Haringey Council

Regulatory Committee

TUESDAY, 21ST FEBRUARY, 2012 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Basu, Beacham, Brabazon, Demirci (Chair), Erskine, Hare, Mallett, Peacock (Vice-Chair), Rice, Schmitz, Scott and Waters

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be dealt with under the agenda item where they appear. New items will be dealt with at item 10 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 **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determination of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. MINUTES (PAGES 1 - 8)

To approve the minutes of the Regulatory Committee meeting held on 24 November 2011.

5. REVIEW OF FEES AND CHARGES - LICENCES (PAGES 9 - 20)

Report of the Director of Corporate Resources to recommend increases to the Council's licensing fees and charges for services with effect from 1st April 2012.

6. SECTION 106 MONITORING REPORT (PAGES 21 - 88)

Report of the Director of Place and Sustainability to update the Committee on the Council's Section 106 (s106) policy and guidance, s106 agreements signed and administered between 2005 – 2011 by the Planning, Regeneration and Economy Service and the distribution of the s106 funds received by the Council.

7. DEVELOPMENT MANAGEMENT, BUILDING CONTROL AND PLANNING ENFORCEMENT WORK REPORT (PAGES 89 - 112)

To advise the Committee of performance statistics on Development Management, Building Control and Planning Enforcement.

8. PLANNING ENFORCEMENT UPDATE - THREE QUARTERLY REPORT 2011-12 (PAGES 113 - 124)

Report of the Director of Place and Sustainability to inform Members on Planning Enforcement's progress in maintaining service delivery 2011/12.

9. PLANNING ENFORCEMENT - EXPEDIENCY (PAGES 125 - 178)

Report of the Director of Place and Sustainability to explain to members the issue of expediency with regard to appraising formal planning enforcement action.

10. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 2 above.

11. DATES OF FUTURE MEETINGS

Thursday, 12 April 2012, 7pm.

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and Member Services
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Monday, 13 February 2012

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Agenda Item 4

MINUTES OF THE REGULATORY COMMITTEE
THURSDAY, 24 NOVEMBER 2011

Councillors Basu, Beacham, Brabazon, Demirci (Chair), Erskine, Mallett, Reid, Rice, Schmitz, Scott and Waters

Apologies Councillor Peacock

MINUTE NO.	SUBJECT/DECISION	ACTION BY
REG13.	**APOLOGIES FOR ABSENCE** Apologies for absence were received from Cllr Peacock.	
REG14.	**URGENT BUSINESS** There were no new items of urgent business.	
REG15.	**DECLARATIONS OF INTEREST** There were no declarations of interest.	
REG16.	**MINUTES** It was agreed that the word 'clarified' in the opening line of the paragraph at the top of page 2 of the minutes of the meeting of the 26th May be replaced by 'asserted'. **RESOLVED** i) That the minutes of the meeting held on 12 September 2011 be approved and signed by the Chair. ii) That, with the agreed amendment that 'clarified' be replaced by 'asserted' in paragraph 2 of item REG05, the minutes of the meeting held on 26 May 2011 be approved and signed by the Chair.	
REG17.	**CHAIR'S UPDATE** The Chair advised that he attended regular meetings with senior officers in the Planning service and the Cabinet Member, in order to look at ways of improving the handling of planning applications, and asked Members of the Committee to pass on any comments or suggestions they wished to feed into this process. The Chair stated that it was intended that the Committee should feed into any further work on the governance review and any relevant policy-making processes. In response to a question from the Committee regarding s106 payments outstanding, the Chair advised that this was an issue he had raised with officers. The Committee requested that s106 monitoring be a standing	

report on the Regulatory Committee agenda, and it was agreed that this would be implemented. Marc Dorfman, Assistant Director, Planning, Regeneration and Economy, reported that s106 monitoring had previous been presented on an annual basis, which would be ready for the next meeting of the Committee, but that it would be possible to change this so that a report was produced on a quarterly basis as requested. In response to a question regarding unpaid s106 contributions, in particular at Hale Village, Mr Dorfman reported that permission had been sought from the Committee to renegotiate the s106 agreement in respect of this site, and that negotiations were ongoing. In response to further questions regarding Hale Village, Alexis Coleman, Legal Officer, provided an update; it was reported that work on the site-wide s106 agreement had been in progress since January 2011. A further update on this situation would be included in the report to the next meeting.

The Committee asked about the impact of the Localism Act on s106 contributions, in response to which Mr Dorfman advised that for future developments there would be stricter regulations regarding what constituted s106 obligations. April 2014 would be the trigger date for the introduction of new Community Infrastructure Levy (CIL), which would see s106 contributions apply to fewer circumstances (principally site compliance issues). Regulations were awaited in respect of the new Localism Act, which it was anticipated would give Planning Authorities the option to introduce the CIL system. Issues around the CIL were currently out for consultation. With regard to whether the Council should adopt the CIL approach, it was reported that this would be brought to the Regulatory Committee for discussion, as well as to Cabinet and public consultation. It was anticipated that a decision on this issue would be made in 2013.

In response to questions from the Committee regarding CIL, it was reported that the local authority would be able to state whether they wished for payment upfront, in set stages or when various trigger points were reached. It was also reported that Haringey were challenging the Mayor of London over the proposed Mayoral levy for strategic infrastructure, as it was felt that the level of contribution set for Haringey was excessive.

The Chair requested that officers ensure that the Committee had the opportunity to feed into the discussion regarding the introduction of CIL, in response to which Mr Dorfman confirmed that a report would be brought to the Regulatory Committee seeking advice on operational matters relating to the process.

NOTED

REG18. THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Licensing Officer, Dale Barrett, advised the Committee regarding the Police Reform and Social Responsibility Act 2011, for which regulations were awaited.

The Act was likely to affect the Licensing Act 2003 in a number of ways, including:

- Licensing Authorities to become responsible authorities in their own right, able to comment on applications and seek reviews.
- Removal of the vicinity test, so there was no need for someone to live or work in the vicinity of a premises to make representations on a licensing application.
- The Licensing Authority to become responsible for putting up notices and promoting applications.
- Reduction of the evidence threshold from that established by Thwaites case-law.
- Extension of TENs to up to 7 days, and addition of Environmental Health as a Responsible Authority for TENs applications.
- Fine to be doubled for persistent sale of alcohol to under 18s.
- Licensing Policy Statements to be updated 5 yearly rather than 3 yearly.
- New offences added to those relevant in the consideration of Personal Licences.
- Alcohol disorder zones to be replaced early morning restriction orders and late-night levies.
- Licensing Authorities to set their own fees for premises licences, up to a maximum level.
- Most changes not to be implemented until after the 2012 Olympics.
- Health bodies to become responsible authorities in their own right, to be consulted on licensing applications.

Regret was expressed that there had been no introduction of minimum alcohol pricing, but it was hoped that this would be looked at further in future.

The Committee noted that these changes would have very significant implications, and requested further information and training to ensure that Members fully understood them. Ms Barrett confirmed that it was necessary to wait for the publication of the guidance on the Act, and that as soon as this was available it would be circulated to Members. In response to a question regarding the early morning restriction orders, it was confirmed that the test for such orders was likely to be on the basis of public disorder, but that it was necessary to wait for the regulations to be issued for further details of this. It would also be necessary to wait for the regulations for guidance on how the licensing authority as responsible authority would operate without creating a conflict of interest and whilst maintaining the neutral role of the Licensing Officer.

NOTED

REG19. CONSULTATION ON THE DEREGULATION OF REGULATED ENTERTAINMENT

The Licensing Officer, Dale Barrett, advised the Committee of the Government's consultation on the deregulation of Regulated Entertainment. This was in addition to the Live Music Bill, which proposed permitting live music events of up to a 200-person capacity

	until 11pm, without the need for a licence. Further to this Bill, consultation had been commenced on the deregulation of all Regulated Entertainment with the exception of boxing, wrestling and sexual entertainment, up to a capacity of 5,000 people and with no cut off time or notification required to the licensing authority. It was proposed that sale of alcohol would still be licensable, but that BYO events would not require any form of licence. It was confirmed that the Council was inclined to support the Live Music Bill, but strongly opposed the proposals in respect of deregulation. The deadline for response to the consultation on deregulation was 3rd December. The Committee expressed strong concern regarding the consultation, and it was felt that there would be a significant public reaction if the implications of what were being consulted on were more widely understood. **NOTED**	
REG20.	**PLANNING ENFORCEMENT UPDATE** Paul Smith, Head of Development Management, introduced the report on Planning Enforcement and took questions from the Committee. Members asked about the term 'not expedient', and its use in the report. It was reported that a judgement had to be made to determine when a breach had occurred, and how that breach should be responded to, as there was a range of options available and enforcement action was a discretionary measure. In the event that a breach was felt in an officer's professional view not to cause any harm, a decision may be made that it was not expedient to act. Marc Dorfman, Assistant Director, Planning, Regeneration and Economy, suggested that illustrative examples of 'not expedient' decisions could be brought to the next meeting for the Committee to look at. In response to questions from the Committee, it was confirmed that 'not expedient' decisions were only ever taken in respect of minor matters which would not have come to the Planning Sub Committee for consideration. The Committee commented that issues where planning permission was seen to have been exceeded caused significant local concern, and that not taking enforcement action in certain situations raised a number of issues. The Committee asked what the reason was for the reduction in cases immune from enforcement action, in response to which Mr Dorfman advised that this was as a result of streamlined processes by Enforcement Officers, following concerns raised three years ago about a lack of enforcement action. It was confirmed that the period after which a case was immune from enforcement action was 4 years for building work and 10 years for change of use. The Committee asked about the cases which were reported as being in the Crown Court for confiscation under the Proceeds of Crime Act, and how these would be promoted as a deterrent to others. Antonios Michael, Legal Officer, advised that confiscations would be made if evidence were found that benefits have been accrued by the defendant	

	as a result of the illegal activity, but advised that this was a slow process due to the evidence-gathering required and could take up to 2 years. It was confirmed that a good news story would be issued if there was a positive result for the Council. It was suggested that the planning enforcement update might be made more strategic, and link in with the HMO licensing scheme as addressing HMOs was critical to regeneration issues. It was further suggested that, if enforcement action were to lead to a contribution to the Council from assets confiscated, this could be used to increase resources available for enforcement action. The Committee suggested that officers could speak to counterparts at the London Borough of Newham regarding their experiences with this. For information, Mr Michael advised that the Council would receive 18.5% of the value of assets seized under the Proceeds of Crime Act. Cllr Schmitz commented on arrangements for housing benefit paid to unlicensed HMOs to be returned to the Council, and it was agreed that he would circulate details of this to the rest of the Committee. Questions were raised regarding whether these issues were within the remit of the Committee, and it was agreed that clarification of the Committee's role in policy-making would be sought for future reference. **NOTED**	Clerk / Legal
REG21.	**PERFORMANCE STATISTICS** The Considered a report on Performance Statistics for development management, building control and planning enforcement. In response to a questions regarding what happened to those applications not determined within 13 weeks, it was report that these tended to be more complex cases, and that agreement would be sought with the applicants of such cases that determination could take longer than 13 weeks. As an example, an agreement had been entered into with Spurs that determination could take up to 2 years, and determination had actually been made within 18 months. The Committee requested that a spreadsheet showing the times of longer applications be provided for information in future. In response to a question regarding what happened when a caution was accepted, Mr Michael advised that this was an alternative to prosecution and where a caution was accepted, the site in question would be reverted to its original use and a follow-up visit undertaken to ensure that this had been complied with. **NOTED**	
REG22.	**CERTIFICATES OF LAWFULNESS FOR EXISTING USE - CASES DETERMINED SINCE JANUARY 2009** Paul Smith introduced a report on Certificates of Lawfulness, which looked at the work being done in this area and the decision-making processes. A procedure note of 2009 was appended to the report, which	

	set out the criteria for the evidence required and details were also provided of certificates which had been revoked following discovery of false evidence. It was reported that changes in procedure had been implemented in 2009 after concerns that evidence was not being sufficiently robustly challenged. The Committee asked whether it would be possible for past enforcement notices to be made available online, in response to which Mr Smith advised that decisions could certainly be made available, but that not all supporting documentation could be published for reasons of confidentiality. In response to a question from the Committee, Mr Smith advised that all evidence submitted was tested, for example utility companies were contacted regarding the validity of bills submitted as evidence. The rigor of the tests administered had been increased, and staff had received training from Internal Audit on identifying false documents. **NOTED**	
REG23.	**DELEGATED DECISIONS** The Committee considered a report on decisions made under delegated powers between 26 September 2011 and 30 October 2011. **NOTED**	
REG24.	**APPEALS** The Committee considered a report on appeal decisions determined by the Department for Communities and Local Government during September 2011. **NOTED**	
REG25.	**MEMBERSHIP OF PLANNING AND LICENSING SUB COMMITTEES** The Committee considered a report on a change to the membership of the Planning Sub Committee, with effect from 1 January 2012, following the amendment of the membership of the Regulatory Committee approved by Full Council on 21 November 2011. **RESOLVED** i) That it be noted that Cllr Hare will replace Cllr Reid as Member of the Regulatory Committee as confirmed by Full Council on 21 November 2011. ii) That the variation of the Membership of the Planning Sub Committee, with effect from 1 January 2012, by the appointment of Cllr Hare to fill the vacancy arising from Cllr Reid no longer sitting on the Regulatory Committee be agreed.	

MINUTES OF THE REGULATORY COMMITTEE
THURSDAY, 24 NOVEMBER 2011

REG26.	**NEW ITEMS OF URGENT BUSINESS** There were no new items of urgent business.	
REG27.	**DATES OF FUTURE MEETINGS** The Committee considered agenda items and action points relating to future meetings, and the following comments were made: • Concerns had been raised regarding the timescales within which responses were received from Planning; in response, Mr Dorfman advised that timescales were not a matter for Committee deliberation but advised that targets for response times were in place and performance against these targets was monitored on a regular basis. The Committee noted this, but requested that a continued focus on performance be maintained. • It was suggested that the wording of consultation documents could be reviewed for clarity, as comments had been made it was not always easy to understand what was proposed. Mr Dorfman agreed that this would be looked at, and suggested that the Tottenham consultation document be circulated to Committee Members so that they could provide feedback on how clarity could be improved. • It was confirmed that issues with the availability of consultation documentation for Licensing applications had now been resolved and that all the necessary documents were now available online. • Members asked about how Councillors were briefed on relevant changes in legislation. Mr Dorfman advised that a planning legal update was circulated to members of the Planning Sub Committee on a monthly basis, and it was agreed that this should now be circulated to all Members. • The Chair asked Committee Members to advise him of any issues they wished raised with senior officers. Future dates of Regulatory Committee meetings were noted: Tuesday 21 February 2012 Thursday 12 April 2012 The meeting closed at 21:10hrs.	M Dorfman Planning All

CLLR ALI DEMIRCI

Chair

Agenda Item 5

Haringey Council

Report for:	Regulatory Committee	**Item number**	To be added by the Committee Section

Title:	Review of Fees and Charges - Licences

Report authorised by :	J. Parker 10/2/12. Julie Parker – Director of Corporate Resources

Lead Officer:	Graham Oliver (020 8489 3725) Graham.oliver@haringey.gov.uk

Ward(s) affected: ALL	**Report for Key/Non Key Decision:** Key

1. Describe the issue under consideration

To recommend increases to the Council's licensing fees and charges for services with effect from 1st April 2012.

As part of the Medium Term Financial Plan and income policy the Council is required to carry out an annual review of its fees and charges with a view to ensuring its income from these sources are maximised, whilst ensuring that the principle of cost recovery is maintained.

The current inflation rate (RPI) is 4.8%, however a rate of 3% has been proposed for the purposes of applying a default increase for 2012-13 across the full range of Council Fees and Charges, for the following reasons:

- Fees and charges were raised by a significant percentage in 2011-12 and the view taken is that to increase by the current RPI would be overly detrimental to the collection of the Council's income.

Haringey Council

- The Bank of England and Office of Budget Responsibility are both expecting the current RPI to start falling in 2012 and have estimated an RPI of 3% by the end of 2012 or early 2013.

- The principle of cost recovery is maintained by the approval of an increase that is below the rate of inflation.

2. Recommendations

To approve the increase to the Council's licensing fees and charges, as per the attached appendix, with effect from 1st April 2012, subject to an equalities impact assessment being carried out and any subsequent changes then required being delegated to the Director of Place and Sustainability and the appropriate cabinet member.

3. Other options considered

Officers have reviewed fees and charges firstly as part of the annual consideration of fee levels and secondly due to the need for the Council to maximise it sources of income in order to mitigate against service cuts.

4. Background information

Appendix A contains the full details of licensing fees and charges proposed increases. All charges are proposed to be increased by 3% in line with the corporate requirement and the Council's MTFP.

5. Comments of the Chief Financial Officer and Financial Implications

The fees and charges proposals are in line with the Council's Medium Term Financial Plan (MTFP) for 2012/13 – 2014/15. The total amount of additional income estimated to be generated from the proposed increases (assuming no impact on volumes) is approx £10k.

6. Head of Legal Services and Legal Implications

Some fees for services provided by local authorities are set out in the parent legislation or regulations made under the parent legislation. In such instances the Council has no option what to charge. Section 93 Local Government Act 2003 allows local authorities to charge for discretionary services, provided there is no alternative power allowing local authorities to charge and provided there is nothing in the parent legislation preventing local authorities from charging for these discretionary services. Where the local authority provide such discretionary services the local authority has a

duty to secure, that taking one financial year with another, the income from charges under the subsection does not exceed the costs of the provision. Section 93 allows local authorities to charge only some persons for providing these discretionary services and also allows local authorities to charge different persons different amounts for providing a service.

In reviewing charges and fees, services should be able to demonstrate that they have taken into account the overarching Public Sector Equality Duty contained within the Equality Act 2010. Services should also be able to demonstrate that they have considered whether an equalities impact assessment should be carried out regarding the changes to fees and charges and have carried out such an assessment if found to be necessary.

Some fees and charges may not be set by the Cabinet. Regulation 2(6) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provides that decisions on certain approvals, consents, permits and licences (e.g. licensing/planning/consent under the Highways Act 1980) may not be made by the Executive (Cabinet). Likewise charges for such approvals, consents, permits and licences may not be made by the Cabinet. Attached to this report at Appendix A are some fees which may not be set by the Executive (Cabinet). These fees are set by the Regulatory Committee.

7. Equalities and Community Cohesion Comments

An equalities impact assessment will be carried out before the introduction of any new fees.

8. Policy Implications

The recommended increases are in line with the Council's Medium Term Financial Plan.

9. Use of Appendices

Appendix A – Schedule of fees.

