -
- (a) the Chair shall establish whether the other party/parties consent to the documentary evidence being admitted, and
  - (b) if all the other parties so consent, then the documentary evidence shall be treated as if Rule 32 applied to it, or
  - (c) if any party does not so consent, then the Sub-Committee shall decide whether to admit the documentary evidence nonetheless
  - (d) in making its decision under Rule 33(c), the Sub-Committee shall have regard to any reasons given for the late production of the documentary evidence, or other non-compliance with Rule 30.
  - (e) in making its decision under Rule 33(c), the Sub-Committee shall consider how far any other party may be prejudiced by the late production of the documentary evidence, or other non-compliance with Rule 30, and also the extent of the prejudice to the party seeking to rely upon the evidence if its admission is refused.
  - (f) in making its decision under Rule 33(c), the Sub-Committee shall consider whether it would be desirable in the public interest to adjourn the hearing for any period of time, or to another date, in order to allow any other party a reasonable opportunity to consider the documentary evidence.
  - (g) in making its decisions under Rules 33(c) and 33(f) above, the Sub-Committee shall consider any representations by the parties and the advice of its legal representative.
  - (h) at a gambling hearing where a party has not complied with Rule 30 and has only produced its documentary evidence at the hearing, then such evidence shall only be admitted with the consent of all the other parties attending or represented at the hearing.
34. Where a party wishes to rely upon documentary evidence at a hearing but considers that any details of that evidence should be treated as confidential, for example the name or address of the signatory of a letter, then the party may exclude such confidential details from any documentary evidence sent to the Licensing Service under Rule 30. This Rule does not apply to any notice given or relevant representation made, since the originator must state his/her name and address in order for it to be valid.
35. In any case where confidential details are excluded under Rule 34, the Licensing Service must be informed that a request will be made by the party under Rule 42. If permission is refused under Rule 43, the whole or part of the relevant documentary evidence may be excluded from consideration. If

permission is granted to exclude any confidential details, this may affect the weight to be given to the rest of the related evidence under Rule 58.

36. Where a party wishes to rely upon a model, or any form of evidence that cannot be photocopied, at a hearing that party must give written notice to the Licensing Service of this intention no later than ten working days before the date of the hearing. The party seeking to rely upon such evidence shall indicate in the notice, so far as practicable, the nature of that evidence and the purpose(s) of producing it.
37. Where a party has given notice under Rule 36, the Licensing Service shall forthwith communicate all relevant information about the evidence to the other party/parties if possible by electronic means or the most rapid practicable alternative means.
38. Rules 30 to 33 shall be applied flexibly to evidence of the type described in Rule 36 with a presumption that such evidence will be admitted if it materially helps the Sub-Committee to understand relevant issues between the parties at the hearing.

#### Petitions

39. Petitions shall on each page state their purpose and contain a warning to potential signatories that they are liable to be made public and that a copy will be supplied to other parties to the application. Each person signing should print their name and address legibly. At the end a petition must state the name(s) and address(es) of the persons circulating the petition and the dates on which this took place.
40. A petition must comply with Rule 39 unless the Sub-Committee decide to waive compliance with any requirement(s) for a good reason. A petition shall also be treated as documentary evidence and Rules 30 to 33 shall apply.

#### Private Hearings and Confidential Evidence

41. In accordance with the Hearings Regulations, hearings shall take place in public unless a decision to the contrary is made under Rule 43 in any case.
42. Where a party or a witness consider that any giving of evidence, or part of any evidence, or part of a hearing, should be held in private, then the party or their witness shall make such request to the Chair at the commencement of the hearing.
43. The Sub-Committee may decide to exclude members of the public from any part of a hearing and/or treat any evidence as confidential where the Sub-Committee consider that the public interest in preserving the confidentiality of any evidence outweighs the public interest in that part of the hearing taking place in public.

44. For the purposes of Rule 43, a party, a witness and any person assisting or representing a party, may be excluded from any part of a hearing or from hearing or seeing any particular evidence. Where the Sub-Committee decide to hold part of a hearing in private, a party and/or his/her representative shall not be excluded except for very special reasons.
45. Where the Sub-Committee decide to hold part of a hearing in private, the officers of the Licensing Service will not be excluded except for very special reasons. The Committee Clerk and legal representative shall not be excluded.
46. Before making any decision under Rules 43 or 45, the Sub-Committee shall consider the advice of its legal representative.
47. Where any part of a hearing takes place in private, the hearing will be adjourned immediately thereafter for a period of time sufficient to enable the Committee clerk to prepare a fair summary of the evidence and proceedings heard in private. This summary will exclude all details that the Sub-Committee, acting with the advice of its legal representative, consider should remain confidential. Upon the resumption of the hearing, the summary will be read out publicly in the presence of all the parties.
48. Rules 41 to 47 shall apply as nearly as may be practicable to documentary evidence where, with the consent of the Sub-Committee, confidential details may be disclosed to the Sub-Committee but excluded from disclosure to the public or persons mentioned in Rule 44.
49. Rules 41 to 47 shall apply, as nearly as may be practicable, where a witness wishes to disclose his/her name and/or address or other details only to the Sub-Committee and Council officers but not to the public or persons mentioned in Rule 44.
50. Whenever any evidence or information has been treated as confidential under Rules 41 to 49, the Sub-Committee shall consider whether to alter the weight given to that evidence in accordance with Rule 58.

#### Commencement of the Hearing

51. At the commencement of each hearing the Sub-Committee shall follow this procedure but may omit or abridge any step or Rule as appropriate -
  - (a) The Chair will introduce him/herself and invite the Members and officers to introduce themselves
  - (b) The Chair will invite the parties to introduce themselves and their representatives (if any)
  - (c) The Chair will invite Members to disclose any contacts they may have had before the hearing with the parties or lobbyists for them.
  - (d) If any party fails to attend the hearing, the Sub-Committee shall decide whether to proceed with the hearing in the absence of that party or whether to adjourn the hearing to another date. The Sub-Committee

- shall have regard to Rules 24 and 25 and Regulations 12 and 20 of the Hearings Regulations in making such decisions.
- (e) The Chair will explain the procedure to be followed by reference to these Rules.
  - (f) The Chair will suggest the order of the topic headings for discussion at the hearing and will then invite the comments of the parties. In the light of such comments the Sub-Committee will confirm the order of the topic headings or amend them.
  - (g) The Chair will ascertain whether there are any requests by any of the parties to call a witness and the Sub-Committee will then determine any such request under Rule 29.
  - (h) The Chair will ascertain whether there is likely to be a request from any of the parties to cross-examine a witness called by another party and, if so, the reasons given for seeking a cross-examination. The Sub-Committee will then determine whether to allow such cross-examination in the interests of establishing relevant facts.
  - (i) The Chair will ascertain whether there are any requests by any of the parties to produce documentary evidence, including models etc., and whether there has been full compliance with Rules 30 to 37. In the event of any non-compliance these Rules, the Sub-Committee shall decide whether to admit the evidence and/or adjourn the hearing under Rules 33 and 38.
  - (j) The Chair will ascertain whether there are any requests by any of the parties to treat any evidence as confidential or to hear any of the evidence, or hold any part of the hearing, in private. If so, the Sub-Committee shall decide the request under Rules 43 to 49.
  - (k) In any case where the Licensing Service has informed a party that there are particular points on which the Sub-Committee will need clarification, the Chair will then invite the party to provide such clarification.

#### Procedure and Evidence at Hearing

- 52. In accordance with Hearings Regulations, the hearing shall take the form of a discussion led by the Chair. With permission of the Chair the other Members of the Sub-Committee may ask questions of the parties, their representatives and witnesses and may lead the discussion on specific topics or points.
- 53. The hearing shall follow the order of the topic headings determined under Rule 51(f) unless there is a good reason to depart from this agreed by the Sub-Committee.
- 54. The Chair, or Member leading the discussion, shall endeavour to ensure that each party has a reasonable opportunity to explain their case under each topic heading. The parties, their representatives and witnesses have a duty to make their evidence and comments succinct and relevant to the issues under discussion.
- 55. A party shall not be permitted to cross-examine another party or their witness unless this has been allowed under Rule 51(h). If a party has concerns

relating to the evidence or comments of another party or their witness, this should be explained to the Sub-Committee so that the Chair can question the other party/witness about these concerns before completing that topic heading.

56. Where permission has been given to a party to call a witness, that witness may give evidence in one or more stages when the discussion covers the appropriate topic heading(s). Normally, a witness will be invited by the Chair to make a statement. The witness will then be subject to cross-examination by the other party/parties if this has been allowed under Rule 51(h). Then the Sub-Committee may question the witness. A party shall not re-examine his/her own witness except with the consent of the Chair to clarify a significant point in earlier evidence.
57. At the end of each topic heading the Chair shall invite the Licensing Service or legal representative to make any comments that they may consider necessary. With the consent of the Chair, these officers may question parties or witnesses directly or put their questions through the Chair.
58. Strict legal rules of evidence shall not apply. However, in considering what weight to place on the evidence or comments of any party or witness, the Sub-Committee shall have regard to the extent to which information was:
  - (a) within a witness' direct knowledge, and
  - (b) clearly and specifically related to the points at issue in the hearing, and
  - (c) tested by questioning.
59. The Chair shall be responsible for the orderly conduct of the hearing. The Chair may require any person to be silent and may regulate the order in which persons speak at the hearing. The Chair will endeavour to prevent remarks which are repetitious or irrelevant or which amount to unsubstantiated offensive allegations against any person, present or not.
60. The Chair may require any person at the hearing who is considered to be behaving in a disruptive manner to leave the meeting and may prohibit his/her return except on compliance with specified conditions. A person excluded from a hearing under this Rule may put in writing any information or submission they intended for the hearing. At a gambling hearing the Sub-Committee must take any such information into account in reaching its decision.
61. The Chair on his/her own motion may indicate the decision of the Sub-Committee on any procedural matter within the scope of these Rules notwithstanding that the decision is stated in these Rules to be that of the Sub-Committee. This is subject to the right of any Member, who makes an immediate request, to have the matter put to the vote of the Sub-Committee as a whole. Rule 66 will apply to such a vote.
62. In accordance with the Hearings Regulations, each party has the right to make a closing address to the Sub-Committee in order to summarise his/her

case at the end of the hearing. Unless the applicant consents to a different order, the applicant shall have the right to make the final address.

63. Each party *at a licensing hearing* must be allowed an equal maximum period of time to make a closing address. Normally, the Chair will invite each party to state how much time that party will require. However, the Sub-Committee may fix a greater or lesser maximum time for each closing address provided that this is reasonable in relation to the weight and complexity of the issues at the hearing.
64. Each party at a gambling hearing must be allowed an equal maximum time for the conduct of his/her case including any address or submission and the evidence in chief of all witnesses called by that party. Normally, the Chair will invite each party to state how much time that party will require for each part of his/her case. However, the Sub-Committee may fix a greater or lesser maximum time for each part of a case provided that this is reasonable in relation to the weight and complexity of the issues at the hearing.

#### Time Limit for Hearings

65. At 9.30 p.m. the Chair must ask the Sub-Committee to agree –
  - (a) to continue the hearing in hand and, if necessary, to suspend these Rules so as to allow it to continue for a reasonably short time beyond 10.00 p.m. when this is necessary to complete the hearing and advisable in the interests of fairness, or
  - (b) to adjourn the hearing until a date to be fixed.
66. Hearings shall not normally continue later than 10.00 p.m. and no new hearing shall be commenced after 10.00 p.m.

#### Decision Making

67. At the end of a hearing the Sub-Committee may confer publicly and announce its decision on the application(s) immediately.
68. Alternatively, the Sub-Committee may defer reaching its decision until a later time or date, in so far as this accords with the Hearings Regulations.
69. In any case, and whether or not Rule 66 applies, the Sub-Committee may retire with the Committee clerk and legal representative to another room to deliberate in private.
70. The Sub-Committee, if making a decision at that time, must reach their decision by a majority vote. The Licensing Committee, if making a decision at that time, must reach their decision by a majority vote but, in the event of an equality of votes, the Chair shall have a second, or casting, vote.

71. The decision(s) will then be summarised in writing and the Sub-Committee will return to the public meeting so that the Committee clerk can read out the decision(s) in the presence of all the parties and their representatives.
72. If the Sub-Committee require any clarification of matters of fact before reaching their decision(s), the Sub-Committee shall return to the public meeting and put questions to the parties, their witnesses or the Licensing representative in the presence of all the parties and their representatives.
73. If the legal representative gives legal advice on any point(s) material to the Sub-Committee's decision(s), this advice will be summarised and read out by the legal representative in public before the Committee Clerk reads out the decision(s).

#### Waivers and Irregularities

74. The Chair may agree to waive any of these Rules, including any time limit, in the case of any individual application where he/she considers that there is good reason to do so. Excepted from this power to waive are Rules 8 to 23 (inclusive). Any permanent variation of these Rules must be decided by the Licensing Committee.
75. Any irregularity arising from any failure to comply with any provision of these Rules before the Sub-Committee has made a determination shall not of itself render the proceedings void.
76. In any case of such an irregularity the Sub-Committee shall, if Members consider that any person may have been prejudiced as a result of the irregularity, take such steps as Members think fit to cure the irregularity before reaching a determination of the application(s). In any such case the Sub-Committee shall consult the legal representative before deciding upon any steps to cure the irregularity.
77. In any case where it appears after the Sub-Committee's determination that the decision has been vitiated by incorrect information or any procedural or legal error, the Legal Representative shall advise the Chair of this and of the steps necessary to remedy the problem. With the consent of the Chair, the Sub-Committee may reconvene to take the steps advised and/or to amend its decision. With the consent of the Chair in an appropriate case, the Members of the Sub-Committee may signify their consent to any steps advised and/or any amended decision without reconvening in person. When the legal representative so advises, the parties affected shall be invited to a reconvened hearing or, where appropriate, to signify their consent to any steps proposed without attending in person.