10. Local Government (Access to Information) Act 1985

Existing schedules of fees and charges

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
1.STREET TRADING				
a)APPLICATION FEES FOR LICENCES				
Traditional Stalls, Tottenham Hotspur Match day	109	112.30	3%	
Trading and Displays Outside Shop Premises	109	112.30	3%	
Application/renewal for 3 Years	109	112.30	3%	
Application/renewal for 2 years or less	74	76.20	3%	
Application for temporary licence for six months or less	44	45.30	3%	
Application for temporary licence for six month or less on private land	206	212.20	3%	
Street Festivals/approved events Temporary licence for 1 day	19	19.60	3%	
Tables and chairs outside catering establishments Application/renewal for 1 year	57	58.70	3%	
Temporary Licence for six months or less	36	37.10	3%	
Variations of Licences		0.00	3%	
Application for variation made at time of renewal	no charge	no charge		
Application for variation made during term of Licence	74	76.20	3%	
b)WEEKLY CHARGES PAYABLE IN ADDITION TO ABOVE FEES		0.00		
Tottenham Hotspur Match day stalls selling refreshments	45	46.40	3%	
Tottenham Hotspur match day non-food stalls	18	0.00		
Small stalls trading 6 days or more	30	30.90	3%	
Temporary small stalls trading two fixed days	20	20.60	3%	
Refreshment and all other large stalls	58	59.70	3%	
Approved extensions to large stalls (per sq. metre)	15	0.00		
Displays of good outside shops (per Sq. metre)	15	15.50	3%	
Tables and chairs outside catering establishments (per sq. metre)	13	13.40	3%	
Temporary Stall at Street Festival	no charge	no charge		
Temporary licence for 6 months or less on private land	18	19.00	3%	
Other Additional Charges		0.00		
Removal by council of goods, stalls, tables, chairs left in street outside trading hours	215	221.50	3%	
Daily storage of same by Council	122	125.70	3%	
Removal and disposal of refuse by council in default of licence holder	Actual cost incurred + 30% Establishment Charge	Actual cost incurred + 30% Establishment Charge		
Refunds by Council Refusal to renew licence (other than temporary licence)	Whole Fee			
Refusal to grant a licence	50% of fee			
Enforcement				
Issue of enforcement notice for an alleged offence of		0.00	3%	
Unlicensed street trading or the contravention of a		0.00	3%	
Licensing condition.		0.00	3%	
Release fee for the removal and one day storage of a vehicle seized In lieu of legal proceedings	244	251.30	3%	

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
Additional daily charge (excluding Saturdays, Sundays and Public Holidays	27	27.80	3%	
First Application with one days distribution Main distributors licence	49	50.50	3%	
Associates licence	22	22.70	3%	
Renewals Main distributor	36	37.10	3%	
Associate distributor	18	18.50		
Extra days distribution (Maximum Six) Main distributor per day	11	11.30		
Associate distributor per day	11	11.30	3%	
Refunds by council Refusal to renew licence	Whole Fee	no change		
Refusal to grant licence	50% of fee	no change		

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
(Licensing Fees set locally) (Only one Licence at the present time – Alexandra Palace)				
FEES PAYABLE ARE ON THE FOLLOWING SCALES Capacity (Maximum permitted number of persons)				
Up to100	899	926	3%	
101-200	1788	1,842	3%	
201-300	2687	2,768	3%	
301-400	3547	3,653	3%	
401-500	4448	4,581	3%	
501-1000	6072	6,254	3%	
1001-1500	8260	8,508	3%	
1501-2000	11570	11,917	3%	
2001-2500	14312	14,741	3%	
2501-5000	30236	31,143	3%	
5001 plus	49187	50,663	3%	
For new applicants an introductory discount of 50% for the Licenses up to 100 persons non-refundable				
Additional charge for each extension of hours beyond 11.00 p.m. per day (See Note 1)	177	182	3%	
Additional charge for each extension of hours beyond 2.00 a.m. per day (See Note 1)	708	729	3%	
Transfer Fee	604	622	3%	
Duplicate Licence	72	74	3%	
Exhibition Licenses				
Booking Office Licence	806	830	3%	
Transfer of above	591	609	3%	
Variation of Annual Licence	604	622	3%	

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)				
Premises Licence				
Bingo Club				
New Application	3150	N/A	N/A	
Annual Fee	900	N/A	N/A	
Application to Vary	1575	N/A	N/A	
Application to transfer	1080	N/A	N/A	
Application for re-Instatement	1080	N/A	N/A	
Application for Provisional Statement	3150	N/A	N/A	
Licence Application (provisional Statement Holder)	1080	N/A	N/A	
Copy Licence	15	N/A	N/A	
Notification of change	23	N/A	N/A	
Betting Premises (excluding Tracks)				
New Application	2700	N/A	N/A	
Annual Fee	580	N/A	N/A	
Application to Vary	1350	N/A	N/A	
Application to transfer	1080	N/A	N/A	
Application for re-Instatement	1080	N/A	N/A	
Application for Provisional Statement	2700	N/A	N/A	
Licence Application (provisional Statement Holder)	1080	N/A	N/A	
Copy Licence	15	N/A	N/A	
Notification of change	23	N/A	N/A	
Tracks				
New Application	2250	N/A	N/A	
Annual Fee	900	N/A	N/A	
Application to Vary	1125	N/A	N/A	
Application to transfer	855	N/A	N/A	
Application for re-Instatement	855	N/A	N/A	
Application for Provisional Statement	2250	N/A	N/A	
Licence Application (provisional Statement Holder)	855	N/A	N/A	
Copy Licence	15	N/A	N/A	
Notification of change	23	N/A	N/A	
Family Entertainment Centres				
New Application	1800	N/A	N/A	
Annual Fee	675	N/A	N/A	
Application to Vary	900	N/A	N/A	
Application to transfer	855	N/A	N/A	
Application for re-Instatement	855	N/A	N/A	
Application for Provisional Statement	1800	N/A	N/A	
Licence Application (provisional Statement Holder)	855	N/A	N/A	
Copy Licence	15	N/A	N/A	
Notification of change	23	N/A	N/A	
Adult Gaming Centres				
New Application	1800	N/A	N/A	
Annual Fee	900	N/A	N/A	
Application to Vary	900	N/A	N/A	
Application to transfer	1080	N/A	N/A	
Application for re-Instatement	1080	N/A	N/A	
Application for Provisional Statement	1800	N/A	N/A	
Licence Application (provisional Statement Holder)	1080	N/A	N/A	
Copy Licence	15	N/A	N/A	
Notification of change	23	N/A	N/A	
Temporary Use Notices - £500.00 per application				
Licensed Premises Gaming Machine Permit (more than two machines)				
Occasion on which fee may be payable				
Grant	150	N/A	N/A	
Existing operator Grant	100	N/A	N/A	

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)				
Variation	100	N/A	N/A	
Transfer	25	N/A	N/A	
Annual Fee	50	N/A	N/A	
Change of name	25	N/A	N/A	
Copy of Permit	15	N/A	N/A	
Licensed Premises Automatic Notification Process (Up to two machines) Occasion on which fee may be payable				
On notification- up to 2 category C or D machines only	50	N/A	N/A	
Club Gaming Permits Occasion on which fee may be payable				
Grant	200	N/A	N/A	
Grant (Club Premises Certificate holder)	100	N/A	N/A	
Existing operator Grant	100	N/A	N/A	
Variation	100	N/A	N/A	
Renewal	200	N/A	N/A	
Renewal (Club Premises Certificate holder)	100	N/A	N/A	
Annual Fee	50	N/A	N/A	
Copy of Permit	15	N/A	N/A	
Club Machine Permits Occasion on which fee may be payable				
Grant	200	N/A	N/A	
Grant (Club Premises Certificate holder)	100	N/A	N/A	
Existing operator Grant	100	N/A	N/A	
Variation	100	N/A	N/A	
Renewal	200	N/A	N/A	
Renewal (Club Premises Certificate holder)	100	N/A	N/A	
Annual Fee	50	N/A	N/A	
Copy of Permit	15	N/A	N/A	
Family Entertainment Centre Gaming Machine Permits Occasion on which fee may be payable				
Grant	300	N/A	N/A	
Renewal	300	N/A	N/A	
Existing operator Grant	100	N/A	N/A	
Change of name	25	N/A	N/A	
Copy of Permit	15	N/A	N/A	
Prize Gaming Permits Occasion on which fee may be payable				
Grant	300	N/A	N/A	
Renewal	300	N/A	N/A	
Existing operator Grant	100	N/A	N/A	
Change of name	25	N/A	N/A	
Copy of Permit	15	N/A	N/A	
Registration of small Lotteries				
Fee for initial registration:	40	N/A	N/A	
Fee for annual renewal:	20	N/A	N/A	
1. REGISTRATION OF PREMISES FOR COMPETITIVE BIDDING (Locally set – no present holders) (GREATER LONDON COUNCIL GENERAL POWERS ACT 1984)				
Fee for Registration	320	N/A	N/A	
2. REGISTRATION OF PREMISES FOR THE STORAGE OF EXPLOSIVES (Set by Government) (Manufacture & Storage of Explosives Regulations 2005)				
New Registration fee:	103	N/A	N/A	
Annual Renewal fee	51	N/A	N/A	
3 LICENCE TO SELL FIREWORKS ALL YEAR ROUND (Set by Government)				
Application / Renewal Fee	500		N/A	
Miscellaneous				

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
THE FEE MAXIMUMS ARE PRESCRIBED BY THE SECRETARY OF STATE AND THE LEVEL OF FEE APPLIED LOCALLY IS DETERMINED BY THE FULL LICENSING COMMITTEE (Fees set to comply with Secretary of State Maximum Levels)				
(A) Classification of films for local viewing per hour	42	43.30	3%	
(B) Motor Salvage Operators Regulations 2002 and Vehicles (Crime) Act 2001Motor Salvage Operators Regs	100	N/A	Statutory fees	
Each Partner or Director pays and additional fee	35	36.00		
4. POISONS ACT 1972				
Fee for registration	63	65.00	3%	
Fee for renewal	63	64.90	3%	
Fee for change in particular	16	16.50	3%	
5. Pet Shops per Selling Point				
1 to 19 selling points (+ £25 for each category of animal sold)	200	206.00	3%	
20 to 29 selling points ((+ £25 for each category of animal sold)	160	164.80	3%	
30 or more selling points (+ £25 for each category of animal sold)	316	325.50	3%	
Animal Boarding Establishments	291	299.70	3%	
Riding Establishments	358	368.70	3%	
Guard Dog Kennels	186	191.60	3%	
Dog Breeding Establishments	186	191.60	3%	
Dangerous/Wild Animals	527	542.80	3%	
Zoo License	765	N/A	N/A	
Performing Animals	102	N/A	N/A	
6. Sex Entertainment Venue				
New Registration fee:	2550	2627.00	3%	
Annual Renewal fee	1836	1891.10	3%	
Hypnosis	112	115.40	3%	
7. Special Treatment Premises(See Regulations for Class Classification)				
Class 1:				
Applicants fee	471	485.10	3%	
Per additional person authorised to give treatment	337	347.10	3%	
Class 2:				
Applicants fee	471	485.10	3%	
Per additional person authorised to give treatment	90	93.00	3%	
Class 3:				
Applicants fee	200	206.00	3%	
Per additional person authorised to give treatment	83	85.50	3%	
Class 4:				
Applicants fee	120	124.00	3%	
Per additional person authorised to give treatment	68	70.00	3%	

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
WEIGHTS				
Weights not exceeding 25 kg. Weights above 25 kg will be charged for at hourly rates as above	10.8	11	3%	
MEASURES				
Linear measures not exceeding 3m or 10 ft for	10.8	11	3%	
each scale any exceeding 3m will be charged for at hourly rates as above	10.8	11	3%	
Capacity measures without divisions not Exceeding 1 litre or 1 quart	10.8	11	3%	
Other capacity measures will be charged for at hourly rates as above)				
Cubic ballast measures (other than brim measures)	167.6	173	3%	
Liquid capacity measures for making up and checking average quantity packages	26.75	28	3%	
Templates				
Per scale - first item	46.1	48	3%	
Second and subsequent items	26.75	28	3%	
WEIGHING INSTRUMENTS Where an officer has to travel to the location of the weighing instrument for verification an additional fee of £37 will be charged		38	3%	
Exceeding Not Exceeding				
15 kg	40.5	42	3%	
15 kg 100kg	54.6	56	3%	
100 kg 250 kg	75.1	77	3%	
250 kg 500 kg	122.5	126	3%	
Where an instrument exceeds 500kg, the fee will be £76.20 per officer hour or part hour plus the cost of hiring the test unit where applicable.		79	3%	
MEASURING INSTRUMENTS FOR INTOXICATING LIQUOR				
Not exceeding 150 ml	18.5	19	3%	
Other	32.1	33	3%	
MEASURING INSTRUMENTS FOR LIQUID FUEL AND LUBRICANTS				
Container type (un-subdivided)	72	74	3%	
Other types - single outlet	105.1	108	3%	
Other types - multi-outlets				
1 meter tested	119	123	3%	
2 meter tested	183	189	3%	
3 meter tested	247	255	3%	
4 meter tested	312	321	3%	
5 meter tested	375	386	3%	
6 meter tested	440	453	3%	
7 meter tested	491	506	3%	
8 meter tested	567	584	3%	
Additional meters tested on the same day will be charged	10.64	66	3%	
Work done a second or subsequent day will be charged for the first meter, and then continuing at the rates shown above.	119	123	3%	
A charge to cover any additional costs involved in testing ancillary equipment which requires additional testing on site, such as credit card acceptors, will be based upon the basic fee given above plus additional costs per extra officer-hour	76.2	79	3%	
WEIGHTS Denomination				
up to 500g				
Accurate to within tolerance (M1/M2)	5.25	5	3%	
with statement of error	10.5	11	3%	
1kg to 5kg				
Accurate to within tolerance (M1/M2)	5.25	5	3%	

Appendix 1

Regulatory Services	Current Charge £'s	Proposed Charge £'s	% Increase	Comments
with statement of error	10.5	11	3%	
10kg to 25kg				
Accurate to within tolerance (M1/M2)	8.9	9	3%	
with statement of error	14.1	15	3%	
100kg and above				
Accurate to within tolerance (M1/M2)	21	22	3%	
with statement of error	31.5	32	3%	
CALIBRATION AND CERTIFICATION FEES FOR THE PURPOSE OF SECTION 74 OF THE WEIGHTS AND MEASURES ACT 1985. (NB: These fees are subject to VAT at the standard rate)				
MEASURES				
Linear measures not exceeding 1m	22.13	23	3%	
Capacity measures not exceeding 2L without subdivisions	13.8	14	3%	
For each additional graduation	22.13	23	3%	
For each additional graduation	13.8	14	3%	
All other measurements and tests will be charged for at hourly rates	76.2	79	3%	

Report for:	Regulatory Committee February 2012	**Item number**	

Title:	Planning Obligations (Section 106) Agreements

Report authorised by	Lyn Garner, Director Place and Sustainability

Lead Officer	Marc Dorfman, Assistant Director, Planning Regeneration and Economy ext 5538

Ward(s) affected: All	Report for Key/Non Key Decision: **Non key decision**

1. Purpose of the report

1.1. The purpose of the report is to update the Committee on the Council's Section 106 (s106) policy and guidance, s106 agreements signed and administered between 2005-2011 by the Planning, Regeneration and Economy Service, and the distribution of the s106 funds received by the Council. The report and its appendices provide an update on the management and administration of planning obligations and set out the progress on unspent funds at Appendix 6 and paragraph 5.15. The financial year is defined from the 1st April to the 31st March. This report provides most up to date spend information as in December 2011.

2. Cabinet Member Introduction (TBC)

2.1. Planning Obligation and s106 Agreements support the objectives and delivery of Haringey spatial and regeneration plans, the Sustainable Community Strategy and a number of related Strategies and plans including transport, parks and leisure, education and community facilities. To date, £13million s106 funds were negotiated and received from some 161 cases. £9m has already been spent and £3 m remains to be spent. This report provides the Committee with an update on the management and administration of the planning obligation responsibilities. It also shows that there was a high influx of funds in 2007/08 and a significant slow down since then because of the impact of the economic downturn on development in the borough. The geographic spread of s106 development sites and spend locations by ward since 2005 shows that the focus of spend is in the east of the Borough where there are more development opportunities and regeneration areas with corresponding infrastructure needs.

3. Recommendations

3.1 Director of Place and Sustainability (and the CEMB) to agree this report to be forwarded to the Regulatory Committee for their information.

4. Other Options Considered

4.1 None. This report is an update on s106 collection and spends.

5. Background

5.1 From some 161 s106 Agreements signed, the Council has collected over £13 million s106 contributions since 2005. 0ver £9 million have been spent on relevant environmental and infrastructure projects as showed in Appendix 1. £3million remains to be spent.

5.2 Planning Obligations (Section 106 Agreements) are legally binding agreements entered into between a local authority and the owners or developers of schemes granted planning permission. S106 Agreements negotiate both physical and financial obligations of which the Council monitor. Supplementary Planning Guidance 10a 'The Negotiation, Management and Monitoring of Planning Obligations' sets out Haringey's approach and strategy for planning obligations.

5.3 The report and its appendices provides an update on the following areas:

- The Budget Breakdown which shows the flow of funds since 2005/2011- There was a high influx of funds in 2007/08 and a significant slow down since then because of the impact of the economic downturn on development in the borough.
- The breakdown by Infrastructure Type - This shows the contributions received, spent and not allocated by individual topic type accompanied by a summary and graphs.
- The overall Budget Summary with a further breakdown.
- Maps showing location of development sites benefiting from s106 funding
- List showing status of s106 Agreements
- SPG10a – Negotiation, Management and Monitoring of Planning Obligations
- Community Infrastructure Levy - An introduction to the likely new legislative changes which are partly in place now.

5.4 Regular monitoring of s106 Agreements is important to ensure that developers fulfil the obligations required to deliver the benefits within the Borough.

Analysis

5.5 The key information in this report is contained in the Appendices. Appendices 1 and 2 provide the financial profile of those S106 agreements signed each year from 2005-2011 and their subsequent performance to date. As a block, pre 2005 agreements are also included.

5.6 From 161 s106 Agreements signed, the Council has collected over £13 million S106 contributions since 2005. Over £9 Million has been spent to date. If the Council has not spent/committed the expected spend before the expiry date, we will have to refund the contribution to the developer with interest. To date, no monies received by the Council in respect of s106 Agreements have had to be refunded to the developer due to money not having been spent within the specified time period or in accordance with the agreement.

5.7 Appendix 2 and Appendix 3 provides a breakdown of contributions received, spent and to be allocated by infrastructure type with accompanying graphs. Funds received are presented under 13 different categories of infrastructure.

These include educational premises, open space improvements, health facilities, improvements to signage and street furniture, traffic calming and management schemes, provision of community facilities and employment training schemes. An indicative list of benefits which come under s106 obligations are listed in the Council's adopted Supplementary Planning Guide (10a) the Negotiations, Management and Monitoring of Planning Obligations (Appendix 7).

5.8 Appendix 3 shows that over £4 million was spent on educational projects, and over £2 million on site specific and borough-wide environmental projects. S106 funds were spent on street scene/highway projects to date amounts to £621,000, and over £ 70,000 were spent on employment related projects. Full breakdown is shown in the table below.

5.9 Appendix 4 and 5 provide information on locations of development sites benefiting from s106 funds since 2005 and the details of related planning applications negotiated for s106. Site specific s106 agreements correlate with the growth areas and major development sites in the central and east/south east part of the borough.

5.10 Pooled s106 funds were utilised across the borough in line with service infrastructure needs. For instance, the maps show that Broadwater Farm and Mulberry Primary schools and Haringey Heartlands Secondary school received funds from developments across the borough.

5.11 Appendix 6 shows progress on funds collected but not yet spent, and the departments responsible for implementing the agreed s106 actions. It shows a further breakdown indicating how much s106 contributions are unspent, how many agreements make up the total amount not allocated, whether the contribution can be pooled, whether project plans have been identified, and when the contribution has to be spent. It also informs who the lead officer for spend is within each Service. More information on unspent funds is provided in section 5.15.

5.12 Haringey's Supplementary Planning Guidance SPG 10a on Planning Obligations is attached as Appendix 7. The SPG sets out the framework for negotiating planning obligation (s106 contribution) from developments. The Planning Committee decides on how s106 funds will be spent according to national and local planning policy.

5.13 Finally, Appendix 8 provides an update on the introduction of the Community Infrastructure Levy and the setting of the Mayoral CIL in London which relates to Crossrail.

S106 funds received and spent by infrastructure type					
	Value Negotiated	**Received**	**Not Received (PP not implemented)**	**Spent**	**Not Allocated**
Education Pool	7,597,699.22	5,341,467.22	2,256,232.00	4,202,971.87	1,138,495.35
Education (Site Specific)	1,404,000.00	154,000.00	1,250,000.00	154,000.00	0.00
Environment Pool	940,166.12	935,002.00	5,164.12	935,002.00	0.00
Environment (Site Specific)	9,155,544.86	3,142,258.32	6,013,286.54	2,020,258.32	1,122,000.00
Street Scene (Highways/Transport)	3,474,999.80	1,180,650.08	2,294,349.72	621,000.00	559,650.08
Employment	365,000.00	70,000.00	295,000.00	70,000.00	0.00
Recreation	63,500.00	63,500.00	0.00	20,000.00	43,500.00
Traffic Management Orders (Car-Free)	81,050.00	9,150.00	71,900.00	3,400.00	5,750.00
Affordable Housing	2,880,000.00	1,147,741.77	1,732,258.23	925,000.00	222,741.77
Campsbourne Playscheme	7,500.00	7,500.00	0.00	7,500.00	0.00
Public Art – Wards Cnr.	100,000.00	0.00	100,000.00	0.00	0.00
Traders Sum – Wards Cnr.	96,650.00	0.00	96,650.00	0.00	0.00
Admin & Monitoring	1,147,886.83	988,778.24	159,108.59	315,483.81	673,294.43
			0.00		
Total	**27,313,996.83**	**13,040,047.63**	**14,273,949.20**	**9,274,616.00**	**3,765,431.63**
				minus Admin	673,294.43
					3,092,137.20

5.14 Update on S106 Agreements for Major Sites

5.14.1 New River Village - The Council holds £1m from the New River Village Agreement which is to be spent within the Haringey Heartlands Development Framework area. This work was held up until the planning decisions on Coronation Sidings and Clarendon Square were completed (2011) so a more holistic approach could be taken on spend options within an agreed planning context. This contribution has now received approval in December 2011 to spend in accordance with the requirements of the agreement. Spending of all 3 sums is likely to run until 2014/15.

5.14.2 Hale Village - Planning permission was granted for the development at Hale Village in 2007/8 with total s106 contributions of £7.8m. This amount is still to be recovered as the development is implemented. The process of renegotiating the phasing of this payment is currently underway. Re-phasing the development at Hale Village and increasing the proportion of affordable housing units on the site will impact on the timing of payments and triggers for payment. Revised agreement is expected to be completed in March 2012.

5.14.3 Wards Corner - The s106 Agreement for Wards Corner (negotiated contributions of £406,650) was signed in 2008-2009 but the planning permission was quashed by a Judicial Review. Another application was submitted but refused at Planning Committee on the 20th July 2011. The S106 amount for Wards Corner will continue to be included in Appendix 1 in case the applicant appeals against the planning decision (normally within 6 months).

5.14.4 Tottenham Hotspurs Stadium - An application was received for the demolition and comprehensive redevelopment of a stadium with hotel, retail, museum, offices and housing, together with associated facilities including the construction of new and altered roads, footways, public and private open spaces, landscaping and related works. The planning application was granted at Committee on the 30th September 2010. The s106 Agreement was signed at the end of Sept 2011, (£16m). If the scheme is triggered the s106 is phased over the lifetime of the development which will be some 5-7 years. This amount does not yet show in the Appendices. Cabinet Report is due for February 2012 and new planning applications to vary the 2010 consent are to be considered by the Planning Committee in February 2012.

5.15 Update on S106 Spend by Category

Administration & Monitoring

5.15.1 The Council employs 3 full time equivalent officers for monitoring, negotiating and managing planning contributions and devising related policy including Community Infrastructure Levy. Developers are required to contribute a cost of “up to” 5% of all monies agreed for the cost of management. The Council currently **holds £673,000** Planning Cost Recovery/Development contributions. The Council expects to spend between £150,000-200,000 per annum on s106 and CIL Management.

Street Scene (e.g highways, transport and traffic calming schemes, improvements to cycling and pedestrian routes, maintenance of on-street parking)

5.15.2 The Council currently holds **£559,000** contributions for Highway works. Project plans are in place to spend the funds in 2011-14.