#### Cases Remitted by the Magistrates on Appeal

78. On an appeal to the Magistrates Court, the Court may remit the case to the Council for it to determine in accordance with the Direction of the Court. The Chair of the Licensing Committee on legal advice may wish the Council



to contest that Direction by further legal proceedings. If not, the Chair will receive advice from the Head of Legal Services on how to comply with the Direction of the Court and will be requested to agree the appropriate procedure. So far as possible, these Rules will apply to any further hearing with such modifications as are advised to secure compliance with the Direction of the Court.

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**General Purposes Committee on 8 March 2007**

Report Title: **Making the Scheme of Members' Allowances**

Report of: **The Chief Executive and the Head of Legal Services and Monitoring Officer**

**Wards affected: All**

**Report for: Recommendation to Council**

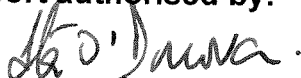
**1. Purpose**

1.1 To make the Scheme of Members' Allowances for the year 2007/08

**2. Recommendations**

2.1 That Members recommend to full Council the adoption of the Scheme of Members' Allowances for the year 2007/08, set out in the Appendix 2 to this report, to have effect as a replacement for Part C.7 of the Council's Constitution.

**Report authorised by:**



**Ita O'Donovan**  
Chief Executive



**Davina Fiore**  
Head of Legal Services and Monitoring Officer

**Contact officer: Terence Mitchison – Senior Project Lawyer, Corporate**  
Telephone: 020 8489 5936      [terence.mitchison@haringey.gov](mailto:terence.mitchison@haringey.gov)

**3.1 Executive summary**

It is a requirement of the Local Authorities (Members Allowances) Regulations 2003 that each Council before the end of March must make its Scheme of Members' Allowances afresh for the coming year. The Scheme now proposed continues the Allowances agreed by full Council on 13 November 2006 subject to an increase from 1 April 2007 in line with the percentage increase agreed in the national settlement for Local Authority officers.

#### **4. Access to information:**

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

(i) The Council's Constitution (ii) Report to the Council about Members' Allowances on 13 November 2006 (iii) Report from the Independent Panel on the Remuneration of Councillors in London October 2006.

#### **5. Background**

- 5.1 Under the Local Authorities (Members Allowances) Regulations 2003 each Council must make its Scheme of Members' Allowances for the next municipal year before the end of March every year. This must be done whether or not any changes are proposed.
- 5.2 The legislation allows a Scheme to be amended at any time. Any changes in an allowance resulting from such an amendment can be made retrospective from the beginning of the relevant year i.e. 1 April 2007.
- 5.3 Haringey's Scheme was last revised by the full Council meeting on 13 November 2006. The Scheme then agreed, as from 1 November, for the remainder of 2006/07 is attached to this report as Appendix 1.
- 5.4 At that Council meeting, Members were advised about the interim report dated October 2006 from the Independent Panel on the remuneration of Councillors in London. The Panel found that Councillors were generally underpaid for the work they undertake and the Allowances for most Councillors had not been raised since 2002. The Panel's report is attached to this report as Appendix 3.
- 5.5 The Council meeting on 13 November 2006 revised allowances for both elected Members and non-Councillor Co-optees having regard to the Independent Panel's recommendations. The report, however, failed to properly annualise the proposed payment for Co-optees as required under the Regulations. This omission is rectified in the Allowances Scheme for 2007/08 set out at Appendix 2.
- 5.6 The Council meeting also agreed that Members' Allowances be increased annually in line with the headline figure in the national pay settlement for Local Government Officers with effect from 1 April each year. It is now provided in the Scheme that the figures shown at paragraphs 2.01, 4.01, 5.01 and 7.01 in Appendix 2 be amended once the officers' pay settlement figure is known. The Regulations state that a Scheme can make provision for the annual adjustment of Members' Allowances by reference to an "index" chosen by the Council.
- 5.7 The increases in Allowances and the amendments to the Scheme made in November generally reflect the report of the Independent Panel. At the upper end

of the SRA structure the Allowances are significantly lower than those proposed by the Panel because this was considered more appropriate for Haringey. The Council is free to depart from the proposals of the Panel provided that there are sound reasons for this and that Members duly "have regard" to the Panel's report.

**6. Proposals**

- 6.1 The Scheme of Members' Allowances for 2006/07 is attached as Appendix 1 to this report. Apart from the recommendation about increasing all Allowances in line with the officers' pay settlement as from 1 April and the "annualisation" of the Co-optees' Allowances , there are no substantive changes as compared to last year.
- 6.2 Once the Scheme has been made by full Council, details must be published in a local newspaper and copies of the Scheme must be available for public inspection at the Civic Centre.

**7. Recommendations**

- 7.1 That Members recommend to full Council the adoption of the Scheme of Members' Allowances for the year 2007/08, set out in Appendix 2 to this report, to have effect as a replacement for Part C.7 of the Council's Constitution.

**8. Comments of the Director of Finance**

- 8.1 There are no financial implications as a result of the recommendations in this report. The Member's Allowances will be contained within the approved budget.

**9. Comments of the Head of Legal Services**

- 9.1 Under the 2003 Regulations, when Members reach their decision upon the Scheme they must have regard to the recommendations contained in the Report by the Independent Panel to the ALG. The Panel's report and recommendations were considered by Members when they reviewed the Scheme in November 2006 and are attached as Appendix 3 to this report.

**10. Use of Appendices**

- 10.1 Appendix 1 to this report sets out the Scheme of Members' Allowances for 2006/07 as amended on 13 November 2006.
- 10.2 Appendix 2 to this report sets out the Scheme of Members' Allowances recommended for 2007/08
- 10.3 Appendix 3 to this report is the interim report of the dated October 2006 from the Independent Panel on the remuneration of Councillors in London.

**APPENDIX I**

# **Part C.7**

## **Members' Allowances Scheme**

### **1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES**

- 1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year 2006/2007 (i.e. 1 April 2006 to 31 March 2007).

### **2. BASIC ALLOWANCE**

- 2.01 Each Councillor will be entitled to receive the sum of £10,000 by way of Basic Allowance.
- 2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members and education representatives on scrutiny bodies.

### **3. INCLUDED EXPENSES**

- 3.01 Travel Expenses.  
The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.
- 3.02 Mobile Telephones.  
The Basic Allowance includes Councillors' telephone call charges.

### **4. MAYORAL ALLOWANCES**

- 4.01 The additional allowances for the Mayor and Deputy Mayor are
- (a) The Mayor is entitled to an additional allowance of £10,000
  - (b) The Deputy Mayor is entitled to an additional allowance of £2,500

## 5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 Haringey Council will allocate Special Responsibility Allowances in three bands, to Councillors who take on certain additional roles:

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> <li>• Leader</li> </ul>	£30,000	£40,000
Band 3	<ul style="list-style-type: none"> <li>• 9 x Executive Members</li> <li>• Opposition Leader</li> <li>• Chair of Overview and Scrutiny Committee</li> </ul>	£22,500	£32,500
Band 2	<ul style="list-style-type: none"> <li>• Chair of General Purposes Committee</li> <li>• Chief Whip</li> <li>• Chair of Planning Applications Sub-Committee</li> <li>• Chair of Licensing Committee</li> <li>• Chair of Alexandra Palace and Park Board</li> <li>• Chair of Audit Committee</li> <li>• Chair of Pensions Panel</li> <li>• Opposition Deputy Leader</li> <li>• Opposition Chief Whip</li> <li>• 6 x Councillors on Overview and Scrutiny Committee</li> </ul>	£15,000	£25,000
Band 1	7 x Chairs of Area Assemblies	£7,500	£17,500

## 6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

## 7. CO-OPTEE'S ALLOWANCES

7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of £117 per meeting excepting the Chair of the Standards Committee who is entitled to £240 per meeting payable on an annualised basis. This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors.

## 8. BABYSITTING AND DEPENDANTS ALLOWANCE

8.01 Councillors and non-elected members can claim this allowance based on the following :

- (a) That reimbursement be made at a maximum rate of £5.05 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
- (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

## 9. TRAVELLING AND SUBSISTENCE ALLOWANCE

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following :

- (a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

- (b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

- (c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available

- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available

- (e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00	£4.92
For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38



## **10. CLAIMS AND PAYMENTS**

- 10.01 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.02 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 below.
- 10.03 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 below..
- 10.04 If any Allowance under paragraphs 10.02 or 10.03 is not claimed within the prescribed time limit, the Head of Members' Services shall have a discretion to make the payment nonetheless.
- 10.05 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Members' Services.

## **11. WITHHOLDING AND REPAYMENT OF ALLOWANCES**

- 11.01 The Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:
- (a) Basic Allowance;
  - (b) Special Responsibility Allowance;
  - (c) Travelling and Subsistence Allowances; and
  - (d) Co-optees Allowance.
- 11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

## **12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME**

- 12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances

**APPENDIX 2**

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

## **Part C.7**

# **Members' Allowances Scheme**

### **1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES**

- 1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year ~~2006/2007~~ 2007/08 (i.e. 1 April ~~2006~~ 2007 to 31 March ~~2007~~ 2008).

### **2. BASIC ALLOWANCE**

- 2.01 Each Councillor will be entitled to receive the sum of £10,000 by way of Basic Allowance (subject to an increase from 1 April 2007 in line with the percentage increase agreed in the national settlement for Local Authority officers).
- 2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members and education representatives on scrutiny bodies.

### **3. INCLUDED EXPENSES**

- 3.01 Travel Expenses.  
The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.
- 3.02 Mobile Telephones.  
The Basic Allowance includes Councillors' telephone call charges.

### **4. MAYORAL ALLOWANCES**

- 4.01 The additional allowances for the Mayor and Deputy Mayor are:
- (a) The Mayor is entitled to an additional allowance of £10,000.
  - (b) The Deputy Mayor is entitled to an additional allowance of £2,500.

(subject to an increase from 1 April 2007 in line with the percentage increase agreed in the national settlement for Local Authority officers).

## 5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 Haringey Council will allocate Special Responsibility Allowances in three bands, to Councillors who take on certain additional roles. All allowances are subject to an increase from 1 April 2007 in line with the percentage increase agreed in the national settlement for Local Authority officers.

Band	Position	Special Allowance	Total Allowance
Band 4	<ul style="list-style-type: none"> <li>• Leader</li> </ul>	£30,000	£40,000
Band 3	<ul style="list-style-type: none"> <li>• 9 x Executive Members</li> <li>• Opposition Leader</li> <li>• Chair of Overview and Scrutiny Committee</li> </ul>	£22,500	£32,500
Band 2	<ul style="list-style-type: none"> <li>• Chair of General Purposes Committee</li> <li>• Chief Whip</li> <li>• Chair of Planning Applications Sub-Committee</li> </ul>	£15,000	£25,000
Band 2 (continued)	<ul style="list-style-type: none"> <li>• Chair of Licensing Committee</li> <li>• Chair of Alexandra Palace and Park Board</li> <li>• Chair of Audit Committee</li> <li>• Chair of Pensions Panel</li> <li>• Opposition Deputy Leader</li> <li>• Opposition Chief Whip</li> <li>• 6 x Councillors on Overview and Scrutiny Committee</li> </ul>		
Band 1	7 x Chairs of Area Assemblies	£7,500	£17,500

## 6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

## 7. CO-OPTES' ALLOWANCES

7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of ~~£585~~ £117 per meeting excepting the Chair of the Standards Committee who is entitled to ~~an allowance of £1,200. £240 per meeting payable on an annualised basis.~~

These allowances are subject to an increase from 1 April 2007 in line with the percentage increase agreed in the national settlement for Local Authority officers.

This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors

## 8. BABYSITTING AND DEPENDANTS ALLOWANCE

8.01 Councillors and non-elected members can claim this allowance based on the following :

- (a) That reimbursement be made at a maximum rate of £5.05 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
- (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

## 9. TRAVELLING AND SUBSISTENCE ALLOWANCE

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following :

- (a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

- (b) The mileage rate for travel by solo motor cycle is :

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	12.3 pence per mile
Over	500 cc	16.5 pence per mile

- (c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available

- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available

- (e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00 £4.92

For an absence of more than 4 hours including lunchtime between 12.00 and 14.00 £6.77

For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38

## **10. CLAIMS AND PAYMENTS**

- 10.01 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.02 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 below.
- 10.03 All claims for Travelling and Subsistence Allowance and Babysitting and Dependents Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 below..
- 10.04 If any Allowance under paragraphs 10.02 or 10.03 is not claimed within the prescribed time limit, the Head of Members' Services shall have a discretion to make the payment nonetheless.
- 10.05 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Members' Services.

## **11. WITHHOLDING AND REPAYMENT OF ALLOWANCES**

- 11.01 The Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:
- (a) Basic Allowance;
  - (b) Special Responsibility Allowance;
  - (c) Travelling and Subsistence Allowances; and
  - (d) Co-optees Allowance.
- 11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

## **12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME**

- 12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances.