Affordable Housing

5.15.3 The negotiation of monies for the provision of off site affordable housing is an exception. However, for the development at New River Village a sum of **£925,000** was commuted for off-site affordable housing purposes (agreement signed in 2004). The total sum has been distributed to the Council's Housing Supply team for the purchase and repair of properties within the borough for affordable housing purposes. The properties are to be brought up to Decent Homes Standards with the Council retaining 100% nominations. The Council currently hold **£222,000** to provide affordable housing in the western part of the borough. Housing project plan expects the funds to be spent 2012-14.

Recreation (e.g Open Space, wildlife areas, improvements to access to existing open spaces)

5.15.4 There is **£43,500** specified for open space improvements in the Wood Green area. Recreation is aware of this contribution and is currently in the process of preparing project details for Wood Green Common for spending in 2012-13.

Car-free Developments (Traffic Management Orders)

5.15.5 The Council currently holds **£5,750** for amending the Traffic Management Orders with action plan for spend expected in 2012-13.

Environment/Other (Site Specific)

5.15.6 The Council currently holds **£1m** for community and housing improvements within the Haringey Heartlands Regeneration area that needed to be committed by April 2012. This work has been held up until the planning decisions on Coronation Sidings and Clarendon Square were completed (2011) so a more holistic approach could be taken on spend options within an agreed planning context. Spending of all 3 sums is likely to run until 2014/15. Cabinet approved the spend for agreed projects in December 2011.

£122,000 of small environmental improvement pots also remains unspent. These funds have to be spent within the vicinity of the development in accordance with the agreements. Action plans for these sums are in place and this sum is likely to be spent by 2012/13.

Education Pool (Borough-wide)

5.15.7 There is currently **£1.1m** held for education. These funds are specified for capital works on providing educational facilities and equipment for schools throughout the Borough. This sum is expected to be spent by 2015/16.

5.16 Update on S106 Agreements not yet received

5.16.1 The Appendix 1 Table 2 provides information about the s106 agreements that have been signed but not collected. The reasons why funds have not been collected as set out in the relevant appendix.

5.16.2 The most common reason is the expiry of planning permission. Planning permissions normally expire within three years of being granted. If a development does not commence within three years, s106 fund will not be received. Therefore it is unlikely we will receive any s106 contributions from developments which were not implemented within the required period. Over £1,7million worth s106 agreements signed on or before 2008 come under this category.

5.16.3 When s106 funds are triggered, the service starts the process of requesting the relevant payment for the delivery of agreed schemes. At the moment, the service is monitoring seven agreements with a total value of £429,000 and developers are formally reminded of their obligations.

5.16.4 Against £13 million s106 contributions collected to date, there are two agreements where developers failed to comply with payment procedures. Value of these negotiations adds up to £138,000 which relate to developments at Winns Mews, and the development at Markfield Road. The first one has already been referred to the Legal service for action; the second case is being processed by the Planning service for referral to the Legal service for action.

Conclusions

5.17 In conclusion, the Council is performing well with the managing of the s106 Programme. At present, there is some uncertainty on the implementation of a number of planning permissions due to the economic downturn.

5.18 From some 161 s106 Agreements signed, the Council has collected over £13 million s106 contributions since 2005. £3million s106 funds remains to be spent, £1million of which needs to be spent within the Haringey Heartlands Development Framework area. The spend profile for this specific fund is approved by Cabinet in December 2011.

5.19 The Council monitors the collection and spend of s106 funds in line with regulations and procedures governing the s106 process. Where there is non-compliance from developers, the council has a procedure for legal action. Currently here is one case pursued for legal action for non-compliance with the other one to follow shortly.

5.20 The PRE Service does not release funds until an appropriate project and cost details are presented by the Council Services allocated the funding. There may be delays in spending the s106 funds where the funds are pooled and the projects rely on external funding for development and completion in addition to S106 funds. Project plans that Council services have in place are set out in Appendix 6 and the section 5.15 of this report.

6. Financial Comments

6.1 Section 106 monies represent an important source of funding to the Council, especially when capital receipts received are falling. It is important that officers review s106 monies available at regular intervals in order to ensure the Council maximises the benefits available from applying the funding to key projects.

6.2 Section 106 payments will be largely replaced by Community Infrastructure Levy in years to come and hence the Council will need to ensure it devotes enough resources to implementing a robust scheme that balances the need to maximise funding with the desire to keep developments viable.

7. Head of Legal Services Comments

7.1 In April 2010 a new regime was introduced which empowered (but did not require) local authorities to levy on most types of new development as a charge to cover infrastructure costs. In parallel with the introduction of CIL the ability to require contributions by way of s. 106 agreements has been curtailed. It is now more of a restrictive regime and requires the following tests to be met-

(a) Is the obligation necessary to make the development acceptable in planning terms?

(b) directly related to the development?

(c) fairly and reasonably related in scale and kind to the development?

7.2 Previously there was some flexibility allowing a local authority to look beyond site-specific measures in order to secure wider benefits.

7.3 The basis for CIL is an adopted Core Strategy and Infrastructure Plan which are essential for the preparation of a charging schedule and a list of projects envisaged to be funded by the CIL. The expectation is that CIL will provide funding for infrastructure requirements across the Borough and will complement the anticipated s.106 contributions for on site mitigation measures.

7.4 After April 2014 or until the Core Strategy has been adopted the limit on pooling contributions will be five consents and contributions will only be able to be used for projects that would not normally be funded by CIL. S106 agreements will however continue to be the main vehicle for securing affordable housing.

8. Equalities & Community Cohesion Comments

8.1 The spends correspond with geographic areas of deprivation in the borough and to a large extent with the Corporate Equalities Objectives of the Council, which identifies a number of service areas for targeted actions to address known inequalities and disadvantage. These include among others:

- *Education* – where over £4million s106 funds was spent; In addition, pooled s106 funds were spent on service infrastructure needs including education infrastructure in some of the most deprived parts of the borough; A further £1.1million is currently held for spending by 2015/16 on specified capital works on educational facilities and equipments across the borough.
- *Employment* - £70,000 spent on employment related projects
- *Housing* - Affordable housing also benefits from S106 funds, including £925,000 that has been distributed to the Council's Housing Supply Team for the purchase and repair of properties for affordable housing purposes and bringing the properties up to Decent Homes Standards.

8.2 The s106 spends set out in this report are therefore consistent with actions to tackle inequalities and disadvantage in the borough.

9. Head of Procurement Comments – [Required for Procurement Committee]

91. None required

10. Policy implications

10.1 Planning Obligation and s106 Agreements support all elements of the Haringey Unitary Development Plan, the Haringey Sustainable Community Strategy and a number of related Strategies and plans including transport, parks and leisure, education and community facilities.

10.2 Haringey's Supplementary Planning Guidance SPG 10a on Planning Obligations is attached as Appendix 8. The SPG sets out the framework for negotiating planning obligation (s106 contribution) from developments. The Planning Committee decides on how s106 funds will be spent according to national and local Planning Policy.

10.3 Implementation of spending is decided as follows:

- The planning application process will often identify specific impact needs that the s106 must pay for (e.g. yellow lines; specified footway improvements). These funds will then be given to the relevant council services to deliver.
- The planning application process will some times identify general improvements (e.g. increase in public open space/improvement in public open space; education improvement; affordable housing contribution). These will also be given to the relevant council service to deliver either through a one off project or as part of an existing programme
- As each planning application is processed, (sometimes through the pre application process) internal consultation with Council Services, consultation with statutory consultees and neighbourhood consultation will throw up ideas and proposals for s106 headings covered in SPG 10a. Over time this process has led to some services developing improvement

and project programmes that can be supported by s106, (e.g. the education pool). Particularly in respect of unspent general improvement funds – the Planning Service will contact the relevant council services and ask them to develop a project

- Key Planning S106 tests are : “Relevant to Planning; Related to the proposed development and Fairly and reasonably related in scale and kind to the proposed development”
- Lead responsibility for negotiation on all s106 lies with the Planning Service. This service understands the importance of primarily bringing forward good development and ensuring that s106 requests do not make the proposal economically unviable and that they are only negotiated on schemes that are in principle policy compliant. Since the recession began in 2007/08 and the s106 Regulation change in April 2010, the Planning Service has been careful to only focus on negotiations on key impacts/site compliance and community infrastructure and less on general improvement categories such as “environmental improvements” since scheme viability is now critical and meeting the statutory obligation tests are now much more focused.
- Assistant Director (AD) of Planning and Regeneration has delegated power to allocate s106 funds. The AD and his staff ensure the spend meets government guidance, Haringey SPG guidance and the terms of the specific legal agreement. Planning staff do not release funds until an appropriate project and cost details are presented by the council services allocated the funding.
- Responsibility for developing projects, carrying out any necessary public consultation and securing authorisation to spend rests with the Council Services who spend the s106 funds.

10.4 Appendix 8 provides an introduction to the new Community Infrastructure Levy (CIL) published in April 2010. The Council will be assessing how it will move to a CIL system in the future to comply with the Government guidelines.

11. Use of Appendices/Tables and Photographs

Appendix 1 - Budget Breakdown which shows the flow of funds since 2005/2011
Appendix 2 - The breakdown by Infrastructure Type
Appendix 3 - The overall Budget Summary with a further breakdown
Appendix 4 - Map with location of development sites benefiting from s106 funding
Appendix 5 - List showing status of s106 Agreements
Appendix 6- Progress on Unspent s106 Funds
Appendix 7 – Planning guidance - SPG10a – Negotiations, Management and Monitoring of Planning Obligations
Appendix 8– Introduction to the new Community Infrastructure Levy

12. Local Government (Access to Information) Act 1985

No exemptions

Appendix 8 – Introduction to the new Community Infrastructure Levy

The last Government changed the planning regulations to deal with development impact and planning for community infrastructure in April 2010. The Coalition Government has now agreed to continue with proposals to introduce a new Community Infrastructure Levy – and the Localism Act will require a "meaningful proportion" to be spent local to the permission site. The regulations for this part of the Act are not yet in force (likely to be April 2012) and the Government has not yet decided on what a "meaningful proportion" means – 2-5% is being considered. It is likely the Council will work to take advantage of the new powers because they represent good town planning and corporate planning processes. The new changes propose:

S106 - Reduction in s106 agreements and their use to be narrowed to be used only for "site compliance" and affordable housing.

Community Infrastructure Levy (CIL) - Creation of a mandatory development levy system that would be charged on all new net floorspace, (both residential and non residential) above a threshold to contribute towards necessary supporting physical community infrastructure as set out and agreed in the LDF Community Infrastructure Plan. This levy would be a standard charge, (typically £3,000-18,000 per new home) and it would be a criminal offence not to pay it. Its level would be tested at a public inquiry and it should be "reasonable" and not prevent from coming forward. It is supposed to only "contribute" to new essential infrastructure – therefore other funding by providers need to be accurately identified and assessed. The levy may be able to be "borrowed against" and there is a viability exemption – but this is discretionary, in the hands of the LPA and there is no appeal, (just the prospect of the scheme not going ahead). The Local Planning Authority can set a varying levy (areas and development to which it is applicable). To benefit from such a Levy it must be in place by 2014. The Council will consider setting up a Levy in 2012/13.
London Mayor CIL - The Planning Act 2008 also allowed for the Mayor to charge a CIL for key infrastructure and this is progressing towards a potential start in April 2012 when the Mayor is proposing to charge most additional schemes for "net additional floorspace" at a rate of £50 /m2 (inner London); £35/m2 (mid London including Haringey) and £20/m2 (outer London). Householder applications; education; health and affordable housing will be excluded. Haringey as made representations to the Mayor and to the Inquiry into the CIL level that £35/ m2 is too high.

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Appendix 1

Section 106 Monitoring – Pre 2005 - December 2011

Table 1 - Budget Breakdown

Year	No of Signed Agreements	Agreements Not Implemented	Value Negotiated	Received (to date)	Not Received	Spent (to date) from Received Funds	Received & Not Allocated (including Admin)	Received Admin Contributions	Total Not Allocated (excluding Admin)
Pre 2005	27	10	4,338,325.10	4,201,514.79	136,810.31	3,196,514.79	1,005,000.00	0.00	1,005,000.00
2005-06	26	9	3,005,565.69	2,171,053.09	834,512.60	2,041,339.29	129,713.80	37,713.80	92,000.00
2006-07	20	6	1,714,684.71	1,408,155.18	306,529.53	1,329,522.13	78,633.05	35,133.36	43,499.69
2007-08	25	4	10,900,302.65	2,211,851.72	8,688,450.93	1,733,606.17	478,245.55	442,495.55	35,750.00
2008-09	21	12	2,796,368.00	409,822.24	2,386,545.76	225,000.00	184,822.24	11,193.48	173,628.76
2009-10	18	5	3,128,036.14	2,140,491.14	987,545.00	748,633.62	1,391,857.52	101,723.11	1,290,134.41
2010-11	17	11	907,854.92	348,137.47	559,717.45	0.00	348,137.47	31,758.13	316,379.34
2011-12	7	7	522,859.62	149,022.00	373,837.62	0.00	149,022.00	13,277.00	135,745.00
Total	161	64	27,313,996.83	13,040,047.63	14,273,949.20	9,274,616.00	3,765,431.63	673,294.43	3,092,137.20

The Council is in receipt of £1,005,000.00 from two S106 Agreements signed pre-2005. £1m derives from the New River Village Agreement which is to be spent within the Haringey Heartlands Development Framework Area. A report was approved at the Cabinet Committee on the 20th December 2011 for the contribution to be committed for expenditure.

Contributions "Not Received", indicated in the table above, show the figures deriving from Agreements which have either been superseded, the planning permission has expired, planning permission has not been implemented or contributions are outstanding.

Within 2007-2008 planning permission has been implemented for the development at Hale Village where contributions of £7.8m are still to be recovered. The process of renegotiating the phasing of this payment is currently underway.

Wards Corner S106 £406,650 (Admin £9k, Education Pool £200k, Traffic Management Order £1k, Public Art £100k & Traders Sum £96,650) is an exceptional case. A S106 agreement was signed in 2008-09 but the planning permission has been quashed by a Judicial Review. It remains in this analysis for 5 years and "not triggered". If a new permission is granted with a new S106 this will take the place of the quashed permission and extant S106.

The table below shows a further breakdown of S106 contributions "Not Received". The breakdown is as follows:

(A) This is the total sum of potential funds not yet received in all categories.
(B) Superseded - means new planning applications with s106 agreements have overtaken these schemes. So "this particular £369k" will not be received but the same or similar amount may be received e.g. revised planning application/scheme.
(C) Expired - means permission granted, but the 3/5 years the scheme has to move into implementation has now passed/not been triggered - so these funds will not be received.
(D) Not Implemented - means permission granted, still within implementation period (3/5 years or extensions for conditions) but the permission not yet triggered/started on site. These funds may still be received.
(E) Outstanding Not Triggered - Planning permission granted, schemes have commenced and some S106 may have been received, but not all and we are waiting for the appropriate trigger issue to be passed to collect the funds. We are likely to get these funds.
(F) Outstanding Renegotiated – permission granted but there is a default in payment, (though some has been paid) and the scheme's S106 is being renegotiated. This is Hale Village/GLS. There is a good chance these funds will be received
(G) Outstanding Refer to Legal – permission and s106 signed and triggered - but there is a default – not significant enough for us to renegotiate. Legal are writing/have written to the agreement signatories. There is a chance we may lose/get these funds. If it become serious we will move into category (F). There are 2 schemes in this category.
(H) Outstanding – Monitor – permission and s106 signed and triggered. Schemes have missed payment on an early letter for payment from us but they are not out of the time period in which it is designated/reasonable to pay. These types usually convert into received funds, but may fall into (F) and or (G)

Table 2

Year	Value Not Received	Superseded	Expired	Not Implemented	Outstanding (Development commenced, contribution not triggered yet)	Outstanding (Development commenced, being renegotiated)	Outstanding (Development commenced, contributions not been paid - refer to Legal)	Outstanding (Development commenced, continue to monitor, Legal not needed yet)
2004-05	136,810.31	116,126.30	20,684.01		0			
2005-06	834,512.60	63,000.00	747,603.03		23,909.57			
2006-07	306,529.53	62,240.00	219,289.53		25,000.00			
2007-08	8,688,450.93	107,000.00	673,454.36			7,770,000.00	137,996.57	
2008-09	2,386,545.76	47,651.00	126,173.76	2,127,714.00				85,007.00
2009-10	987,545.00	0.00		887,545.00				100,000.00
2010-11	559,717.45	0.00		348,022.45				211,695.00
2011-12	373,837.62	0.00		340,837.62	0.00			33,000.00
Total	14,273,949.20	396,017.30	1,787,204.69	3,704,119.07	48,909.57	7,770,000.00	137,996.57	429,702.00

Appendix 2

Section 106 Monitoring – Pre 2005 - September 2011

Breakdown by Infrastructure Type

Education

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	444,262.80	324,014.79	120,248.01	324,014.79	0.00
2005/06	1,005,300.76	687,439.70	317,861.06	687,439.70	0.00
2006/07	1,157,281.22	914,519.28	242,761.94	914,519.59	-0.31
2007/08	1,705,873.74	1,412,364.17	293,509.57	1,412,364.17	0.00
2008/09	757,526.00	333,084.51	424,441.49	166,000.00	167,084.51
2009/10	1,612,753.14	1,351,920.43	260,832.71	698,633.62	653,286.81
2010/11	691,793.74	294,379.34	397,414.40	0.00	294,379.34
2011/12	222,907.82	23,745.00	199,162.82	0.00	23,745.00
Total	7,597,699.22	5,341,467.22	2,256,232.00	4,202,971.87	1,138,495.35

Education Site Specific

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2005/06	154,000.00	154,000.00	0.00	154,000.00	0.00
2007/08	1,010,000.00	0.00	1,010,000.00	0.00	0.00
2008/09	240,000.00	0.00	240,000.00	0.00	0.00
Total	1,404,000.00	154,000.00	1,250,000.00	154,000.00	0.00

Environment (Site Specific)

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	2,655,500.00	2,644,500.00	11,000.00	1,639,500.00	1,005,000.00
2005/06	413,109.86	233,958.32	179,151.54	141,958.32	92,000.00
2006/07	192,000.00	162,000.00	30,000.00	162,000.00	0.00
2007/08	5,581,800.00	71,800.00	5,510,000.00	51,800.00	20,000.00
2008/09	5,000.00	5,000.00	0.00	0.00	5,000.00
2009/10	225,000.00	25,000.00	200,000.00	25,000.00	0.00
2010/11	5,000.00	0.00	5,000.00	0.00	0.00
2011/12	78,135.00	0.00	78,135.00	0.00	0.00
Total	9,155,544.86	3,142,258.32	6,013,286.54	2,020,258.32	1,122,000.00

Environment Pool

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2005/06	915,002.00	915,002.00	0.00	915,002.00	0.00
2006/07	25,164.12	20,000.00	5,164.12	20,000.00	0.00
Total	940,166.12	935,002.00	5,164.12	935,002.00	0.00

Street Scene (Highways/Transport)

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	65,000.00	65,000.00	0.00	65,000.00	0.00
2005/06	172,000.00	75,000.00	97,000.00	75,000.00	0.00
2006/07	140,000.00	140,000.00	0.00	140,000.00	0.00
2007/08	2,108,585.00	272,000.00	1,836,585.00	257,000.00	15,000.00
2008/09	220,000.00	59,544.25	160,455.75	59,000.00	544.25
2009/10	534,375.00	437,105.83	97,269.17	25,000.00	412,105.83
2010/11	113,000.00	20,000.00	93,000.00	0.00	20,000.00
2011/12	122,039.80	112,000.00	10,039.80	0.00	112,000.00
Total	3,474,999.80	1,180,650.08	2,284,309.92	621,000.00	559,650.08

Car Free Developments (Traffic Management Orders)

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2006/07	400.00	200.00	200.00	200.00	0.00
2007/08	4,650.00	3,950.00	700.00	3,200.00	750.00
2008/09	5,000.00	1,000.00	4,000.00	0.00	1,000.00
2009/10	2,000.00	2,000.00	0.00	0.00	2,000.00
2010/11	64,000.00	2,000.00	62,000.00	0.00	2,000.00
2011/12	5,000.00	0.00	5,000.00	0.00	0.00
Total	81,050.00	9,150.00	71,900.00	3,400.00	5,750.00

Recreation

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	20,000.00	20,000.00	0.00	20,000.00	0.00
2006/07	43,500.00	43,500.00	0.00	0	43,500.00
Total	63,500.00	63,500.00	0.00	20,000.00	43,500.00

Employment

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2005/06	210,000.00	10,000.00	200,000.00	10,000.00	0.00
2006/07	155,000.00	60,000.00	95,000.00	60,000.00	0.00
Total	365,000.00	70,000.00	295,000.00	70,000.00	0.00

Affordable Housing

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	925,000.00	925,000.00	0.00	925,000.00	0.00
2008/09	1,320,000.00	0.00	1,320,000.00	0.00	0.00
2009/10	635,000.00	222,741.77	412,258.23	0.00	222,741.77
Total	2,880,000.00	1,147,741.77	1,732,258.23	925,000.00	222,741.77

Campsbourne Playscheme

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2006/07	7,500.00	7,500.00	0.00	7,500.00	0.00
Total	7,500.00	7,500.00	0.00	7,500.00	0.00

Public Art - Wards Corner Agreement

	Value Negotiated	Received	Not Received	Spent	Not Allocated
2008/09	100,000.00	0.00	100,000.00	0.00	0.00
Total	100,000.00	0.00	100,000.00	0.00	0.00

Traders Sum - Wards Corner Agreement

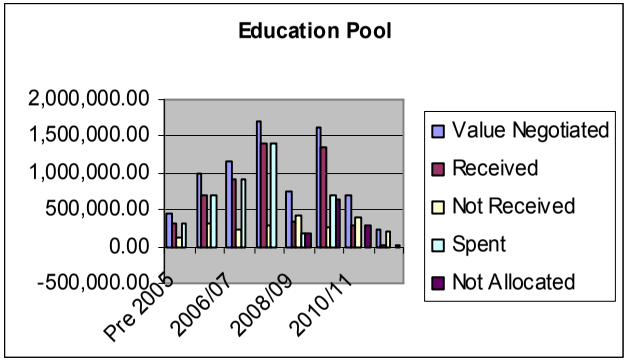
	Value Negotiated	Received	Not Received	Spent	Not Allocated
2008/09	96,650.00	0.00	96,650.00	0.00	0.00
Total	96,650.00	0.00	96,650.00	0.00	0.00

Admin & Monitoring

	Value Negotiated	Received	Not Received	Spent	Not Allocated
Pre 2005	228,562.30	223,000.00	5,562.30	223,000.00	0.00
2005/06	136,153.07	95,653.07	40,500.00	57,939.27	37,713.80
2006/07	73,839.37	60,435.90	13,403.47	25,302.54	35,133.36
2007/08	489,393.91	451,737.55	37,656.36	9,242.00	442,495.55
2008/09	52,192.00	11,193.48	40,998.52	0.00	11,193.48
2009/10	118,908.00	101,723.11	17,184.89	0.00	101,723.11
2010/11	34,061.18	31,758.13	2,303.05	0.00	31,758.13
2011/12	14,777.00	13,277.00	1,500.00	0.00	13,277.00
Total	1,147,886.83	988,778.24	159,108.59	315,483.81	673,294.43

Summary

	Value Negotiated	Received	Not Received	Spent	Not Allocated (including Admin)	Minus Admin Not Spent	Total Not Allocated (exluding Admin)
Pre 2005	4,338,325.10	4,201,514.79	136,810.31	3,196,514.79	1,005,000.00	0.00	1,005,000.00
2005-06	3,005,565.69	2,171,053.09	834,512.60	2,041,339.29	129,713.80	37,713.80	92,000.00
2006/07	1,794,684.71	1,408,155.18	386,529.53	1,329,522.13	78,633.05	35,133.36	43,499.69
2007/08	10,900,302.65	2,211,851.72	8,688,450.93	1,733,606.17	478,245.55	442,495.55	35,750.00
2008/09	2,796,368.00	409,822.24	2,386,545.76	225,000.00	184,822.24	11,193.48	173,628.76
2009/10	3,128,036.14	2,140,491.14	987,545.00	748,633.62	1,391,857.52	101,723.11	1,290,134.41
2010/11	907,854.92	348,137.47	559,717.45	0.00	348,137.47	31,758.13	316,379.34
2011/12	442,859.62	149,022.00	293,837.62	0.00	149,022.00	13,277.00	135,745.00
Total	**27,313,996.83**	**13,040,047.63**	**14,273,949.20**	**9,274,616.00**	**3,765,431.63**	**673,294.43**	3,092,137.20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2008/09
2010/11
Value Negotiated
Received
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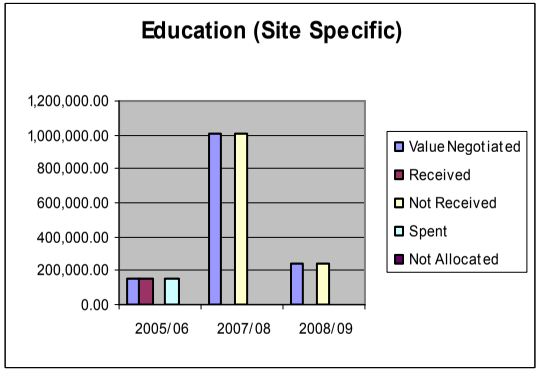
Spent
Not Allocated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2007/08
2008/09
Value Negotiated
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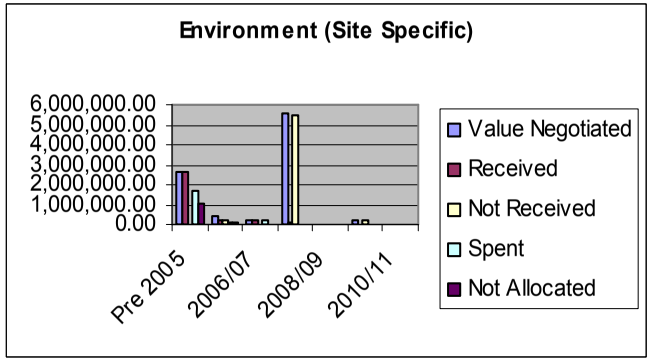
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Pre 2005
2006/07
2008/09
2010/11
Value Negotiated
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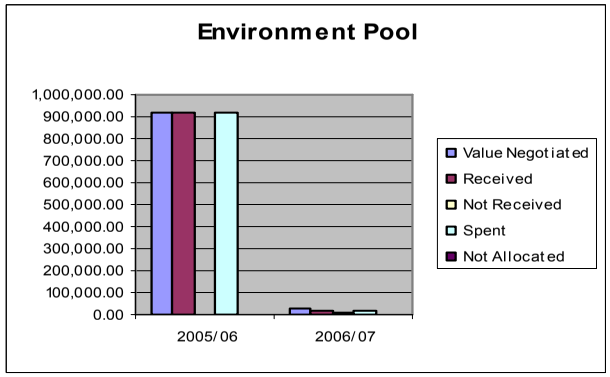
Not Allocated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2005/06
2006/07
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Spent
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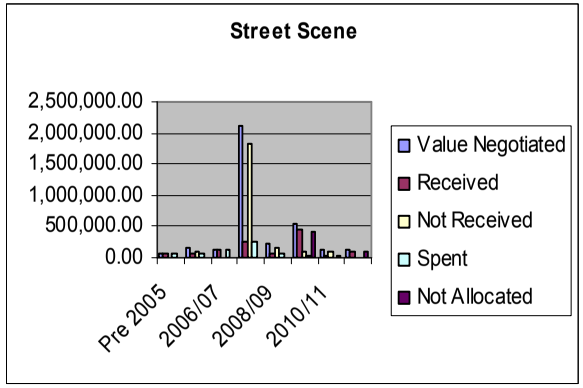
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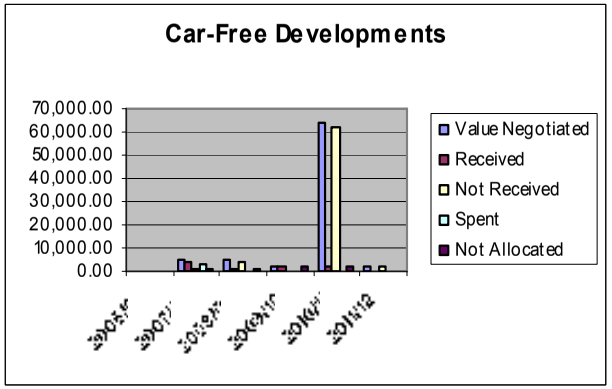
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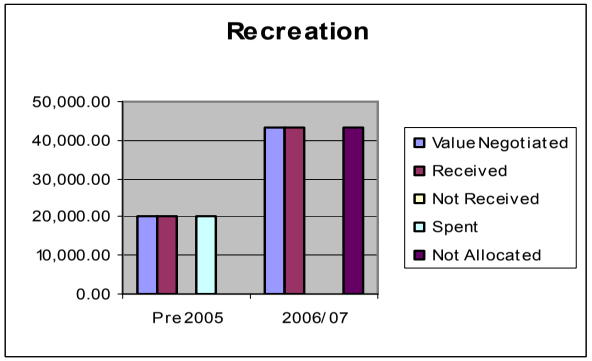
Not Allocated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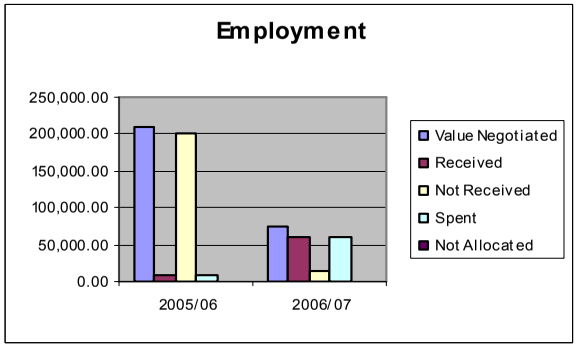
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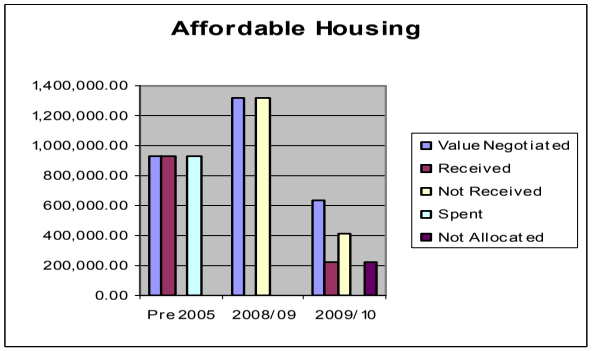
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Pre 2005
2008/09
2009/10
Value Negotiated
Received
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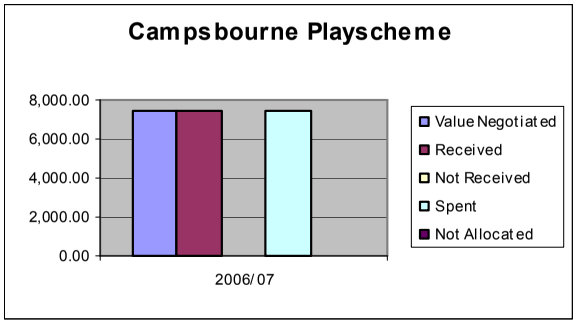
Spent
Not Allocated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2006/07
Value Negotiated
Received
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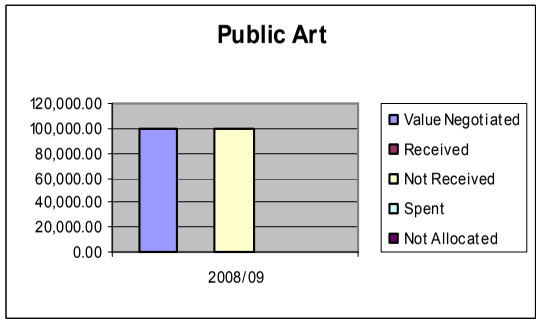
Spent
Not Allocated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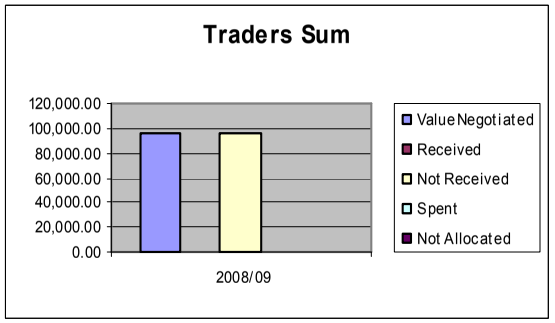
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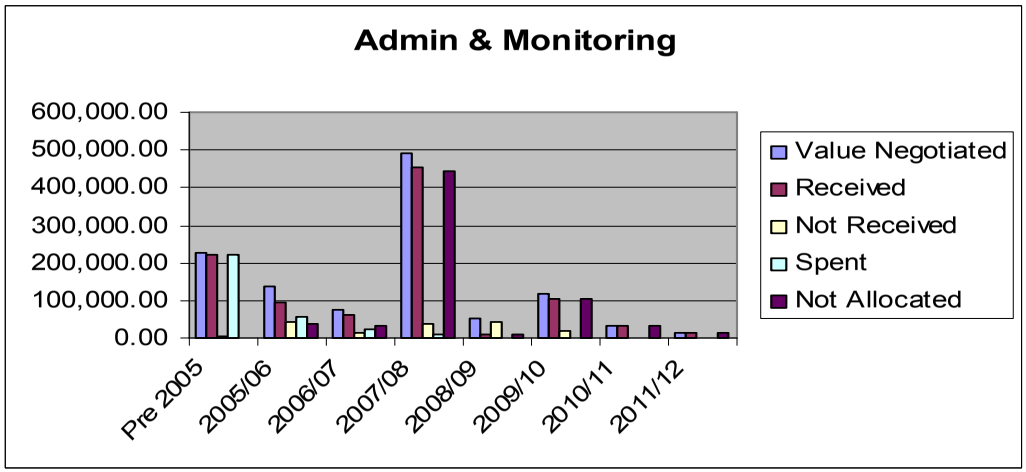
40,000.00
20,000.00
0.00
2008/09
Value Negotiated
Received
Not Received
Spent
Not Allocated


Admin & Monitoring
600,000.00
500,000.00
400,000.00
300,000.00
200,000.00
100,000.00
0.00
Pre 2005
2005/06
2006/07
2007/08
2008/09
2009/10
2010/11
2011/12
Value Negotiated
Received
Not Received
Spent
Not Allocated

Appendix 3 - Budget Summary

Financial Benefit	2004/05			2005/06			2006/07			2007/08		
	Received	Spent	Not Allocated	Received	Spent	Not Allocated	Received	Spent	Not Allocated	Received	Spent	Not Allocated
Admin & Monitoring	223,000.00	223,000.00	**0.00**	95,653.07	57,939.27	**37,713.80**	60,435.90	25,302.54	**35,133.36**	451,737.55	9,242.00	**442,495.55**
Education Pool	324,014.79	324,014.79	**0.00**	687,439.70	687,439.70	**0.00**	914,519.28	914,519.59	**-0.31**	1,412,364.17	1,412,364.17	**0.00**
Education (Site Specific)	0.00	0.00	**0.00**	154,000.00	154,000.00	**0.00**	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Environment Pool	0.00	0.00	**0.00**	915,002.00	915,002.00	**0.00**	20,000.00	20,000.00	**0.00**	0.00	0.00	**0.00**
Environment (Site Specific)	1,639,500.00	1,639,500.00	**0.00**	233,958.32	141,958.32	**92,000.00**	162,000.00	162,000.00	**0.00**	71,800.00	51,800.00	**20,000.00**
Street Scene (Highways/Transport)	65,000.00	65,000.00	**0.00**	75,000.00	75,000.00	**0.00**	140,000.00	140,000.00	**0.00**	272,000.00	257,000.00	**15,000.00**
Employment	0.00	0.00	**0.00**	10,000.00	10,000.00	**0.00**	60,000.00	60,000.00	**0.00**	0.00	0.00	**0.00**
Recreation	20,000.00	20,000.00	**0.00**	0.00	0.00	**0.00**	43,500.00	0.00	**43,500.00**	0.00	0.00	**0.00**
Traffic Management Order (Car-Free)	0.00	0.00	**0.00**	0.00	0.00	**0.00**	200.00	200.00	**0.00**	3,950.00	3,200.00	**750.00**
Affordable Housing	925,000.00	925,000.00	**0.00**	0.00	0.00	**0.00**	0.00	0.00	**0.00**	0.00	0.00	**0.00**
Campsbourne Playscheme	0.00	0.00	**0.00**	0.00	0.00	**0.00**	7,500.00	7,500.00	**0.00**	0.00	0.00	**0.00**
Total	**3,196,514.79**	**3,196,514.79**	**0.00**	**2,171,053.09**	**2,041,339.29**	**129,713.80**	**1,408,155.18**	**1,329,522.13**	**78,633.05**	**2,211,851.72**	**1,733,606.17**	**478,245.55**

Financial Benefit	2008/09			2009/10			2010/11			2011/12		
	Received	Spent	Not Allocated	Received	Spent	Not Allocated	Received	Spent	Not Allocated	Received	Spent	Not Allocated
Admin & Monitoring	11,193.68		**11,193.68**	101,723.11		**101,723.11**	31,758.13		**31,758.13**	13,277.00		**13,277.00**
Education Pool	333,084.51	166,000.00	**167,084.51**	1,351,920.43	698,633.62	**653,286.81**	294,379.34		**294,379.34**	23,745.00		**23,745.00**
Education (Site Specific)			**0.00**			**0.00**			**0.00**			**0.00**
Environment Pool			**0.00**			**0.00**			**0.00**			**0.00**
Environment (Site Specific)	5,000.00		**5,000.00**	25,000.00	25,000.00	**0.00**			**0.00**			**0.00**
Street Scene (Highways/Transport)	59,544.25	59,000.00	**544.25**	437,105.83	25,000.00	**412,105.83**	20,000.00		**20,000.00**	112,000.00		**112,000.00**
Employment			**0.00**			**0.00**			**0.00**			**0.00**
Recreation			**0.00**			**0.00**			**0.00**			**0.00**
Traffic Management Order (Car-Free)	1,000.00		**1,000.00**	2,000.00		**2,000.00**	2,000.00		**2,000.00**			**0.00**
Affordable Housing			**0.00**	222,741.77		**222,741.77**			**0.00**	0.00	0.00	**0.00**
Campsbourne Playscheme			**0.00**			**0.00**			**0.00**	0.00	0.00	**0.00**
Total	**409,822.44**	**225,000.00**	**184,822.44**	**2,140,491.14**	**748,633.62**	**1,391,857.52**	**348,137.47**	**0.00**	**348,137.47**	**149,022.00**	**0.00**	**149,022.00**

Further Breakdown

	Value Negotiated	Received	Not Received (PP not implemented)	Spent	Not Allocated
Education Pool	7,597,699.22	5,341,467.22	2,256,232.00	4,202,971.87	1,138,495.35
Education (Site Specific)	1,404,000.00	154,000.00	1,250,000.00	154,000.00	0.00
Environment Pool	940,166.12	935,002.00	5,164.12	935,002.00	0.00
Environment (Site Specific)	9,155,544.86	3,142,258.32	6,013,286.54	2,020,258.32	1,122,000.00
Street Scene (Highways/Transport)	3,474,999.80	1,180,650.08	2,294,349.72	621,000.00	559,650.08
Employment	365,000.00	70,000.00	295,000.00	70,000.00	0.00
Recreation	63,500.00	63,500.00	0.00	20,000.00	43,500.00
Traffic Management Orders (Car-Free)	81,050.00	9,150.00	71,900.00	3,400.00	5,750.00
Affordable Housing	2,880,000.00	1,147,741.77	1,732,258.23	925,000.00	222,741.77
Campsbourne Playscheme	7,500.00	7,500.00	0.00	7,500.00	0.00
Public Art – Wards Cnr	100,000.00	0.00	100,000.00	0.00	0.00
Traders Sum – Wards Cnr	96,650.00	0.00	96,650.00	0.00	0.00
Admin & Monitoring	1,147,886.83	988,778.24	159,108.59	315,483.81	673,294.43
			0.00		
Total	**27,313,996.83**	**13,040,047.63**	**14,273,949.20**	**9,274,616.00**	**3,765,431.63**
				minus Admin	673,294.43
					3,092,137.20

Appendix 4

FINANCIAL YEAR 2005-2006

Map Reference Key	Year Signed	Site	Amount	What funds	Date Spent
1 (Employment)	2005/06	Tottenham Hale Retail Park, Broad Lane, N15	10,000.00	Employment	10.2.06
2 (Education)	2001/02	Coppetts Wood Hospital, Coppetts Road, N10	150,000.00	Education	29.7.05
3 (Education)	2002/03	Former Petrol Filling Stn, 278B Wightman Road, N8	11,488.67	Education	29.7.05
4 (Education)	2002/03	35 Station Road, N22	28,254.10	Education	29.7.05
5 (Education)	2002/03	472-480 West Green Road, N15	15,992.00	Education	5.8.05
6 (Education)	2002/03	Land adj to Woodhall House, Lordship Lane, N22	40,000.00	Education	29.7.05
7 (Education)	2003/04	124 Hillfield Avenue, N8	7,500.00	Education	29.7.05
8 (Education)	2003/04	Land at r/o 62-70 Northumberland Park, N17	10,000.00	Education	29.7.05
9 (Education)	2003/04	415-419 High Road, N17	30,388.50	Education	29.7.05
10 (Education)	2003/04	r/o Northumberland Park House, Northumberland Park, N17	15,000.00	Education	29.7.05
11 (Education)	2003/04	Goulding Court, Turnpike Lane, N8	13,660.83	Education	29.7.05
12 (Education)	2003/04	Southwood Hospital, 70 Southwood Lane, N6	39,400.25	Education	29.7.05
13 (Education)	2003/04	419 High Road & 2A Myddleton Road, N22	50,000.00	Education	29.7.05
14 (Education)	2004/05	Corner of Nightingale Road & High Road, N22	12,895.72	Education	29.7.05
15 (Education)	2004/05	Dagmar Arms PH, Cornwall Road, N15	15,000.00	Education	29.7.05
16 (Education)	2004/05	280-296 High Road, N15	38,000.00	Education	29.7.05
17 (Education)	2005/06	Three Compasses PH, Queen Street, N17	54,000.00	Education	1.3.06
18 (Education)	2005/06	278 High Road, N15	6,734.74	Education	1.3.06
19 (Education)	2002/03	Former Hornsey Waterworks, High Street, N8	109,500.00	Education	8.11.05
19 (Environmental)	2004/05	Former Waterworks, Hornsey High Street, N8	15,000.00	Environmental	9.11.05
19 (Environmental)	2002/03	Former Hornsey Waterworks, High Street, N8	20,000.00	Environmental	30.4.05
20 (Recreation)	2001/02	Land adj. to 10 Grosvenor Gardens, N10	340.00	Recreation	11.2.06
21 (Recreation)	2002/03	Arena Estates, Green Lanes, N4	20,000.00	Recreation	10.11.05
12 (Recreation)	2003/04	Southwood Hospital, 70 Southwood Lane, N6	610.20	Recreation	11.1.06
22 (Highways)	2001/02	Former Pumping Station, Tile Kiln Lane, N6	10,000.00	Street Scene	29.7.05
23 (Highways)	2003/04	Former Telecom House, Crouch End Hill, N8	94,000.00	Street Scene	4.10.05
Grand Total			817,765.01		