Report from the Independent Panel  
on the Remuneration of Councillors in London

October 2006

7. We believe that the role descriptions in our 2001 report are generally still appropriate. We make two additions to our description of the basic role of councillors. One relates to undertaking necessary training and development and the other to being accountable and reporting on their actions. A revised job description for councillors is attached at Annex B. We believe that all Councils should adopt such a job description to make absolutely clear what is expected of a councillor.

8. We reiterate that not more than 50% of councillors should receive a Special Responsibility Allowance (SRA) and that only one SRA should be paid to a councillor in respect of duties with the same authority.

9. Although councillors are not employees, we believe that it is reasonable that their special responsibility allowances should not cease in case of sickness, maternity and paternity leave in the same way that employees enjoy such entitlements. We recommend that Councils should be able to make arrangements in their schemes in appropriate circumstances to enable this to happen.

10. There is at present no provision in the legislation for resettlement payments to councillors. We consider that if recipients of SRAs in Bands Two, Three, Four and Five lose their seat at the polls they should be entitled to six months continued allowance to provide a cushion of time during which they can seek alternative employment. This will require legislative change, but we will make representation to Government to seek this change.

11. As stated in our letter of 26 July 2006, pension regulations have changed so that councillors are now eligible to join the LGPS before their 75th birthday. We recommend that all councillors below the age of 75 should be allowed to join the LGPS

12. We continue to recommend that the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement. We appreciate that Regulation 10 Local Authorities (Members' Allowances) (England) Regulations 2003 appears to require re-adoption of the scheme at the start of each municipal year; but if there is to be no change other than the annual update we recommend, then we believe that this can be achieved by a simple formal resolution.

13. We have considered carefully the possibility of introducing performance related pay for councillors. While this has its attractions, we are convinced that the practical difficulties are too great. However, we commend those Councils which have introduced performance appraisals for Councillors.

14. While we continue to believe intra borough travel should be part of the basic allowance, we recognise there are circumstances where it may be appropriate for a scheme to provide payment for the cost of transport e.g. journeys home after late meetings and for people with disabilities.

Rodney Brooke

Rodney Brooke CBE DL

Drew Stevenson

Professor Drew Stevenson

Jo Valentin

Baroness Jo Valentin

London

18 October 2006

## Report from the Independent Panel on the Remuneration of Councillors in London

**We have completed our review of remuneration for councillors in London. We shall publish a fuller report as soon as possible. This will be a composite of these recommendations and our reports of 2001 and 2003.**

We are well aware that members' allowances can be contentious. But we are emphatic that the quality of local democracy depends on the ability of Councils to attract able people to serve as councillors. Excellent Councils have excellent members. Financial reward is not and should not be the main motivation for service as a councillor. But a reasonable remuneration can make it possible for a wider range of people to stand for election. In his interim report on local government, Sir Michael Lyons comments that councillors are generally underpaid for the vital work which they do. We entirely agree. We believe that councils have a duty to ensure that their scheme of allowances is realistic. We very much hope that London Councils will again endorse our recommendations. We urge that all London boroughs should adopt them.

The recommendations in our report are:

1. We believe that the scheme of allowances which the Panel recommended in 2001, updated for inflation, is still appropriate. At Annex A we set out the five Bands of responsibility with updated figures for the Basic Allowance and for the five Bands.

2. We believe that the roles which we identified as attaching to the Bands are still, in general terms, appropriate. The main changes affecting the role of councillors since our last report have been around representativeness, accountability and community leadership. We have addressed these in our recommendations. We are aware that new roles have been developed, e.g. in relation to Community leadership, leadership of a specific major project, and assistants to Cabinet members holding particularly demanding portfolios like Children's Services. Such responsibilities can also provide development opportunities for the leaders of the future. We think that such roles should be identified as meriting an allowance in Band One.

3. With changes in local government structure and organisation, we accept that some Cabinet roles may be more demanding than others. Although it may be sensible for many Councils to remunerate Cabinet members at the same level, we believe that there is sufficient width in Band Two to permit Councils to recognise different levels of responsibility within the Cabinet where this is appropriate.

4. In return for the levels of remuneration which we propose, it is important that councillors account publicly for their activities. This will enable the electorate to make an informed judgement on the performance of their elected representatives in liaising with their constituents and representing their interests within the council and, in the more senior roles, their leadership in addressing the borough's issues. There are examples of good practice in this area and we will set them out in our fuller report.

5. Planning is an important responsibility of local government. Some London boroughs face planning issues of considerable complexity. In such cases, we believe that it is appropriate that the Chair of the Planning Committee should be rewarded at the higher level of Band Two.

6. We believe that allowances for co-opted members should be made only for those serving on the Standards Committee, for Education co-optees and for the independent chair of an Audit Committee. In our 2001 report we recommend an annual co-optees allowance based on the expected number of meetings at a rate of £100 per meeting. Updated, this figure now stands at £117. We recommend that the independent chair of the Standards Committee should receive a co-optees' allowance on the same basis, but with a rate of £240 per meeting to reflect the greater responsibilities of this post.



### Band One

*The posts we envisage falling within Band One include:*

- Vice-Chair of a Service, Regulatory or Scrutiny Committee
- Chair of Sub-Committee
- Leader of Second or Smaller Opposition Group
- Service Spokesperson for First Opposition Group
- Group Secretary (or equivalent) of Majority Group
- First Opposition Group Whip
- Vice Chair of council business
- Chairs and Vice Chairs of Area Committees or Area Forums
- Cabinet Assistant
- Leadership of a strategic major topic

#### Remuneration

We propose that Band One special responsibility allowances should be on a sliding scale of between 20%-30% of the remuneration package for a council leader

*This would be made up as follows:*

<b>Basic Allowance:</b>	<b>£9,964</b>
<b>Band 1 Allowances:</b>	<b>£2,227 to £8,323</b>
<b>Total:</b>	<b>£12,191 to £18,267</b>

### Band Two

*The types of office we contemplate being within Band Two are:*

- Lead member in scrutiny arrangements, perhaps a Chair of a Scrutiny Committee
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business
- Leader of principal opposition group.

#### Remuneration

We propose that Band Two allowances should be on a sliding scale between 40%-60% pro rata of the remuneration package for a council leader.

*This is made up as follows:*

<b>Basic Allowance</b>	<b>£9,964</b>
<b>Band 2 allowances:</b>	<b>£14,418 to £26,609</b>
<b>Total:</b>	<b>£24,382 to £36,573</b>

## APPENDIX A

### Special Responsibilities – Beyond the Basic Allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Categories of special allowances

*The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:*

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above whether or not that activity is specified in the scheme.

Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands having regard to our recommendations. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

**Band Three**

*We see this band as appropriate to the following posts:*

- Cabinet Member
- Chair of the main overview or scrutiny committee
- Deputy Leader of the Council

**Remuneration:**

We propose that Band Three allowances should be between 70%-80% pro rata of the remuneration package for a council leader.

*This is made up as follows:*

<b>Basic Allowance:</b>	<b>£9,964</b>
<b>Band 3 Allowance:</b>	<b>£32,705 to £38,801</b>
<b>Total:</b>	<b>£42,669 to £48,765</b>

**Band Four**

Leader of Cabinet

This is a full-time job, involving a high level of responsibility. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, whilst still retaining a reflection of the voluntary character of public service. The most appropriate measure is, in our view, that of a backbench MP. The functions of a full-time Leader of a London borough must be at least as onerous as those of an MP, and it would be quite wrong to expect that they could be remunerated at a lower rate, even excluding (as we do) the generous expenses package to which a backbench MP is entitled.

We propose that the remuneration package for a Council Leader under Band Four of our scheme should be £61,155.

*This is made up as follows:*

<b>Basic Allowance:</b>	<b>£9,964</b>
<b>Band 4 Allowance:</b>	<b>£51,191</b>
<b>Total:</b>	<b>£61,155</b>

**Band Five**

Directly Elected Mayor

A Directly Elected Mayor is a major innovation in the political management of local government with the office holder taking on a new role and exercising executive responsibilities over a fixed electoral cycle. We believe this post is significantly different to that of the Council Leader with Cabinet model and that it is a full time job with an importance which should be reflected in the salary level.

We propose that a Band Five Directly Elected Mayor should receive a remuneration package of 25% higher than that recommended for a Council Leader and that it should be a salary set at **£76,194**.

**On behalf of the community – a job profile for councillors**

**Purposes:**

- To participate constructively in the good governance of the area.
- To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
- To represent effectively the interests of the Ward for which the councillor was elected, and deal with constituents' enquiries and representations.
- To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
- To represent the council on an outside body, such as a charitable trust or neighbourhood association.

**Key Tasks:**

- To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. Setting budget, overall priorities, strategy).
- To participate effectively as a member of any committee or Panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or Panel's) terms of reference, human resource issues, staff appointments, fees and changes, and liaison with other public bodies to promote better understanding and partnership working.
- To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also, for the purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
- To participate in the scrutiny or performance review of the services of the authority including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
- To participate, as appointed, in the area – and service-based consultative processes with the community and with other organisations.
- To represent the authority to the community, and the community to the authority, through the various forums available.
- To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
- To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
- To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
- To participate in the activities of any political group of which the councillor is a member.
- To undertake necessary training and development programmes as agreed by the authority.
- To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

**General Purposes committee On 8<sup>th</sup> March 2007**

**Report title: Implementation of a childcare voucher scheme**

**Report of Head of Personnel**

**1. Purpose**

To outline the benefits of having a childcare voucher scheme, employee and employer implications and outline further actions required in order to progress with the scheme.

**2. Recommendations  
That this committee**

- a. Note that Leapfrog have been chosen as the provider for 12 months.
- b. A procurement tendering process for choosing a provider for five years will be undertaken later in the year. A report will be issued to committee in six months with details of the tendering process.

Report authorised by:



for Chief Executive

Contact officer: **Stuart Young, Head of Personnel**  
Telephone: **3174**

3. Access to information:

**Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report.

**4. Background**

Following a report to committee regarding the introduction of a childcare voucher scheme in the Council on 18 December 2006 committee agreed that the scheme be implemented. Committee also requested that the scheme be in place for April 2007 and that they be updated on the provider. This report is being submitted to provide this information.

## 5. Proposals

Based on a take-up rate of 1-2% and at an administrative charge of around 5%, payment to the childcare provider per annum would be less than £25,000. For contracts below this amount the full tendering process does not need to be followed.

In order for the scheme to be implemented by the required to April 2007 date proposed by committee, Corporate Procurement advised that a 12 month contract be awarded with the provider being chosen by obtaining quotes. The contract cannot be extended indefinitely as this would take payment over the £25,000 amount which would trigger the tendering process. They have advised that before the 12 month contract ends the tendering process be started. It is envisaged that the tendering process will take up to six months to complete.

## 6. Selecting a provider

Personnel held a series of meetings with different childcare voucher providers. A series of questions was then sent out detailing the requirements of the council and asking the provider how they meet these requirements (details given in previous report).

A total of five providers responded.

Responses were individually reviewed against the following:

Ability to meet key requirements of the Council namely:

- Inclusion of casual staff and staff with multiple employments
- Provision of paper and electronic vouchers
- Ability to store data on behalf of the council
- Publicity of the scheme
- Support provided
- Experience of implementing the scheme in other large local authorities
- Administration fee

Four providers were not deemed appropriate due to the following reasons:

- Provided electronic vouchers only.
- Failed to provide relevant information.
- Did not state what support was available to staff.
- Charges an additional storage fee.

The Pay Control Manager, HR Business Partner and Deputy Head of Personnel agreed that Leapfrog who met all the key requirements and was the preferred provider.

In order for the scheme to be implemented by April 2007 Leapfrog will be awarded a 12 month contract and the tendering process be followed to award an indefinite contract after this.

Leapfrog are the largest Childcare Provider in the UK, they have over 3,000 employees, and over 90 nurseries throughout UK. They are a Division of Nord Anglia Education Plc which is a leading provider of education, training and childcare with three distinct operating divisions - Nurseries, International Schools and Learning Services.

## **7. Implementation**

Details of the scheme will be included with recruitment literature and will act as an incentive for potential applicants with childcare responsibilities.

Information on the scheme will also be provided to new staff at induction and will be publicised as part of ongoing work on staff benefits.

In order for the scheme to be paid through the Council's payroll system SAP, Logica have advised that there will be a set-up cost of approximately £5000. Given time the savings the Council will make on NI contributions will pay for this. It also opens up the opportunity to set up other employee self sacrifice scheme such as 'bikes for work'. Currently Homes for Haringey are deciding whether they want to be involved, if they do they will be responsible for a proportion of the £5000 cost.

The following activities have been planned to promote the scheme:

- Payslip inserts will go out in March payslips.
- A series of staff presentations will take place in the main Council buildings in the first and second week of March.
- An article will go in the March edition of Smart talk.
- An e-mail will go out to all staff.
- A page will be placed on Harinet.
- Posters will be sent to Council offices

Depending on the popularity of the scheme it is proposed that promotion activities be repeated throughout the year.

The contract cannot be extended beyond the 12 month period without going through the full tendering process first. It is therefore proposed that the tendering process is started in late summer and involves partners such as Homes For Haringey.