Financial Year 2005/2006

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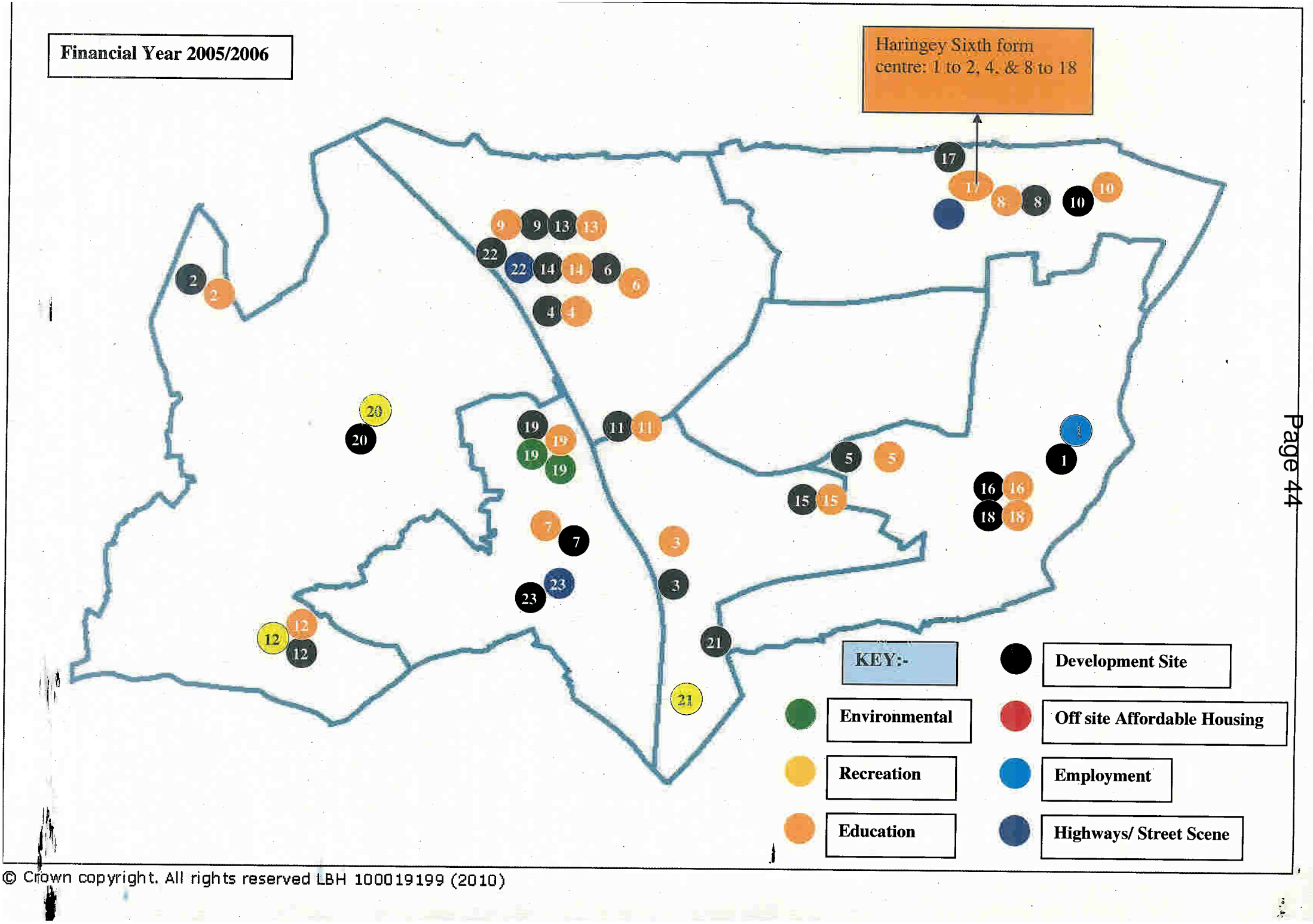

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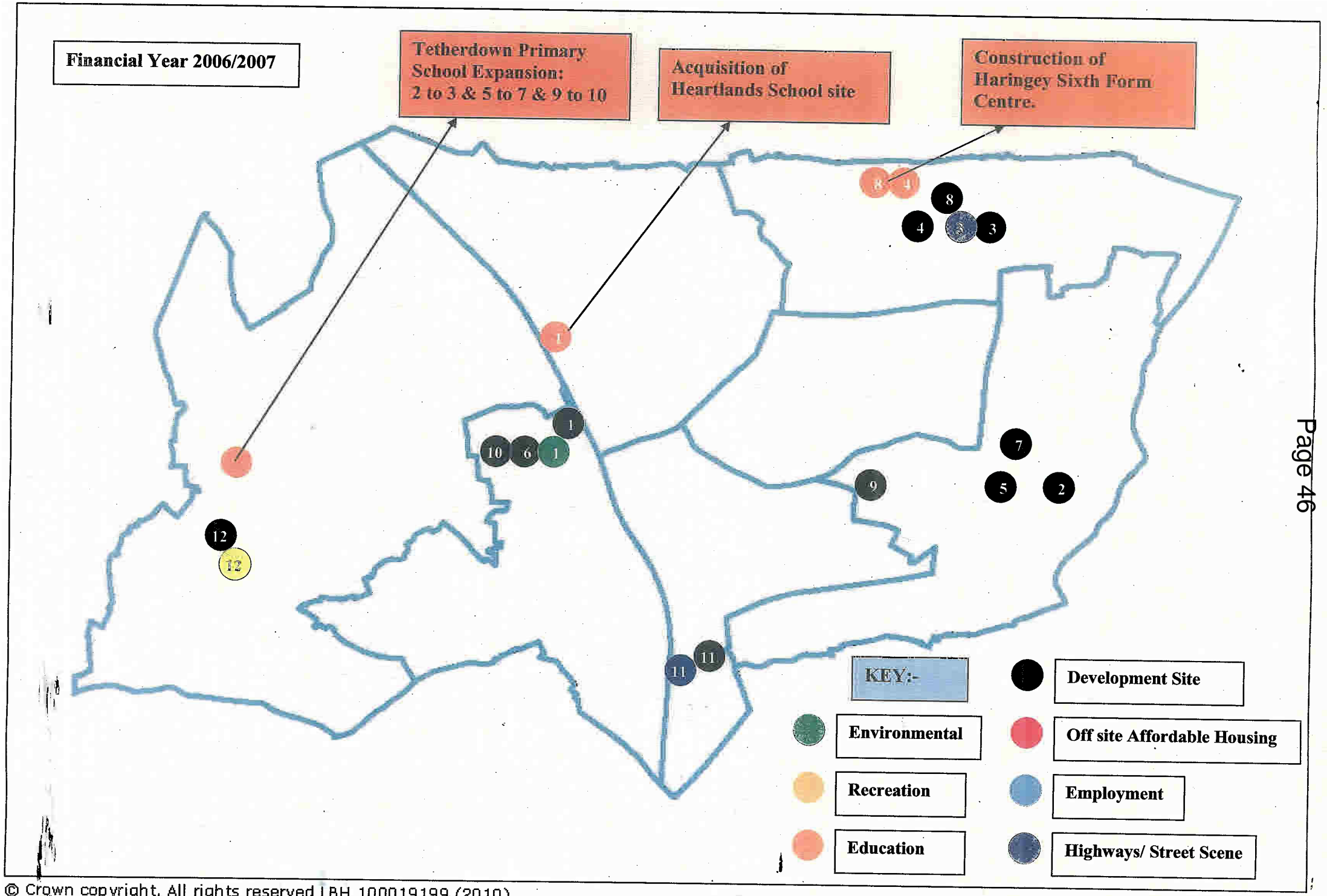
Appendix 4

FINANCIAL YEAR 2006-2007

Map Reference Key	Year Signed	Site	Amount	What funds	Date Spent
1 (Education)	2002	Former HWW, High Street	1,000,000.00	Education	12.12.06
2 (Education)	2005-2006	143 Broad Lane	58,000.00	Education	20.10.06
3 (Education)	2005-2006	6-8 James Place, N17	63,312.80	Education	6.7.06
4 (Education)	2005-2006	Somerset Hall, White Hart Lane	154,000.00	Education	26.9.06
5 (Education)	2005-2006	r/o 31-33 Talbot Road	5,642.00	Education	6.7.06
6 (Education)	2005-2006	Block B, The Campsbourne	13,396.00	Education	6.7.06
7 (Education)	2005-2006	344 High Road, N17	53,485.16	Education	5.7.06
8 (Education)	2005-2006	Former Middlesex University, White Hart Lane	175,000.00	Education	20.12.06
9 (Education)	2006-2007	154 West Green Road	30,450.00	Education	6.7.09
10 (Education)	2006-2007	Block C, The Campsbourne	13,396.00	Education	15.7.06
1 (Environmental)	2002	Former HWW, High Street	50,000.00	Environmental	23.3.07
11 (Highways)	2002	Arena Estate, Green Lanes	25,000.00	Street Scene	16.1.07
3 (Highways)	2005-2006	6-8 James Place, N17	15,000.00	Street Scene	6.7.06
12 (Recreation)	2000-2001	The Builder Centre, Archway Road, N6	20,000.00	Recreation	18.12.06
Grand Total			1,676,681.96		



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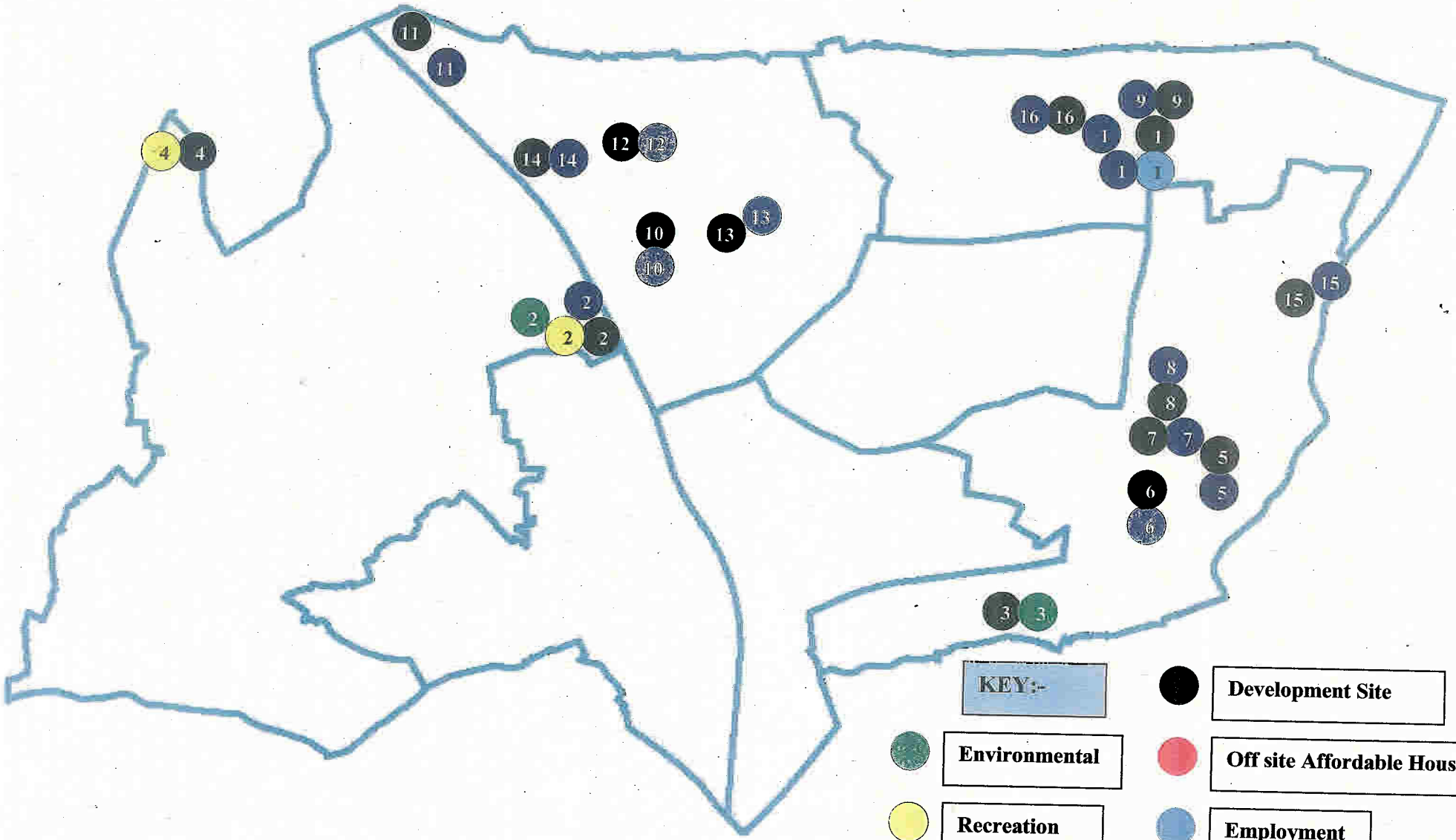
Appendix 4

FINANCIAL YEAR 2007-2008

Map Reference Key	Year Signed	Site	Amount	Obligation type	Date Spent
1 (Employment)	2006-2007	691-693 High Road, N17	60,000.00	Employment	23.7.07
2 (Environmental)	2006-2007	HWW, Newland Road, N8	7,500.00	Environment	19.11.07
3 (Environmental)	2007-2008	381-481 Seven Sisters Road	10,000.00	Enviornment	24.1.08
4 (Recreation)	2005-2006	Lynx Depot Site	500,000.00	Recreation	31.3.08
2 (Recreation)	2006-2007	HWW, Newland Road, N8	2,000.00	Recreation	1.4.07
5 (Highways)	2005-2006	143 Broad Lane	70,000.00	Street Scene	16.10.07
6 (Highways)	2005-2006	278 High Road	14,000.00	Street Scene	16.10.07
7 (Highways)	2004-2005	280-296 High road	34,000.00	Street Scene	16.10.07
8 (Highways)	2005-2006	344 High Road	42,000.00	Street Scene	16.10.07
9 (Highways)	2004-2005	761-767 High Road	8,000.00	Street Scene	16.10.07
10 (Highways)	2006-2007	725-733 Lordship Lane	87,000.00	Street Scene	16.10.07
11 (Highways)	2004-2005	Former Middlesex University, Bounds Green	268,545.90	Street Scene	16.10.07
12 (Highways)	2003-2004	419 High Road & 2A Myddleton Road	10,000.00	Street Scene	16.10.07
13 (Highways)	2002	Land adj. Woodhall House, Lordship Lane	20,000.00	Street Scene	16.10.07
14 (Highways)	2005-2006	30 Palace Road	6,454.10	Street Scene	16.10.07
1 (Highways)	2006-2007	691-693 High Road, N17	50,000.00	Street Scene	16.10.07
1 (Highways)	2006-2007	691-693 High Road, N17	50,000.00	Street Scene	29.6.07
15 (Highways)	2005-2006	4 Marsh Lane	25,000.00	Street Scene	22.5.07
16 (Highways)	2005-2006	Former Middlesex University, White Hart Lane	155,000.00	Street Scene	21.5.07
2 (Highways)	2006-2007	HWW, Newland Road, N8	40,000.00	Street Scene	20.10.07
Grand Total			1,459,500.00		

Financial Year 2007/2008



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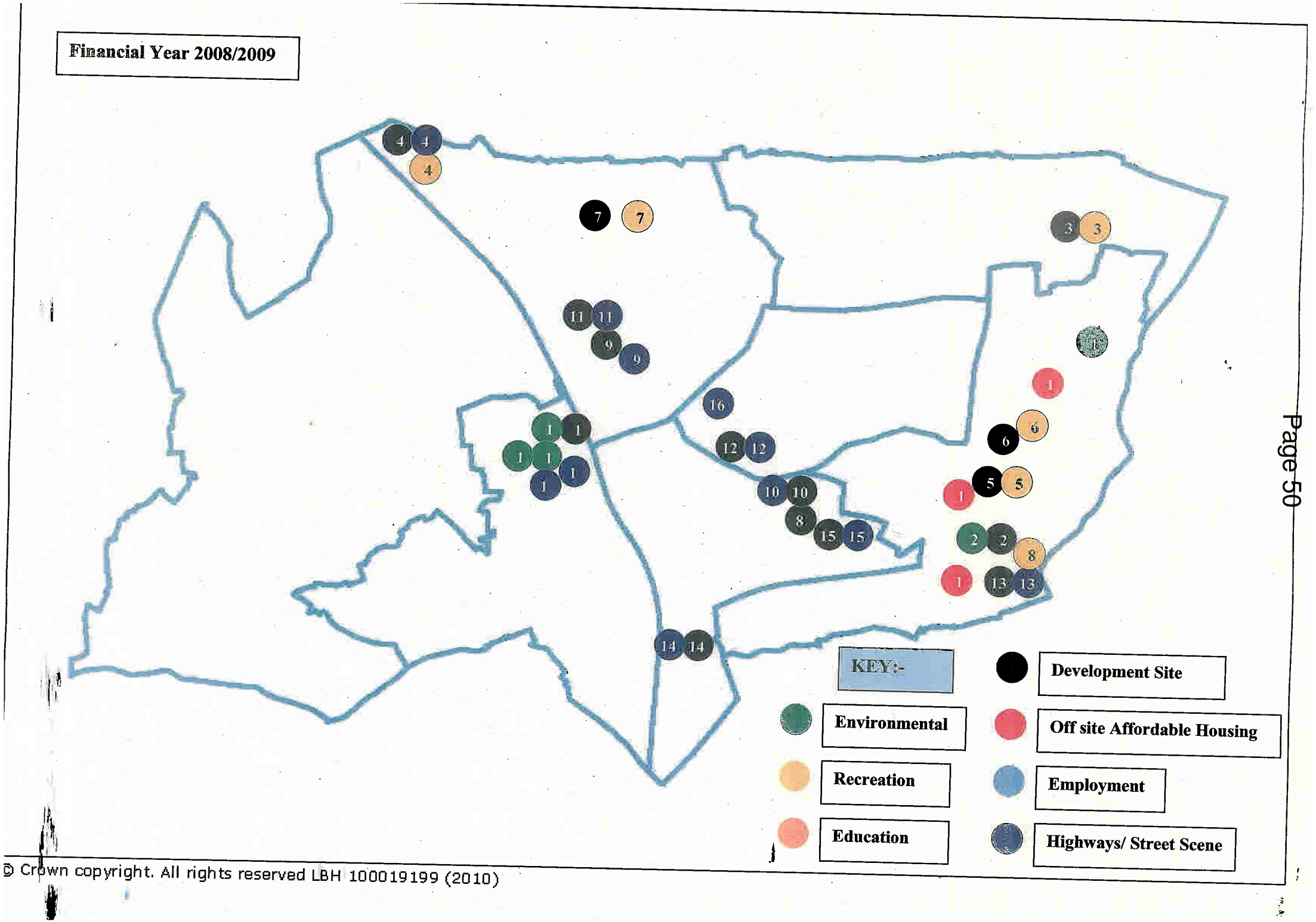
Appendix 4

FINANCIAL YEAR 2008-2009

Map Reference Key	Year Signed	Site	Amount	What funds	Date Spent
1 (Affordable Housing	2004-2005	Former Hornsey Waterworks, High Street, N8	20,000.00	Housing	1.11.08
1 (Affordable Housing	2004-2005	Former Hornsey Waterworks, High Street, N8	90,000.00	Housing	1.11.08
1 (Affordable Housing	2004-2005	Former Hornsey Waterworks, High Street, N8	600,000.00	Housing	1.11.08
1 (Environmental)	2002	Former Hornsey Waterworks, High Street, N8	102,000.00	Environment	1.11.08
1 (Environmental)	2004-2005	Former Hornsey Waterworks, High Street, N8	21,025.00	Environment	1.11.08
2 (Environmental)	2004-2005	Rangemoor & Herbert Road	30,000.00	Environment	17.6.08
3 (Recreation)	2003-2004	r/o Northumberland Park Hse, Northumberland Park	5,000.00	Recreation	4.9.08
4 (Recreation)	2004-2005	Former Middlesex University, Bounds Green	11,250.00	Recreation	4.9.08
5 (Recreation)	2005-2006	278 High Road, N17	6,204.22	Recreation	11.11.08
6 (Recreation)	2005-2006	344 High Road, N17	1,000.00	Recreation	11.11.08
7 (Recreation)	2004-2005	98 White Hart Lane	15,000.00	Recreation	24.10.08
8 (Recreation)	2006-2007	r/o 79-91 Kirkton Road	20,000.00	Recreation	21.7.08
1 (Environmental)	2002	Former Hornsey Waterworks, High Street, N8	298,000.00	Environment	1.7.08
1 (Environmental)	2004-2005	Former Hornsey Waterworks, High Street, N8	800,000.00	Environment	15.1.09
9 (Highways)	2004-2005	136a,b & c High Road, N22	50,000.00	Street Scene	26.1.09
10 (Highways)	2004-2005	Dagmar Arms, Cornwall Road	10,000.00	Street Scene	15.7.08
4 (Highways)	2004-2005	Former Middlesex University, Bounds Green	176,000.00	Street Scene	21.7.08
11 (Highways)	1999	Wood Green Shopping City	50,000.00	Street Scene	17.2.09
12 (Highways)	2002-2003	70 Milton Road	10,000.00	Street Scene	18.3.09
1 (Highways)	2002	Former Hornsey Waterworks, High Street, N8	75,000.00	Street Scene	1.11.08
1 (Highways)	2002	Former Hornsey Waterworks, High Street, N8	20,000.00	Street Scene	1.11.08
13 (Highways)	2004-2005	Grovelands Rd & Lemsford Road	40,000.00	Street Scene	15.7.08
14 (Highways)	2007-2008	Sainsbury's, Williamsons Road	97,000.00	Street Scene	26.1.09
15 (Highways)	2006-2007	103-149 Cornwall Road	5,000.00	Street Scene	17.2.09
16 (Highways)	2006-2007	12-14 High Road & Whymark Ave	200.00	Street Scene	15.7.09
Grand Total			2,552,679.22		