## **8. Legal Services Comments**

The childcare voucher scheme is regulated according to Inland Revenue rules and criteria. The Council is required to keep certain records including records related to the following: -

1. evidence that the scheme has been offered to all staff;
2. details of the children using the childcare;
3. details of the child carers used; and

4. evidence of the requirement for employees to inform of any change in status.

## 9. Financial Implications

Following agreement to introduce the scheme further discussion was held with corporate procurement who advised that we follow their recommendations as detailed under section 5.

The table below shows the potential savings to the Council based on Leapfrogs administrative fee of 5%.

Description	Lower rate Tax Payer	Higher rate Tax Payer
Gross Salary	£20,000	£40,000
Childcare Vouchers Value per annum	£2,916	£2,916
Taxable salary	£17,084	£37,084
Employer NI saving at 12.8%	£375	£375
Minus Provider management fee at 5%	£146	£146
Net Employer saving (Employer NI saving minus management fee)	£227	£227
Employee Tax saving (33% or 41% dependant on lower or higher tax rate payer)	£962	£1,195
Estimated Total Net employer saving based on take up by 78 staff (72 lower tax, 6 higher tax)	£16,376	£4,094
<b>EMPLOYER</b>	<b>TOTAL SAVING</b>	<b>£20,470</b>

## 10. Equalities implications

The scheme supports family friendly policies such as flexible working currently being run by the council. The cost of childcare can be prohibitive and may mean that some employees are unable to return to work after having a baby, given that the majority of council employees are women there will be a positive incentive for women to return to work after maternity leave thereby retaining their skills and experience.

This scheme promotes work-life balance and is open to men and women. It is open to both parents and individuals with parental responsibility.

**General Purposes committee 8<sup>th</sup> March 2007**

**Report title: Changes to maternity and adoption leave April 2007**

**Report of Head of Personnel**

**1. Purpose**

To outline the changes to maternity and adoption leave rights in line with the Work and Families Act 2006. This will affect employees where their expected week of childbirth or for those adopting; the date matched with a child is on or after 1 April 2007.

**2. Recommendations**

**That this committee agree**

- a. A revision of existing policy to reflect the changes to maternity rights as set out in the Work and Families Act 2006 for those whose expected week of childbirth is on or after 1 April 2007.
- b. A revision of existing policy to reflect the changes to adoption rights as set out in the Work and Families Act 2006 for those who are matched with a child is on or after 1 April 2007.

Report authorised by:



for Chief Executive

Contact officer: **Stuart Young, Head of Personnel**

Telephone: **3174**

3. Access to information:

**Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report.

**4. Background**

In April 2006 the Work and Families Act made amendments to the Employment Rights Act 1996 to provide for the changes below with regard to maternity and adoption rights.

The changes only affect employees where their expected week of childbirth or for those adopting; the date matched with a child is on or after 1 April 2007.

Previous rights apply to people who are due to go on maternity or adoption leave before this date.

The changes to maternity and adoption leave entitlements are as follows:

## **Maternity leave**

- The qualifying period for entitlement to 26 weeks additional maternity leave is removed. All women will therefore be entitled to 52 weeks maternity leave comprising of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave.
- Women who have 26 weeks service by the 15<sup>th</sup> week before the expected week of childbirth (EWC) and have average earning above the required threshold are now entitled to 39 weeks statutory maternity pay (SMP) instead of 26 weeks. The first 6 weeks of which will be paid at 90% of average weekly earnings and the remainder at the lower statutory level (currently £108.85 per week or 90% of the average weekly earnings if this is less than £108.85 per week).
- Where a woman does not qualify for SMP, Statutory Maternity Allowance (SMA) will be payable for 39 weeks instead of 26 weeks providing the woman has earned on average at least £30 a week in your test period. The test period is 13 weeks within a period of 66 weeks up to and including the week before the expected week of childbirth.
- Women must give 8 weeks notice if they wish to return early from maternity leave instead of 28 days.
- Maternity leave no longer needs to commence on a Sunday.
- Women have the right to do up to 10 days work during maternity leave without this affecting SMP or SMA. This can be for training, work or keeping in touch.
- All other rights remain unchanged.

See section 5. Implications for Council policy, for the changes to the maternity pay.

## **Adoption leave**

- An adoptive parent is entitled to up to 52 weeks adoption leave. This comprises of 26 weeks ordinary adoption leave and where they have 26 weeks service ending with the week in which they are matched with a child, 26 weeks additional adoption leave.
- An adoptive parent with 26 weeks service by the week matched with a child and who has average earnings above the required threshold is entitled to 39 weeks



statutory adoption pay (SAP) instead of 26 weeks. This will be paid at £108.85 per week or 90% of the average weekly earnings if this is less than £108.85 per week.

- All other rights remain unchanged.

## 5. Implications for Council policy

At present policies do not detail the arrangements for staff where their expected week of childbirth or for those adopting; the date matched with a child is on or after 1 April 2007. Revisions will need to be made to existing policy to reflect the changes set out in the Work and Families Act 2006 for those qualifying for the new maternity and adoption rights.

The main changes to maternity pay will be as follows:

Table 1

<b>Maternity eligibility criteria</b>	<b>Expected week of childbirth before 1 April 2007</b>	<b>Expected week of childbirth on or after 1 April 2007</b>
<b>Women who joined Haringey Council before 1<sup>st</sup> April 1993</b>	28 weeks full pay OR 16 weeks full pay and 24 weeks at half pay.	28 weeks full pay plus 11 weeks at current SMP rate OR 16 weeks full pay and 24 weeks at half pay
<b>Women who joined Haringey Council after 1<sup>st</sup> April 1993 and have been continuously by Haringey for one year at the beginning of the 11<sup>th</sup> week before the week in which the baby is due.</b>	14 weeks full pay plus 12 weeks paid at current SMP rate OR 8 weeks full pay plus 12 weeks half pay plus 6 weeks at current SMP rate	14 weeks at full pay plus 25 weeks paid at current SMP rate OR 8 weeks full pay plus 12 weeks half pay plus 19 weeks at current SMP rate.
<b>Women who do not have one year's continuous service with Haringey but do have one year's continuous service in Local Government at the beginning of the 11<sup>th</sup> week in which the baby is due.</b>	6 weeks at 9/10 <sup>th</sup> s of a week's pay plus 12 weeks at half pay plus 6 weeks at current SMP rate.	6 weeks at 9/10 <sup>th</sup> s of a weeks pay plus 12 weeks at half pay plus 21 weeks at current SMP rate.
<b>Women who have less than one year's continuous Local Government service but will have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the baby is due.</b>	6 weeks at 9/10 <sup>th</sup> of a weeks pay plus 20 weeks SMP (where eligible).	Statutory entitlements apply – 6 weeks at 9/10ths of a weeks pay plus 33 weeks at current SMP rate.

The main changes to adoption pay will be as follows:

Table 2

<b>Adoption eligibility criteria</b>	<b>Matched to a child before 1 April 2007</b>	<b>Matched to a child after 1 April 2007</b>
<b>Employees who joined Haringey Council before 1<sup>st</sup> April 1993</b>	24 weeks leave at half pay & 2 weeks at current SAP rate	24 weeks leave at half pay & 15 weeks at current SAP rate
<b>Employees who joined Haringey Council after 1<sup>st</sup> April 1993 and have 1 year's continuous service with Haringey.</b>	12 weeks leave at half pay & 14 weeks at SMP	12 weeks leave at half pay & 27 weeks at SAP
<b>Employees with 26 weeks service by the week in which they are notified they have been matched with a child</b>	26 weeks at current SAP rate	39 weeks at current SAP rate

## 6. Proposals

That in the first instance revisions be made to existing maternity and adoption related policies so that guidance on entitlements for employees taking maternity or adoption leave pre or post 1<sup>st</sup> April 2007 run in parallel.

That the guidance relating to those qualifying on or after 1<sup>st</sup> April 2007 will eventually supersede any existing policy.

## 7. Legal Services Comments

The Head of Legal Services has been consulted on the contents of this report. Legal Services will provide specific advice to Personnel once the amended policy has been drafted.

## 8. Financial Implications

For the period February 2006 to February 2007, 268 women took maternity leave. If the same number of women (with the same maternity eligibility criteria) took maternity leave under the new entitlement of 39 weeks SMP, the additional cost to the Council would be approximately £336,673. It is anticipated that any additional costs will be contained within existing cash limits.

## 9. Equalities implications

### Adoption Leave

The Act appears to give an entitlement of up to 52 weeks adoption leave to all adoptive parents (26 weeks ordinary adoption leave and 26 weeks additional adoption leave).

However, it appears that not all adoptive parents will be able to claim the full entitlement of 52 weeks as the Act also appears make as a condition for the full entitlement of 52 week, a qualification period of 26 weeks continuous service that is matched with the child to be adopted.

This apparent qualification period retains an element of disparity in treatment between those adoptive parents who meet the 26 week service criterion and those that do not.

### **Maternity leave**

In relation to maternity leave, the Work and Family Act introduces an element of equality between women in employment, specifically in regard to maternity leave rights

By removing the qualification period for entitlement to additional leave, and by introducing an entitlement of 52 weeks for all women (26 weeks ordinary maternity leave and 26 weeks additional maternity leave), an element of discrimination between expectant women in employment is removed. This is a move in the right direction and will contribute to promoting equality between women in employment.

The Act does not remove disparity of treatment based on earnings or address differences in occupational schemes where enhanced entitlement is based on length of service.

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**General Purposes committee 8<sup>th</sup> March 2007**

**Report title: Extension to right to request flexible working.**

**Report of Head of Personnel**

**1. Purpose**

To detail the provisions of the Work and Families Act 2006, which extends the right to request flexible working to those caring for adults.

**2. Recommendations**

**That this committee agree**

- a. The Council's flexible working scheme be changed to clarify statutory rights of employees caring for adults and/ or children to apply to work flexibly.

Report authorised by:



for Chief Executive

Contact officer: **Stuart Young, Head of Personnel**

Telephone: **3174**

3. Access to information:

**Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report.

**4. Background**

From 6 April 2003 parents of children aged under six or of disabled children aged under 18 have had the right to apply to work flexibly providing they have the qualifying length of service.

In April 2006 the Work and Families Act made amendments to the Employment Rights Act 1996 to extend the above right.

This comes into effect from 6 April 2007 and extends the right for employees caring for an adult. Employers will have a statutory duty to consider these applications seriously.

To be eligible to apply to work flexibly the individual must:

- be an employee
- have worked with their employer continuously for at least 26 weeks at the date the application is made
- not have made another application to work flexibly under the right during the past twelve months

Eligible employees will be able to apply for:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home

This covers working patterns such as annualised hours, compressed hours, flexitime, homeworking, job-sharing, self-rostering, shift working, staggered hours and term-time working.

The right applies to employees that care for an adult who:

- They are married to, is their partner, civil partner
- Is a near relative
- Lives at the same address

The definition of a near relative covers: adult children, parents, parents-in-law, uncles, aunts, grand-parents and step-relatives.

## **5. Changes to Council Policy**

The Council introduced a comprehensive flexible working scheme in 2005.

It does not explicitly state the statutory right to request flexible working as the scheme is open to all employees.

Therefore the scheme will be amended to clarify the statutory rights of employees caring for children and adults.

## **7. Legal Services Comments**

The Head of Legal Services has been consulted on the contents of this report. Legal Services will provide specific advice to Personnel once the amended policy has been drafted.

## **8. Financial Implications**

There are no additional costs anticipated.

**9. Equalities implications**

Available evidence suggests that there is a preponderance of women as carers either in a paid or unpaid capacity. In principle this change in the law will impact more positively for woman. Specific comments on the impact for Haringey will be provided after the scheme is modified to emphasise the new right.

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**General Purposes Committee** On 8 March 2007

**Report title: DELEGATED DECISIONS AND SIGNIFICANT ACTIONS**

**Report of: The Head of Member Services**

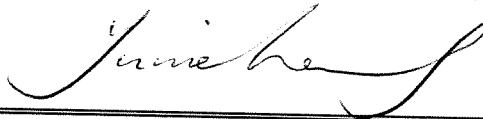
**1. Purpose**

To inform the Committee of a delegated decision taken by the Chief Executive.

**2. Recommendations**

That the report be noted.

**Report authorised by:** Yuniea Semambo, Head of Member Services



**Contact officer:** Jeremy Williams

**Telephone:** 020 8489 2919

**4. Access to information:**

Local Government (Access to Information) Act 1985

**4.1 Background Papers**

The following background papers were used in the preparation of this report;

Delegated Decision Form

The background papers are located at River Park House 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Jeremy Williams on 020 8489 2919.

## DIRECTOR OF CHIEF EXECUTIVE

### Significant decisions - Delegated Action 2006/07

◆ denotes background papers are Exempt.

No	Date approved by Director	Title	Decision
1.	2.1.07	Changes to Officer Scheme of Delegation to Implement Council Reshaping	In accordance with the decision at full Council on 13 November 2006, the Chief Executive was authorised to ensure the Council's Scheme of Delegation to Officers in Part F7 of the Constitution was amended at the appropriate time dependent upon appointments to various posts. The majority of appointments to first and second tier posts have now been made and this delegated authority brings into operation the amendments required to reflect the new structure. Existing delegated powers to the new Directors and their second tier officers have therefore been re-allocated within each section of the scheme of delegation.
2.			
3.			
4.			

### Delegated Action

Type	Number

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is exempt

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