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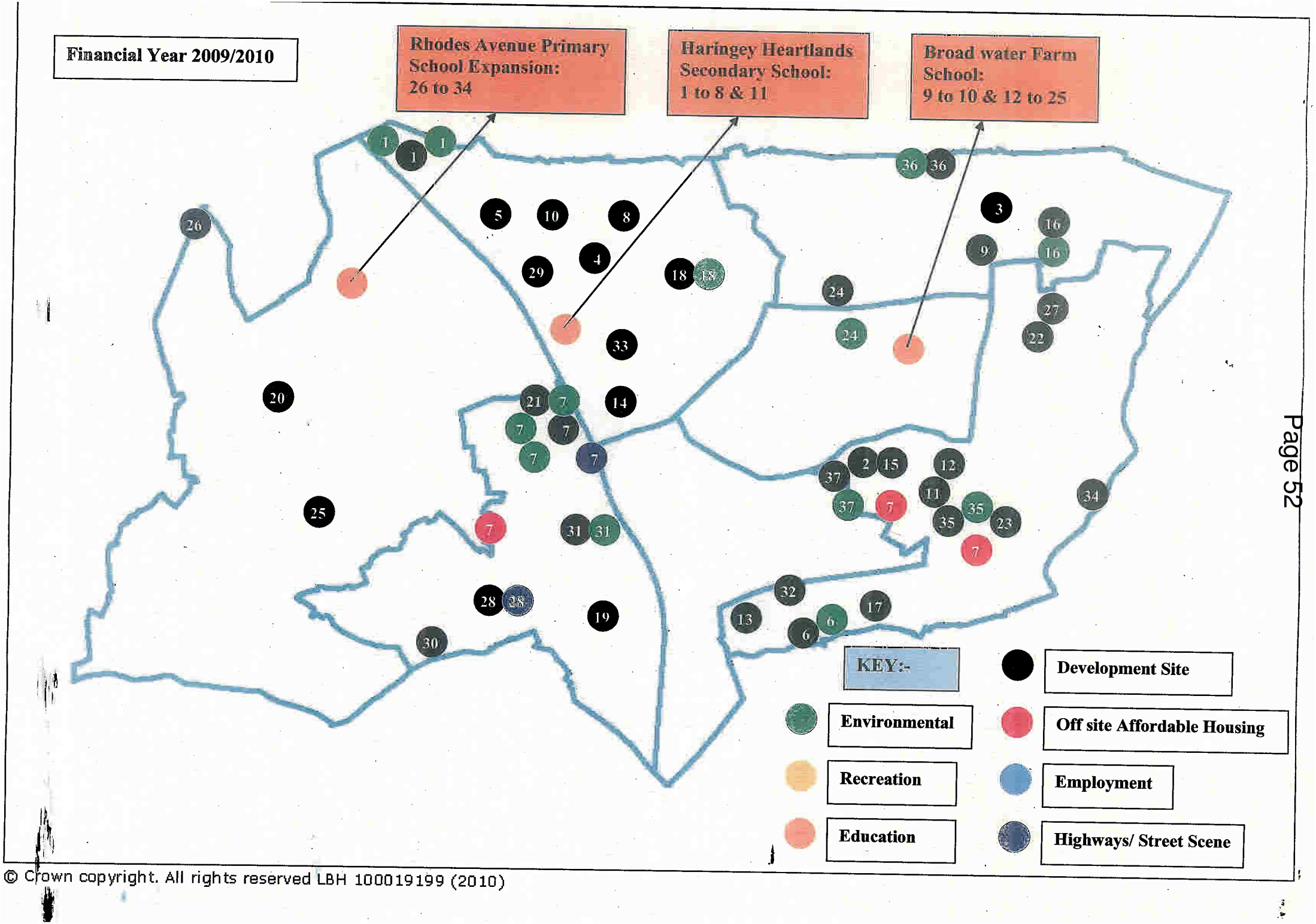
Appendix 4

FINANCIAL YEAR 2009-2010

Map Reference Key	Year Signed	Site	Amount	What funds	Date Spent
1 (Education)	2004-2005	Former Middlesex University, Bounds Green Site, N11	170,000.00	Education	15.12.09
2 (Education)	2004-2005	1a Bedford Road	41,000.00	Education	15.12.09
3 (Education)	2004-2005	761-767 High Road, N17	12,089.07	Education	15.12.09
4 (Education)	2006-2007	725-733 Lordship Lane, N22	321,960.38	Education	15.12.09
5 (Education)	2005-2006	30 Palace Road, former Welsh Methodist Church, N11	4,835.90	Education	15.12.09
6 (Education)	2006-2007	21-29 Tewkesbury Road, N15	19,602.78	Education	15.12.09
7 (Education)	2002	Former Hornsey Waterworks, N8 - 2002	109,500.00	Education	15.12.09
8 (Education)	2004-2005	98 White Hart Lane, N22	10,000.00	Education	15.12.09
9 (Education)	2006-2007	691-693 High Road, N17	206,743.10	Education	15.12.09
10 (Education)	2003	12-14 Truro Road, N22 - 2003	23,000.00	Education	15.12.09
11 (Education)	2006-2007	79-91 Kirkton Road, N15	11,785.50	Education	15.12.09
12 (Education)	2006-2007	Land adj. to 48 Elizabeth Place, N15	15,264.89	Education	15.12.09
13 (Education)	2004-2005	3 Vale Terrace, N4	4,030.00	Education	15.12.09
14 (Education)	2006-2007	12-14 High Road & Whymark Hse	23,009.22	Education	15.12.09
15 (Education)	2006-2007	Units 2, 4 & 5, 103-149 Cornwall Road & Land adj. 2 Falmer Road, N15	71,237.41	Education	15.12.09
16 (Education)	2007-2008	159 Park Lane, N17	10,644.67	Education	15.12.09
17 (Education)	2007-2008	381-481 Seven Sisters Road, N15	298,098.00	Education	15.12.09
18 (Education)	2007-2008	591 Lordship Lane, N22	34,458.00	Education	15.12.09
19 (Education)	2007-2008	Womersley Hse, Wormersley Rd, N8, Dickenson Hse, Dickenson Rd, N8	23,656.86	Education	15.12.09
20 (Education)	2006-2007	72-74 Twyford Avenue, N2	100,000.00	Education	15.12.09
21 (Education)	2007-2008	42-48 Newland Road, N8 (Land r/o)	95,000.00	Education	15.12.09
22 (Education)	2005-2006	Silver Industrial Estate, Reform Row, N17	98,952.10	Education	15.12.09
23 (Education)	2007-2008	Garages at 1-4 Harold Rd & 15-44 Newton Road, N15	66,500.00	Education	15.12.09
24 (Education)	2004-2005	339 Lordship Lane, N17	10,000.00	Education	15.12.09
25 (Education)	2007-2008	1-4 Connaught House, Connaught Gdns, N10	107,458.21	Education	15.12.09
26 (Education)	2005-2006	Lynx Depot, Coppetts Road, N10	264,081.00	Education	15.12.09
27 (Education)	2007-2008	r/o 2-70 Dowsett Road, N17 - 2nd Agreement	50,000.00	Education	15.12.09
28 (Education)	2006-2007	40 Coleridge Road	101,070.00	Education	15.12.09
29 (Education)	2005-2006	2A Brabant Road, N22	65,000.00	Education	15.12.09
30 (Education)	2007-2008	Roden Court, 113-115 Hornsey Lane, N6	100,000.00	Education	15.12.09
31 (Education)	2007-2008	Albert Works, Spencer Road, N8	10,000.00	Education	15.12.09
32 (Education)	2007-2008	r/o 242-274 Hermitage Road, N4	130,000.00	Education	15.12.09
33 (Education)	2007-2008	120-128 Mayes Road, N22 (2nd agreement)	27,900.00	Education	15.12.09
34 (Education)	2007-2008	The Narrow Boat PH & 146-152 Reedham Close, N17	180,000.00	Education	15.12.09
7 (Affordable Housing)	2004-2005	Former Hornsey Waterworks, High Street, N8	35,000.00	Housing	27.7.09
7 (Affordable Housing)	2004-2005	Former Hornsey Waterworks, High Street, N8	180,000.00	Housing	5.8.09
7 (Affordable Housing)	2004-2005	Former Hornsey Waterworks, High Street, N8	16,112.00	Housing	14.9.09
24 (Environmental)	2004-2005	339 Lordship Lane, N17	12,500.00	Environment	26.5.09
35 (Environmental)	2004-2005	Land on corner of Rangemoor Road & Herbert Road, N15	22,000.00	Environment	25.7.09
16 (Environmental)	2007-2008	159 Park Lane, N17	10,000.00	Environment	25.7.09
1 (Environmental)	2004-2005	Former Middlesex University, Bounds Green Site, N11	24,000.00	Environment	18.6.09
6 (Environmental)	2006-2007	21-29 Tewkesbury Road, N15	13,000.00	Environment	24.7.09
36 (Environmental)	2005-2006	Three Compasses Public House, Queens Street, N17	12,300.00	Environment	6.8.09
1 (Environmental)	2004-2005	Former Middlesex University, Bounds Green Site, N11	8,055.75	Environment	15.10.09
37 (Environmental)	2006-2007	154 West Green Road, N15	10,000.00	Environment	9.12.09
18 (Environmental)	2007-2008	591 Lordship Lane, N22	10,000.00	Environment	9.12.09
31 (Environmental)	2007-2008	Albert Works, Spencer Road, N8	1,800.00	Environment	9.12.09
7 (Environmental)	2002	Former Hornsey Waterworks, N8 - 2002	25,000.00	Environment	10.7.09
7 (Environmental)	2004-2005	Former Hornsey Waterworks, High Street, N8	16,112.00	Environment	14.9.09
7 (Environmental)	2004-2005	Former Hornsey Waterworks, High Street, N8	71,888.00	Environment	07.7.09
28 (Highways)	2006-2007	40 Coleridge Road	20,000.00	Street Scene	4.2.10
7 (Highways)	2002	Former Hornsey Waterworks, N8 - 2002	75,000.00	Street Scene	7.12.09
GRAND TOTAL			3,379,644.84		



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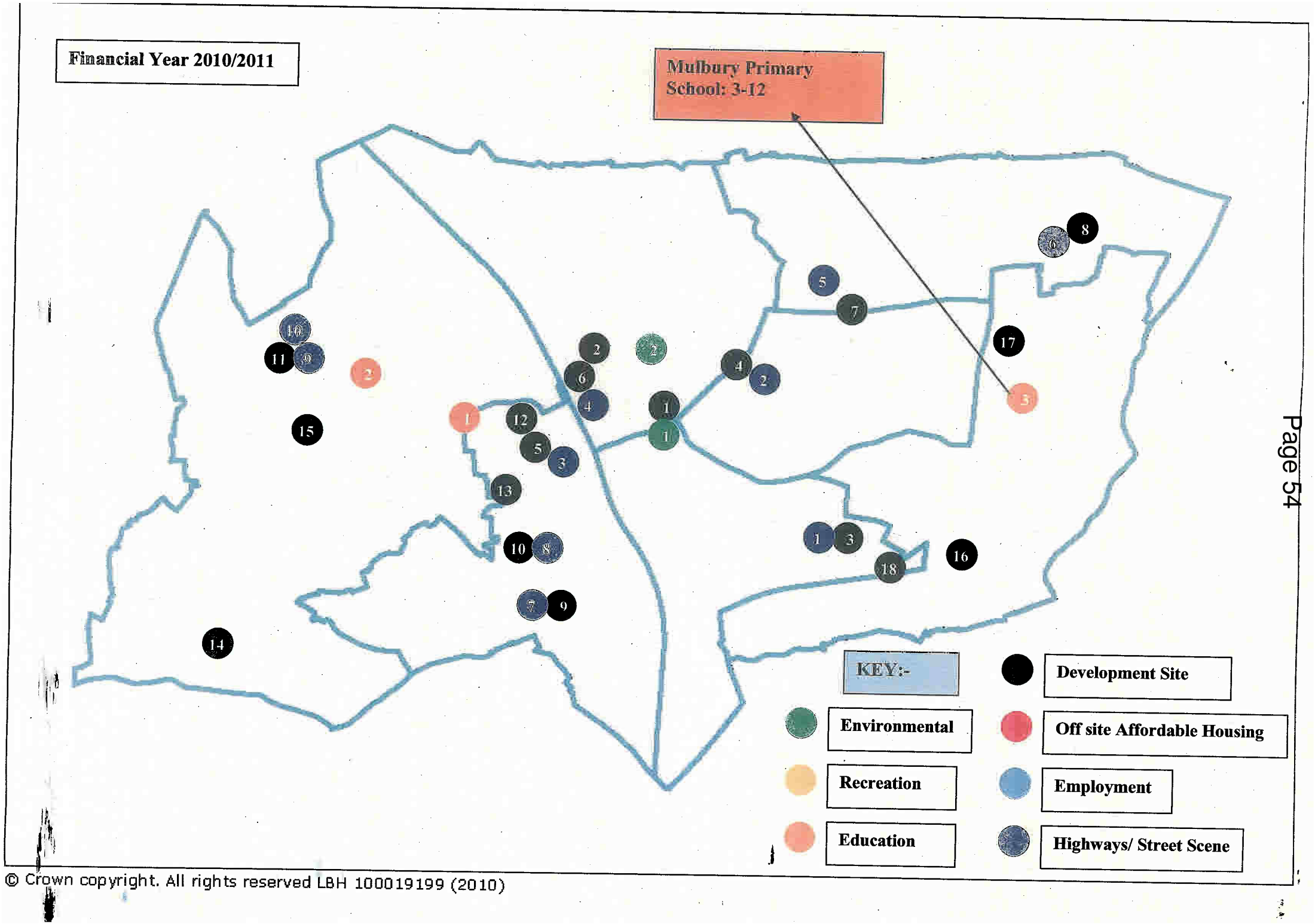
Appendix 4

FINANCIAL YEAR 2010-2011

Map Reference Key	Year Signed	Site	Amount	What Funds	Date Spent
1 (Environment)	2007/08	1-3 High Road, N22	20,000.00	Recreation	16.6.10
2 (Environment)	2005/06	2A Brabant Road, N22	60,000.00	Environment	8.7.10
1 (Highways)	2007/08	r/o 242-274 Hermitage Road, N4	25,000.00	Street Scene	8.7.10
2 (Highways)	2006/07	725-733 Lordship Lane, N22	25,000.00	Street Scene	10.8.10
3 (Highways)	2007/08	Roden Court, Hornsey Lane, N6	50,000.00	Street Scene	20.9.10
4 (Highways)	2007/08	120-128 Mayes Road, N22	15,000.00	Street Scene	20.9.10
5 (Highways)	2007/08	Hesta Annexe, White Hart Lane, N17	50,000.00	Street Scene	14.10.10
6 (Highways)	2009/10	Garage Colony, Waverley Road	25,000.00	Street Scene	5.11.10
7 (Highways)	2007/08	1 Mount Pleasant Villas, N4	20,000.00	Street Scene	5.11.10
8 (Highways)	2008/09	158 Tottenham Lane, N8	10,000.00	Street Scene	11.1.11
9 (Highways)	2005/06	Lynx Depot	25,400.11	Street Scene	1.3.11
10 (Highways)	2005/06	Lynx Depot	24,599.89	Street Scene	14.3.11
1 (Education)	2004	Former Hornsey Waterworks, N8	60,000.00	Education	11.1.11
2 (Education)	2007/08	1-3 High Road, N22	33,639.09	Education	11.1.11
3 (Education)	2007/08	1 Mount Pleasant Villas, N4	95,925.00	Education	11.1.11
4 (Education)	2009/10	Former Hornsey Central Hospital, Park Road, N8	291,201.62	Education	11.1.11
5 (Education)	2007/08	426-428 Archway Road, N6	64,000.00	Education	11.1.11
6 (Education)	2009/10	Aneurin Bevan House & Tredegar Road, N11	45,984.29	Education	11.1.11
7 (Education)	2009/10	1-13 Herbert Road, N17	62,000.00	Education	11.1.11
8 (Education)	2008/09	658-660 High Road, N17	166,000.00	Education	11.1.11
9 (Education)	2007/08	Hesta Annexe, White Hart Lane, N17	85,084.34	Education	11.1.11
10 (Education)	2009/10	Garage Colony, Waverley Road	96,500.00	Education	11.1.11
11 (Education)	2009/10	Former Day Nursery, Plevna Crescent, N15	95,307.00	Education	11.1.11
12 (Education)	2009/10	Aneurin Bevan House & Tredegar Road, N11	107,640.71	Education	11.1.11
GRAND TOTAL			1,553,282.05		



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Appendix 5

Active Pre- April 2005 signed S106 Agreements

Year Signed	Site Address	Amount (£)	Obligation Type	Date Paid
Nov-02	Former Hornsey Waterworks, New River Village, Hornsey, N8	1,000,000.00	Social Infrastructure fund	27.04.07
Jul-03	612 High Road, N17	5,000.00	Environmental	16.6.11
	Grand Total	**1,005,000.00**		

Total contributions received and to be allocated/expended	**£1,005,000.00**

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Street Scene / Highways / Transport	Employment
HGY/2005/0143	143 Broad Lane, N15	28-Apr-05	7,000.00	58,000.00		70,000.00			
HGY/2005/0550	6-8 James Place, N17	21-Jun-05	1,687.20	63,312.80		15,000.00			
HGY/2005/0743	Three Compasses PH, Queen Street, N17	25-Jul-05	3,350.00	54,000.00			12,300.00		
HGY/2004/2244	30 Palace Road, N11 (Welsh methodist Church)	14-Sep-05	1,110.00	4,835.90			6,454.10		
	278 High Road, N15	22-Sep-05	1,349.94	6,734.74			20,204.22		
HGY/2005/1253	Somerset Hall, White Hart Lane, N17	29-Sep-05	8,000.00		154,000.00				
HGY/2004/0668	31-33 Talbot Road, N15	23-Nov-05		5,642.00					
HGY/2005/1672	4 Marsh Lane, N17	05-Dec-05	1,250.00					25,000.00	
HGY/2005/1447	Tottenham Hale Retail Park, Broad Lane, N15	26-Oct-05	1,250.00				15,000.00		10,000.00
	Former Middlesex Uni Campus Site, White Hart Lane, N17	28-Oct-05	19,998.00			£330,002.00			
HGY/2005/1151	Block B, The Campsbourne, High Street, N8	06-Dec-05		13,396.00					
HGY/2005/0283	344 High Road, N17 (former Rose & Crown PH)	20-Dec-05	3,514.84	53,485.16			43,000.00		
HGY/2004/1943	The Lynx Site, Coppetts Way, N10	15-Dec-05	27,500.00	264,081.00		500,000.00		50,000.00	
HGY/2005/1814	Silver Industrial Estate, Reform Row, N17	23-Dec-05	5,447.61	98,952.10			10,000.00		
HGY/2004/2237	28-39 Bronhill Terrace, Lansdowne Road, N17	06-Oct-05	5,000.00				25,000.00		
HGY/2005/0822	2A Brabant Road, N22 (Unilateral Undertaking)	23-Mar-06	8,000.00	65,000.00			102,000.00		
HGY/2005/2228	Land r/o 14 High Road & adjacent to 1 Whymark Avenue, N22 - superceded	20-Apr-06	1,195.48						
			95,653.07	687,439.70	154,000.00	915,002.00	233,958.32	75,000.00	10,000.00

2,171.053.09 s106 contributions from agreements implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Street Scene / Highways / Transport	Employment
HGY/2005/1129	159 Tottenham Lane, N8	14-Sep-05	3,000.00	17,267.00			42,733.00		
HGY/2005/1131	Harper's Yard, Ruskin Road, N17	19-Sep-05	4,000.00	59,417.49			16,585.54		
HGY/2005/1257	Saltram Close Housing Estate, N15	20-Sep-05	2,500.00						
	Omega Works, Hermitage Road, N4	20-Sep-05	28,000.00	200,000.00			77,100.00	97,000.00	200,000.00
HGY/2005/1787	The Treehouse Trust, Woodside Avenue, N10	18-Jan-06							
HGY/2004/2077	48 Oakfield Road, N4	10-Feb-06							
HGY/2005/0756	90 Lausanne Road, N8	20-Feb-06							
HGY/2005/2278	159 Tottenham Lane, N8	14-Mar-06	3,000.00	17,267.00			42,733.00		
HGY/2005/0007	Ferme Park Depot, Cranford Way, N8	20-Mar-06							
			£40,500.00	**£293,951.49**	**£0.00**	**£0.00**	**£179,151.54**	**£97,000.00**	**£200,000.00**

£810,603.03 S106 contributions from agreements not implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Street Scene / Highways / Transport	Employment
HGY/2005/2228	Land r/o 14 High Road & adjacent to 1 Whymark Avenue, N22	20-Apr-06		23,909.57					
				£23,909.57	**£0.00**	**£0.00**	**£0.00**	**£0.00**	**£0.00**

£23,909.57 S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Street Scene / Highways / Transport	Employment
HGY/2005/1447	Tottenham Hale Retail Park, Broad Lane, N15	26-Oct-05					15,000.00		
HGY/2005/1814	Silver Industrial Estate, Reform Row, N17	23-Dec-05					10,000.00		
HGY/2004/2237	28-39 Bronhill Terrace, Lansdowne Road, N17	06-Oct-05					25,000.00		
HGY/2005/0822	2A Brabant Road, N22	23-Mar-06					42,000.00		

			£0.00	£0.00	£0.00	£0.00	£92,000.00	£0.00	£0.00

£92,000.00 Total contributions received and to be allocated/expended

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Env. Pool	Env. Assoc. with develop.	Traffic management order	Street Scene / Highways / Transport	Employment	Recreation	Other
HGY/2005/1874	154 West Green Road, N15	19-Apr-06	2,000.00	30,450.00		10,000.00					
HGY/2006/0710	691-693 High Road, N17	05-Jul-06	11,002.29	206,743.10		50,000.00		50,000.00	60,000.00		
HGY/2005/1151	Block C, The Campsbourne, High Street, N8	14-Jul-06		13,396.00							
HGY/2004/2380	79-91 Kirkton Road, N15	12-Dec-06	3,214.20	11,785.80	20,000.00						
HGY/2006/1265	21-29 Tewkesbury Road, N15	25-Jan-07	1,397.22	19,602.78		13,000					
HGY/2006/1298	Hornsey Water Treatment Works, Newland Road, N8	01-Nov-06	2,500.00			2,000.00		40,000.00			
HGY/2006/0358 & Deed of Variation (DoV) HGY/2006/1781	12-14 High Road & Whymark House, Whymark Avenue, N22	01-Sep-06	1,150.46	23,009.22			200				
HGY/2005/1896	725-733 Lordship Lane, N22	31-May-06	23,873.20	321,960.38		87,000.00		25,000.00		43,500.00	
HGY/2004/2116	547A&B High Road, N17	01-Oct-06	1,500.00	4,835.88	5,164.12						
HGY/2006/1504	Land adj to 48 Elizabeth Place, N15	14-Mar-07	457.94	15,264.89							
HGY/2006/0902	Units 2, 4 & 5, 103-149 Cornwall Road & land adjoining 2 Falmer Road, N15	01-Mar-07	2,287.59	71,237.41				5,000.00			
HGY/2006/0829	72-74 Twyford Avenue, N2	14-Aug-06	5,000.00	100,000.00							
HGY/2006/0837	40 Coleridge Road, N8	25-Jul-06	6,053.00	101,070.00				20,000.00			
			60,435.90	919,355.46	25164.12	162,000.00	200	140000	60000	43500	0

£1,408,155.18 s106 contributions from agreements implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order	Street Scene / Highways / Transport	Employment	Recreation
HGY/2006/0109	673 Lordship Lane, N22	20-Apr-06	3,531.64	60,631.28		10,000.00					

HGY/2005/2215	22-24 High Road, N22	11-May-06	1,387.18	27,743.58							
HGY/2005/2159	24A Birstall Road, N15	14-Aug-06	1,892.65	22,852.90						15,000.00	
HGY/2005/2313	Grovelands School Building, Grovelands Road & Lemsford Close, N15	08-Nov-06									
HGY/2006/1839	72-96 Park Road, N8	14-Dec-06	3,152.00	53,098.00		10,000.00					
HGY/2005/0808	Harvey Mews, Harvey Road, N8	18-Jan-07		25,000.00							
HGY/2006/2276	120-128 Mayes Road, N22	20-Mar-07	3,440.00	48,600.00		10,000.00		£200.00			
			£ 13,403.47	**£ 237,925.76**	**£ -**	**£ 30,000.00**		**£200.00**	**£ -**	**£ 15,000.00**	**£ -**

£ 296,529.23 S106 contributions from agreements not implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order	Street Scene / Highways / Transport	Employment	Recreation
HGY/2004/2116	547A&B High Road, N17	01-Oct-06		4,835.88	5,164.12						
			£ -	**£ 4,835.88**	**£ 5,164.12**	**£ -**		**£0.00**	**£ -**	**£ -**	**£ -**

£ 10,000.00 S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order	Street Scene / Highways / Transport	Employment	Recreation
HGY/2005/1896	725-733 Lordship Lane, N22	31-May-06									43,500.00
			£ -	**£ -**	**£ -**	**£ -**		**£0.00**	**£ -**	**£ -**	**£ 43,500.00**

£ 43,500.00 Total contributions received and to be allocated/expended

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic management order	Street Scene / Highways / Transport	Employment
HGY/2007/0358	Sainsbury's, Williamsons Road, N4	18-May-07	3,000.00						97,000.00	
HGY/2007/0242	159 Park Lane, N17	03-Aug-07	1,993.00	10,644.67			10,000.00			
HGY/2006/1177	Hale Village, Ferry Lane, N17	09-Oct-07	380,000							
HGY/2007/1093	381-481 Seven Sisters Road, N15	16-Aug-07	9,242.00	298,098.00			10,000.00	1,000		
HGY/2007/0066	591 Lordship Lane, N22	27-Nov-07	2,232	34,458.00			10,000	200		
HGY/2007/0500	Wood Green Shopping City, High Road, N22	14-Jun-07	2,428.64							
HGY/2006/0013	Womersley House, Womersley Road, N8 & Dickenson House, Dickenson Road, N8	17-May-07	1,182.84	23,656.86						
HGY/2007/1518	Land r/o 42-48 Newland Road, N8	19-Oct-07	5,000	95,000			5,000			
HGY/2007/1502	Garages at 1-4 Harold Rd & 15-44 Newton Rd, N15	10-Dec-07	3,325	66,500.00						
HGY/2006/1497	1-4 Connaught House, 38 Connaught Gardens, N10	29-May-07	5,372.91	107,458.21						
HGY/2007/0635	r/o 2-70 Dowsett Road, N17	26-Jun-07	2,500.00	50,000.00						
HGY/2007/2509	Roden Court, 113-115 Hornsey Lane, N6	26-Feb-08	7,500	100,000.00					50,000	
HGY/2006/0922	Albert Works, Spencer Road, N8	27-Apr-07	700.00		10,000.00		1,800.00			
HGY/2007/1442	r/o 242-274 Hermitage Road, N4	10-Oct-07	4,680.00	130,000.00				1,000	25,000	
HGY/2007/2036	120-128 Mayes Road, N22	20-Dec-07	2,195	27,900.00				1,000	15,000	
HGY/2007/2414	The Narrow Boat PH & 146-152 Reedham Close, N17	19-Mar-08	5,000	180,000.00			15,000			
HGY/2006/1309	1-3 High Road, N22	08-May-07	1,681.95	33,639.09			20,000.00	750.00		
HGY/2007/1341	Hesta Annexe, (r/o 34-52 Gt. Cambridge Rd) White Hart Lane, N17	27-Sep-07	6,754.21	85,084.34					50,000	
HGY/2007/0598	Land adj. to 1 Mount Pleasant Villas, N4	26-Oct-07	3,000	95,925					20,000	
HGY/2007/2487	426-428 Archway Road, N6	21-Jan-08	3,950	64,000.00					15,000	
			451,737.55	1402364.17	10000		71800	3950	272,000.00	

£2,211,851.72 s106 contributions from agreements implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order - car-free develop.	Street Scene / Highways / Transport
HGY/2007/0254	21-27 Overbury Road, N15	14-Sep-07	2,745.00	39,206.00					700	15,000.00
HGY/2006/0933	Winns Mews, off Grove Park Road, N15	17-Sep-07	2,400.00	47,596.57			10,000.00			
HGY/2007/664	11 Markfield Road, N15	04-Oct-07	2,500.00	60,500.00						15,000
HGY/2007/0598	Land adj. to 1 Mount Pleasant Villas, N4	26-Oct-07	3,000	84,000						20,000
HGY/2007/2210	Harpers Yard, Ruskin Road, N17	23-Jan-08	4,440	72,207.00						16,585
			£ 15,085.00	**£ 303,509.57**	**£ -**	**£ -**	**£ 10,000.00**		**£700.00**	**£ 66,585.00**

£ 395,879.57 S106 contributions from agreements not implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order - car-free develop.	Street Scene / Highways / Transport
HGY/2007/0500	Wood Green Shopping City, High Road, N22	14-Jun-07	22,571.36				£500,000.00			
HGY/2006/1177	Hale Village, Ferry Lane, N17	09-Oct-07			1,000,000		5,000,000		1,770,000	
			£ 22,571.36	**£ -**	**£ 1,000,000.00**	**£ -**	**£ 5,500,000.00**		**£1,770,000.00**	**£ -**

£ 8,292,571.36 S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.		Traffic Mgt Order - car-free develop.	Street Scene / Highways / Transport
HGY/2007/1518	Land r/o 42-48 Newland Road, N8	19-Oct-07					5,000			
HGY/2007/2414	The Narrow Boat PH & 146-152 Reedham Close, N17	19-Mar-08					15,000			
HGY/2006/1309	1-3 High Road, N22	08-May-07							750.00	
HGY/2007/2487	426-428 Archway Road, N6	21-Jan-08								15,000
			£ -	**£ -**	**£ -**	**£ -**	**£ 20,000.00**		**£750.00**	**£ 15,000.00**

£ 35,750.00 Total contributions received and to be allocated/expended

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic management order	Street Scene / Highways / Transport	Employment	Recreation	Other
HGY/2008/1643	158 Tottenham Lane, N8	31-Mar-09	3,713.68	107,084.51					10,544.25			
HGY/2007/2245	658-660 High Road, N17	22-May-08	6,480.00	166,000.00				1,000.00	49,000.00			
	235-237 Archway Road, N6		1,000.00	20,000.00								
	Freemasons Arms, 646 Lordship				40,000		5000					
			11,193.68	293,084.51	40,000		5000	1,000.00	59,544.25			

£409,822.44 s106 contributions from agreements implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt Order	Street Scene / Highways / Transport	Traders Financial sum	commuted sum (off site affordable hsg)	public art
HGY/2006/2323	Land adjacent to 110 Broad Lane, N15	15-May-08	2,245.00	44,900.00								
HGY/2008/0593	16-52 High Road, N15	10-Jun-08	2,040.00	24,960.00					15,000.00			
HGY/2008/0499	150 Fortis Green, N10	04-Jul-08	2,269.00	45,382.00								
HGY/2007/1575	103 Cornwall Road, N15	04-Jul-08	1,250.00	14,457.00					10,000.00			
HGY/2008/0462	7 Orchard Place, N17	07-Aug-08	2,021.00	40,420.00								
HGY/2008/0214	82 Beechfield Road, N4	20-Oct-08	1,000.00						5,000.00			
HGY/2008/1692	2-6 Middle Lane, N8	21-Nov-08	2,165.00	47,135.00					10,000.00			
HGY/2007/2434	48 Oakfield Road, N4	08-Jan-09										
HGY/2008/0303	Wards Corner (227-259 High Rd, 709-723 Seven Sisters Rd, 1a-11 West Green Road & 8-30 Suffield Rd, N15) -	24-Dec-08	9,000.00		200,000			1,000.00		96,650.00		100,000.00
HGY/2008/1432	Furnival House, 50 Cholmeley Park, N6	23-Jan-09	14,000.00	120,000.00				1,000.00	50,000.00		1,320,000.00	
HGY/2006/1177	Hale Village, Ferry Lane, N17 (variation to s106 agreement)	08-Feb-09										
HGY/2008/2072	673 Lordship Lane, N22 -	27-Feb-09	1,200.00					1,000.00	23,000.00			
HGY/2008/0092	308 West Green Road, N15	31-Oct-08	2,500.00	97,500.00					25,000.00			
HGY/2007/2478	12 Overbury Road, N15	15-Dec-08	1,500.00	40,364.00								
HGY/2008/1738	97-99 Philip Lane, N15	27-Oct-08						1,000.00	23,000.00			
			£ 41,190.00	£ 475,118.00	£ 200,000.00	£ -	£ -	£ 4,000.00	£161,000.00	£96,650.00	£1,320,000.00	100,000.00

£ 2,386,545.56 S106 contributions from agreements not implemented minus index payments

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt Order	Street Scene / Highways / Transport	Employment	Recreation	Other
			£ -	£ -	£ -	£ -	£ -	£0.00	£ -	£ -	£ -	

£ - S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt Order	Street Scene / Highways / Transport	Employment	Recreation	Other
	158 Tottenham Lane			107,084.51					544.25			
	235-237 Archway Road, N6		1,000.00	20,000.00								
	Freemasons Arms				40,000		5000					
			£ 1,000.00	£ 127,084.51	£ 40,000.00	£ -	£ 5,000.00	£0.00	£ 544.25	£ -	£ -	

£ 173,628.76 Total contributions received and to be allocated/expended

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic management order	Street Scene / Highways / Transport	Housing	Recreation
HGY/2009/1447	Garage Colony, Waverley Road, N17	20-Nov-09	5,000.00	96,500.00					25,000.00		
HGY/2009/1532	624 High Road, N17	18-Jan-10	5,000.00								
HGY/2009/0219	Former Hornsey Central Hospital, Park Road, N8	10-Feb-10	27,000.00	299,172.44					154,105.83		
HGY/2009/0159	The Swan PH, 363 High Road, N17	01-Jul-09						1,000.00			
HGY/2009/1039	Former Day Nursery, Plevna Crescent, N15	16-Sep-09	3,000.00	95,307.00					20,000.00		
HGY/2009/2128	Aneurin Bevan House & 46-50 Tredegar Road, N11 2QA	17-Mar-09	5,000.00	153,625.00							
HGY/2008/2220	Park Tavern PH, 220 Park Lane, N17	20-Jan-10	5,000.00								
HGY/2008/1293	1-13 Herbert Road, N15	31-Jul-09	4,350.00	62,000.00			25000				
HGY/2009/2033	Tottenham Town Hall, N15	24-Nov-09	24,000.00	366,000.00					138,000.00		
	25 Watsons Road, N22		17,550.00	250,000.00				1,000.00	100,000.00		
HGY/2009/0792	Fyfe House, Chadwell Lane, N8 7RZ -	18-Jan-10	5,823.11	29,315.99						222,741.77	
			101,723.11	1,351,920.43			25000	2,000.00	437,105.83	222741.77	

£2,140,491.14 s106 contributions from agreements implemented

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt. Order - Car-free develop.	Street Scene / Highways / Transport	Off-site Affordable Housing	Minus Indexation Payments & VAT Received
HGY/2009/0181	579C High Road, N17	12-Jun-09	2,000.00						40,000.00		
HGY/2004/1465	Former Middlesex University Campus, Bounds Green, N11(variation to agreement)	15-Jul-09									
HGY/2009/0598	Bounds Green Industrial Estate, The Ringway, N11	06-Jul-09	500.00						30,000.00		
HGY/2008/2319	Nightingale PH, 40 Nightingale Lane, N8	27-Jul-09	2,018.00	20,371.00							
HGY/2009/2033	Tottenham Town Hall, Town Hall Approach Road, N15	24-Nov-09					100,000				
HGY/2009/1593	159 Tottenham Lane, N8 9BT	22-Dec-09	13,000.00	67,000.00			100,000		25,000.00	425,000.00	
HGY/2009/1532	624 High Road, N17	18-Jan-10		183,109.52					29,375.00		
			£ 17,518.00	£ 270,480.52	£ -	£ -	£ 200,000.00	£ -	£ 124,375.00	£ 425,000.00	£35,076.65

£ 987,545.00 S106 contributions from agreements not implemented & minus Index payment

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt Order - car-free develop.	Street Scene / Highways / Transport	Employment	Recreation
				£ -	£ -	£ -		£0.00	£ -	£ -	£ -

£ - S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt Order - car-free develop.	Street Scene / Highways / Transport	Employment	Recreation
HGY/2009/0159	The Swan PH, 363 High Road, N17	01-Jul-09						1,000.00			
HGY/2009/0219	Former Hornsey Central Hospital, Park Road, N8	10-Feb-10	27,000.00	7,970.82					154,105.83		
	Former Day Nursery, Plevna Crescent, N15		3,000.00						20,000.00		
	1-13 Herbert Road, N15		4,350.00								
	Tottenham Town Hall, N15		24,000.00	366,000.00					138,000.00		
HGY/2009/1447	Garage Colony, Waverley Road, N17	20-Nov-09	5,000.00								
HGY/2009/1532	624 High Road, N17	18-Jan-10	5,000.00								
HGY/2009/2128	Aneurin Bevan House & 46-50 Tredegar Road, N11 2QA	17-Mar-09	5,000.00								
HGY/2008/2220	Park Tavern PH, 220 Park Lane, N17	20-Jan-10	5,000.00								
	25 Watsons Road, N22		17,550.00	250,000.00				1,000.00	100,000.00		
HGY/2009/0792	Fyfe House, Chadwell Lane, N8 7RZ -	18-Jan-10	5,823.11	29,315.99						222,741.77	
			£ 101,723.11	£ 653,286.81	£ -	£ -	£ -	£2,000.00	£ 412,105.83	£ 222,741.77	£ -

£ 1,391,857.52 Total contributions received and to be allocated/expended

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Assoc. with develop.	Street Scene / Highways / Transport	Considerate Contractor Scheme	Traffic management order	Recreation	CPZ
HGY/2009/1830	Land at the r/o Corbett Grove, N22		2,469.00								
HGY/2010/0862	26 Lordship Lane, N17		1,500.00	46,000.00			20,000				
HGY/2009/1122	700-702 High Road, N17		5,000.00								
HGY/2010/0090	3 Lawrence Yard, Lawrence Road, N15		1206.00								
HGY/2008/2320	150 Fortis Green, N10		2,269.00								
HGY/2010/0500	Hornsey Town Hall, N8		2,500.00								
HGY/2010/0201	596-606 High Road, N17		9,620.00	192,400.00					1000		
HGY/2009/0080	14-16 Creighton Avenue, N10		1,769.13	35,979.34							
HGY/2010/1883	Monkridge, 81 Crouch End Hill, N8		525.00								
HGY/2010/2025	Playground Site adjoining Stainby Road, N15		3,900.00								
HGY/2010/2083	120-128 Mayes Road, N22		1,000.00	20,000.00					1000		
			31,758.13	294,379.34	0.00		20,000	0	2000	0.00	

£348,137.47 s106 contributions from agreements implemented

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Assoc. with develop.	Traffic Mgt. Order - Car-free develop.	Street Scene / Highways / Transport	Off-site Affordable Housing	Recreation	CPZ
HGY/2009/0792	Former Water Works, High Street, N8 (New River Village Block F) - Deed of Variation	30-Apr-10									
HGY/2009/2140	500 White Hart Lane, N17	12-May-10				5,000.00					
HGY/2009/1830	Land at the r/o Corbett Grove, N22 8DQ	29-Jul-10		49,380.00							
HGY/2009/1122	700-702 High Road, N17 0AE	06-Aug-10		70,000.00				30,000.00			
HGY/2010/0090	3 Lawrence Yard, Lawrence Road, N15	13-Aug-10		31,094.00							
HGY/2008/2320	150 Fortis Green, N10	31-Aug-10		45,382.00				3,000.00			
HGY/2009/1980	7A Tynemouth Terrace, Tynemouth Road, N15	29-Nov-10		27,600.00			1,000.00				
HGY/2010/0500	Hornsey Town Hall, The Broadway, N8 9JJ	10-Dec-10						60,000.00			60,000.00
HGY/2010/1011	115-119 Park Road, N8	17-Feb-11	1,303.05	26,061.00							

HGY/2010/1883	Monkridge, 81 Crouch end Hill, N8	21-Feb-11		17,275.00							
HGY/2010/2090	Block NW2, Hale Village, Ferry Lane, N17 - **1st of 3 S106 Agreements to be signed**	16-Feb-11									
HGY/2010/2025	Playground Site adjoining Stainby Road, N15	11-Mar-11		131,219.00			1,000.00				
HGY/2009/1695	8 Bruce Grove, N17	24-Mar-11	1,000.00								
			£ 2,303.05	£ 398,011.00	£ -	£ 5,000.00	£ 2,000.00	£ 93,000.00	£ -	£ -	£60,000.00

£ 559,717.45 S106 contributions from Agreements not Implemented

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring		Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Considerate Contractor Scheme	Traffic Mgt Order - car-free develop.	Recreation
					£ -	£ -	£ -			£0.00	£ -

£ - S106 contributions from agreements implemented but obligations not triggered/received

Planning Application No.	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env.Assoc with Devl	Street Scene / Highways /	Considerate Contractor Scheme	Traffic Mgt Order - car-free develop.	Recreation	CPZ
HGY/2009/1830	Land at the r/o Corbett Grove, N22		2,469.00								
HGY/2010/0862	26 Lordship Lane, N17		1,500.00	46,000.00			20,000				
HGY/2009/1122	700-702 High Road, N17		5,000.00								
HGY/2010/0090	3 Lawrence Yard, Lawrence Road, N15		1206.00								
HGY/2008/2320	150 Fortis Green, N10		2,269.00								
HGY/2010/0500	Hornsey Town Hall, N8		2,500.00								
HGY/2010/0201	596-606 High Road, N17		9,620.00	192,400.00					1,000.00		
HGY/2009/0080	14-16 Creighton Avenue, N10		1,769.13	35,979.34							
HGY/2010/1883	Monkridge, 81 Crouch End Hill, N8		525.00								
HGY/2010/2025	Playground Site adjoining Stainby Road, N15		3,900.00								
HGY/2010/2083	120-128 Mayes Road, N22		1,000.00	20,000.00					1,000.00		
			£ 31,758.13	294,379.34	£ -	£ -	£ 20,000.00	£ -	2,000.00	£0.00	£ -

£	348,137.47	Total contributions received and to be allocated/expended

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt. Order	Street Scene / Highways/ Transport	Off-site Affordable Housing	Local Labour
HGY/2008/0736	44-54 Coleridge Road, N8	28-Apr-11	1,255.00	23,745.00							
HGY/2010/1428	193-195 Broad Lane, N15	19-Apr-11	4,180.00								
HGY/2010/1161	125-127 West Green Road, N15	12-Aug-11	1,342.00								
HGY/2001/2066	19A Thorold Road, N22	13-Sep-11	500.00								
HGY/2011/0998	225 Archway Road, N6	23-Sep-11	500.00								
HGY/2011/1166	Eden Primary School, 79 Creighton Avenue, N10	28-Sep-11							82,000.00		
HGY/2009/1131	Alexandra Works, 50 Clarendon Rd, N22	30-Sep-11	1,000.00								
HGY/2011/0814	550 White Hart Lane, 1st Agmt	26-Oct-11	3,000.00								
HGY/2010/2189	Bounds Green Industrial Est., The Ringway, N1	29-Jul-11	500.00						30,000.00		
HGY/2011/1566	550 White Hart Lane, 2nd Agmt.	05-Dec-11	1,000.00								
			£ 13,277.00	£ 23,745.00	£ -	£ -	£ -	£ -	£ 112,000.00	£ -	£ -

s106 contributions from agreements implemented	£	149,022.00

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt. Order	Street Scene / Highways / Transport	Off-site Affordable Housing	Local Labour
HGY/2010/1428	193-195 Broad Lane, N15	19-Apr-11		139,333.82				1,000.00			
HGY/2010/1427	Pavilion 1 & 2, Hale Village, N17- **2nd of 3 S106 Agreements to be signed**	03-May-11									
HGY/2010/1161	125-127 West Green Road, N15	12-Aug-11		44,764.00					7,668.60		
HGY/2007/0429	Former Middlesex Campus Site, White Hart Lane, N17	16-Aug-11									
HGY/2001/2066	19A Thorold Road, N22	13-Sep-11						1,000.00			
HGY/2011/0998	225 Archway Road, N6	23-Sep-11						1,000.00			
HGY/2009/1131	Alexandra Works, 50 Clarendon Rad, N8	30-Sep-11					20,000.00	1,000.00			
HGY/2011/0743	86 Park Road, N8	21-Oct-11							2,371.20		

HGY/2011/0814	550 White Hart Lane, N17 - 1st Agmt	26-Oct-11					32,000.00				60,000.00
HGY/2011/1254	26 Lordship Lane, N17 - Deed of Variation	18-Nov-11									
HGY/2008/1862	375, 377 & 379 High Road, N17	22-Nov-11	1,500.00	15,065.00			15,435.00	1,000.00			
HGY/2011/1566	550 White Hart Lane, N17 - 2nd Agmt	05-Dec-11					10,700.00				20,000.00
			1,500.00	199,162.82			78,135.00	5,000.00	10,039.80		80,000.00

S106 contributions from Agreements not Implemented 373,837.62

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt. Order	Street Scene / Highways / Transport	Off-site Affordable Housing	Recreation
			0.00						0.00		

contributions from agreements implemented but obligations not triggered/received 0.00

Planning Application No	Site Address	Date S106 Signed	Admin & Monitoring	Education Pool	Education Assoc. with develop.	Env. Pool	Env. Assoc. with develop.	Traffic Mgt. Order	Street Scene / Highways / Transport	Off-site Affordable Housing	Recreation
HGY/2008/0736	44-54 Coleridge Road, N8	28-Apr-11	1,255.00	23,745.00							
HGY/2010/1428	193-195 Broad Lane, N15	19-Apr-11	4,180.00								
HGY/2010/1161	125-127 West Green Road, N15	12-Aug-11	1,342.00								
HGY/2010/2066	19A Thorold Road, N22	13-Sep-11	500.00								
HGY/2011/0998	225 Archway Road, N6	23-Sep-11	500.00								
HGY/2011/1166	Eden Primary School, 79 Creighton Avenue, N10	28-Sep-11							82,000.00		
HGY/2009/1131	Alexandra Works, 50 Clarendon Rd, N22	30-Sep-11	1,000.00								
HGY/2011/0814	550 White Hart Lane, 1st Agmt	26-Oct-11	3,000.00								
HGY/2010/2189	Bounds Green Industrial Est., The Ringway, N1	29-Jul-11	500.00						30,000.00		
HGY/2011/1566	550 White Hart Lane, 2nd Agmt.	05-Dec-11	1,000.00								
			13,277.00	23,745.00				0.00	112,000.00		

Total contributions received and to be allocated/expended 149,022.00

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Appendix 6

Progress on Unspent S106 Funds

Purpose	Not Allocated / Unspent	How many Agreements make up total	Can money from Agreements be pooled	Are there Project Plans Identified	When Money has to be spent	Lead Officer for Organising Spend
Admin & Monitoring	673,294.43	60	Yes	N/A	N/A	PR&E Service
Education Pool	1,138,495.35	12	Yes	Yes	6 by 2016 6 no expiry date	Maggie Shields
Environment (Site Specific)	122,000.00	8	No	Yes	1 by 2012 2 by 2013 1 by 2014 4 no expiry date	PR&E Service
Environment (Site Specific) New River Village	1,000,000.00	1	Yes	No	April 2012	PR&E Service
Street Scene / Highways / Transport (Site Specific)	559,650.08	9	No	Yes	3 by 2015 3 by 2016 3 no expiry date	Danny Gayle
Recreation (Site Specific)	43,500.00	1	No	Yes	1 no expiry date	Martin Hall
Traffic Management Order (Car-Free Developments) (Site Specific)	5,750.00	6	No	Yes	3 by 2015 3 no expiry date	Malcolm Smith
Affordable Housing (West of the Borough Specific)	222,741.77	1	Yes	No	1 by 2016	Nick Powell
Total	**3,765,431.63**					
minus Admin	673,294.43					
	3,092,137.20					

Implementation of spending S106 contributions

The planning application process will often identify specific impact needs that the S106 must pay for (e.g. yellow lines; specified footway improvements). These funds will then be given to the relevant council services to deliver.

The planning application process will some times identify general improvements (e.g. increase in public open space/improvement in public open space; education improvement; affordable housing contribution). These will also be given to the relevant council service to deliver either through a one off project or as part of an existing programme.

Appendix 6

As each planning application is processed, (sometimes through the pre application process) internal consultation with Council Services, consultation with statutory consultees and neighbourhood consultation will throw up ideas and proposals for S106 headings covered in SPG 10a. Over time this process has led to some services developing improvement and project programmes that can be supported by S106, (e.g. the education pool). Particularly in respect of unspent general improvement funds – the Planning Service will contact the relevant council services and ask them to develop a project.

Key Planning S106 tests are: "Relevant to Planning; Related to the proposed development and Fairly and reasonably related in scale and kind to the proposed development".

Lead responsibility for negotiation on all S106 lies with the Planning Service. This Service understands the importance of primarily bringing forward good development and ensuring that S106 requests do not make the proposal economically unviable and that they are only negotiated on schemes that are in principle policy compliant. Since the recession began in 2007/08 and the S106 Regulation change in April 2010, the Planning Service has been careful to only focus on negotiations on key impacts/site compliance and community infrastructure and less on general improvement categories such as "environmental improvements" since scheme viability is now critical and meeting the statutory obligation tests are now much more focused.

The Assistant Director (AD) of Planning, Regeneration & Economy has delegated power to allocate S106 funds. The AD and his staff ensure the spend meets government guidance, Haringey SPG Guidance and the terms of the specific legal agreement. Planning staff do not release funds until an appropriate project and cost details are presented by the council services allocated the funding.

Responsibility for developing projects, carrying out any necessary public consultation and securing authorisation to spend rests with the Council Services who spend the S106 funds.

Planning staff are in regular contact with all lead officers (identified in the table above) from other Services with regards to allocating/spending S106 contributions.

What have we agreed for New River Village (NRV)

A report was approved by Cabinet Committee for defined projects which are in accordance with the requirements of the agreement. These funds are committed for **spend by April 2012.** This work had previously been held up until the planning decisions on Coronation Sidings and Clarendon Square were completed (2011) so a more holistic approach could be taken on spend options within an agreed planning context.

APPENDIX 7

HARINGEY COUNCIL

Supplementary Planning Guidance (SPG)
Planning Obligations

SPG 10a The Negotiation, Management and Monitoring of Planning Obligations (Adopted 2006)

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1. INTRODUCTION

1.1 In negotiating, managing and monitoring planning obligations the Council have particular regard to ODPM Circular 05/2005, the London Plan (February 2004), Draft Further Alterations to the London Plan (Sep 2006), and Haringey's Unitary Development Plan (2006).

1.2 Planning guidance is provided on the following:

- Purpose of this guidance.
- Definition of planning obligations.
- Types of contribution.
- Seeking and negotiating planning obligations.
  - Policy framework.
  - Procedures for negotiating planning obligations.
  - Content of a planning obligation.
- Implementation, monitoring and enforcement of planning obligations.
  - Monitoring.
  - Enforcement.

2. PURPOSE OF THIS GUIDANCE

2.1 This guidance provides a general overview for planning obligations, the procedures involved and matters that may be included in a planning obligation. Clarifying the use of planning obligations provides an indication of what the Council may expect from developers and therefore a better framework for discussion. More detail on specific types of planning obligations is contained in the following supplementary planning guidance and codes of practice;-

SPG 10b: Affordable Housing.
SPG 10c: Educational Needs Generated by New Housing.
SPG 10d: Open Space.
SPG 10e: Improvements to Public Transport Infrastructure and Services.

Code of Practice Note 1: Employment and Training.
Code of Practice Note 2: Health.

3. DEFINITION OF PLANNING OBLIGATIONS

3.1 The power to enter into a planning obligation is contained in section 106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991. ODPM Circular 05/2005, on 'Planning Contributions', clarifies the basis on which planning obligations should be assessed for their acceptability on policy terms and gives guidance on the process of securing obligations. It replaces Department of Environment Circular 1/97.

3.2 There are three types of obligation, a planning agreement between the developer and the local authority, a unilateral undertaking by the developer or a tri-party agreement between Haringey, the developer and an adjoining borough (s). Unilateral undertakings are mainly used by developers at planning appeals in order to overcome objections to a proposal. A tri-party agreement may be required because major developments on sites adjoining or in close proximity to borough boundaries may have cross-boundary impacts. Such agreements would specify each Borough Council's responsibilities.

3.3 A planning obligation can be used in the following ways:

i. To prescribe the nature of the development to achieve planning objectives.
ii. To mitigate the impact of a development.
iii. To compensate for loss or damage caused by a development.

3.4 The purpose of planning obligations is to enable any adverse impacts of a development to be offset, to enhance the physical environment or to contribute towards local facilities. Where a development creates a need for extra facilities, for example new housing may create a need for extra school places and health facilities, it is reasonable to ask developers to provide or contribute towards the provision of such facilities. It is only acceptable to ask if it would be wrong to allow the development without these facilities. Planning obligations can also be used to overcome difficulties that a development would create. For example a development may result in the loss of open space and therefore it may be reasonable to require the replacement of the open space. Obligations may also be used to improve infrastructure such as new public transport routes, access roads or improved measures for cyclists / pedestrians. All obligations are intended to benefit the local community.

3.5 Planning obligations run with the land so they may be enforced against both the original covenantor and against anyone acquiring an interest in the land from him/her unless the agreement specifies to the contrary.

4. TYPES OF CONTRIBUTION

4.1 Contributions may either be in kind or in the form of a financial contribution. In the case of financial contributions, payments can be made in the form of a lump sum or an endowment, or, if beneficial to all parties and not unduly complex, as phased payments over a period of time, related to defined dates, events and triggers.

A. Maintenance Payments

A.1 Where contributions are secured through planning obligations towards the provision of facilities which are predominately for the benefit of the users of the associated development, it may be appropriate for the developer to make provision for subsequent maintenance. Such provision may be required in perpetuity, although generally where an asset is intended for wider public use, the costs of subsequent maintenance and other recurrent expenditure associated with the developers contribution is normally borne by the authority in which the asset is vested. For example, this may apply to the provision of public open space and health facilities.

A.2 Where contributions to the initial support ("pump priming") of new facilities are necessary, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams, or its ability to recover its own costs in the case of privately-run bus services, for example. This should be time-limited and not be required in perpetuity by planning obligations.

B. Pooled Contributions

B.1 Where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the associated developers' contributions to be pooled, in order to allow the infrastructure to be secured in a fair and equitable way. Pooling can take place between Haringey and other local authorities where there is a cross-authority impact. There will be clear audit trail between the contribution made and the infrastructure provided.

B.2 In some cases, individual developments will have some impact but not sufficient to justify the need for a discrete piece of infrastructure. Here, Haringey may seek contributions to specific future provision where need for such can be demonstrated. In such cases, spare capacity in existing infrastructure provision will not be credited to earlier developers.

B.3 In cases where an item of infrastructure necessitated by the cumulative impact of a series of developments is provided by Haringey or another body before all the developments have come forward, the later developers may be required to contribute the relevant proportion of the

costs. In such cases the need for the infrastructure and the proportionate contributions to be sought will be set out in advance, for example in the form of other supplementary planning policy guidance, area planning briefs or codes of practice.

B.4 In the event that contributions are made towards specific infrastructure provision but the infrastructure is not provided within an agreed timeframe, arrangements will be made for contributions to be returned to developers.

C. Formulae and Standard Charges

C.1 Formulae and standard charges are quantitative indications of the level of contribution likely to be sought by a local planning authority, through a planning obligation, towards the provision of infrastructure that is necessitated by a new development. Haringey will employ formulae and standard charges where appropriate, as part of the framework for negotiating and securing planning obligations. These will help speed up negotiations, and ensure predictability, by including the likely size and type of some of the contributions in advance. They will also help promote transparency by making figures public and assist in accountability in the spending of monies. Standard charges and formulae will reflect the actual impact of the development and will not be applied in blanket form regardless of actual impact. For example, where appropriate and necessary these will be used to calculate the contributions in respect of the provision of education and health facilities.

5. SEEKING AND NEGOTIATING PLANNING OBLIGATIONS

A. Policy Framework

A.1 National Government Guidance

A.2 The requirement of planning obligations is underpinned by section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation act 1991. Circular 05/2005 ‘Planning Obligations’ provides the relevant planning guidance. The Circular states that planning obligations are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land, and intended to make acceptable development which would otherwise be unacceptable in planning terms.

A.3 The Guidance states that planning obligations must only be sought where they meet all of the following test:

- relevant to planning.
- necessary to make the proposed development acceptable in planning terms.

- directly related to the proposed development.
- fairly and reasonably related in scale and kind to the proposed development, and
- and are reasonable in all other respects.

A.4 Planning obligations will be used to:

- Prescribe the nature of the development to achieve planning objectives.
- Ensure there is satisfactory infrastructure to allow the development to proceed; and
- Offset the relevant adverse impacts on the environment, local economic conditions, education, health, social, recreational and community facilities that may arise from development, where the development might otherwise have been refused.

A.5 The use of planning obligations must be governed by the fundamental principle that planning permission must not be sought or sold.

A.6 **The London Plan 2004 and Draft further Alterations to the London Plan, September 2006**

A.7 The London Plan is currently being reviewed. The proposed changes are set out in the London Plan Further Alterations. Revised **Policy 3A.15 Protection and enhancement of social infrastructure and community facilities** states;-

Policies in DPDs should assess the need for social infrastructure and community facilities in their area, and ensure that they are capable of being met wherever possible. These needs include primary healthcare facilities, children's play and recreation facilities, services for young people, older people and disabled people, as well as libraries, sports and leisure facilities, open space, schools, nurseries and other childcare provision, training facilities, fire and police station, community halls, meeting rooms, places of worship and public toilets. Adequate provision for these facilities is particularly important in major areas of new development and regeneration.

Policies should seek to ensure that appropriate facilities are provided within easy reach by walking and public transport of the population that use them. The net loss of such facilities must be resisted and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

The Mayor will and boroughs should have regard to the additional guidance in the SPG on 'Meeting the spatial needs of London's diverse population'.

A.8 **Haringey Unitary Development Plan**

A.9 Haringey's Unitary Development Plan was adopted on 17th July, 2006 and includes the following policy;-.

Policy UD8 PLANNING OBLIGATIONS
The Council, where appropriate, will enter into planning agreements under section 106 of the Town and Country Planning Act. Such agreements will be used to:

a) offset the relevant adverse impacts that might arise as a result of the development including those on the environment, transport, local economic conditions, social, recreational, health, educational, emergency services, and community facilities that may arise from development; and

b) overcome problems associated with a development proposal where planning conditions would not be suitable.

A.10 The paragraphs below set out a framework for the use of planning obligations, including when the Council would seek planning obligations, what matters are most likely to be included within an obligation and the procedures involved. This provides a clear indication for developers as to what the Council would expect in certain cases.

A.11 In Haringey, the Council, where appropriate, will seek planning obligations from development proposals under section 106 of the Town & Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 and Circular 05/2005 'Planning Obligations'

A.12 The Council will assess each application individually and on its merits to determine if a planning obligation is needed and what matters it should address. All planning obligations sought will meet the tests set out above and as specified in ODPM Circular 05/2005. Where it is decided that a planning obligation is necessary the Council will fully justify their reasons for seeking an obligation.

A.13 The Council will ensure that a section 106 agreement will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal. Where appropriate conditions will be used. The table below shows types of benefits the Council wishes to secure from different types of development. This is not an exhaustive list but indicates the types of benefits to be sought in appropriate circumstances:

Obligation Type	Type of Development
Development and Urban Design	
Adoption of travel plans (which may include setting up car clubs).	Employment/Retail/Education/ Health/ Leisure
Improvements to signage and street furniture.	General
Environment	
Improvements to the environment near to the development.	General
Provision of defined environmental infrastructure.	General
Provision of flood attenuation measures.	General
Provision of sustainable urban drainage systems.	General
Provision of recycling facilities.	General
Housing	
Provision of affordable and special needs housing.	Residential
Restricting the occupation of affordable and special needs housing to people falling within particular categories of need.	Residential
Restricting the occupation of private sector hostels to those on the Council's housing list.	Residential
Employment	
Employment training schemes.	Major development
Measures ensuring local access to new jobs created.	General
Loss of employment – employees, land &, or floor-space.	General
Education	
Education provision in areas where a shortage of school places exists or where development will create a shortage.	Residential
Health	
Providing for health needs of new population – revenue and capital cost.	Residential
Town Centres and Retailing	

Obligation Type	Type of Development
Contributions to town centre management.	Retail / Leisure / Employment / Community Facilities
Movement	
Improvements to public transport, including new-build facilities e.g. bus stands, bus priority measures.	Employment / Retail / Development.
Funding of additional/extended new bus services for specified periods.	Development in areas of low priority
Rail improvements including contributions towards station enhancements.	Employment/retail/health/leisure/major new developments
Improvements to cycling and pedestrian routes and facilities.	General
Provision of off site traffic improvements such as traffic calming/management and highway safety schemes.	General
Parking measures such as: • Provision of off-street parking in the development or elsewhere. • Management of off-street parking in compliance with policy. • Contribution to introduction or maintenance of control of on-street parking.	General
Open Space	
Provision of new areas of open space or wildlife habitats or improvements to the access to existing open space.	Major new development
Contribution to future upkeep and replacement of open space or community facilities.	General
Retain, replace and enhance areas of open space, natural habitats and trees.	General
Protect or reduce harm to designated sites of nature conservation.	General
Carrying out archaeological investigations or excavations.	General
Community Wellbeing	
Provision of health facilities.	Major new development
Provision of community facilities.	Major new development
Provision of crèches/nurseries related to the need of the workforce.	Employment / Tourism / Leisure / Education / Health / Retail

Obligation Type	Type of Development
Miscellaneous	
Cost recovery for negotiation, implementation & monitoring of s106 Agreements.	General
Provision of public conveniences.	General
Provision of public art.	General
Securing an acceptable balance of uses.	Mixed use developments

Table 1: List of planning obligations

A.14 The above table is not an exhaustive list and any obligations necessary will depend on the planning application in hand. In certain circumstances, where the need arises it may be necessary to seek contributions not listed above. In the case of major individual sites suitable for redevelopment any planning obligations deemed necessary will be set out in planning briefs.

A.15 For key regeneration sites in the Borough the necessity and type of planning obligations will be monitored by the Council's Strategic Sites & Projects Group. This group brings together the key officers in the Council with a role in relation to key sites. As appropriate major schemes negotiations will be reported to the relevant Council Committees and have regard to commercial confidentiality.

A.16 Where appropriate the Council will prioritise planning benefits taking into account the Council's priorities as set out in the Community Strategy, which are:

- Improve services - *provide modern, high quality, accessible services for everyone who needs them, particularly health and social care.*
- Narrow the gap- *improving the most deprived neighbourhoods.*
- Create safer communities – *create safe and confident communities with less fear of crime and the ability to prevent crime and resist committing crimes.*
- A Better Environment – *creating a cleaner, greener environment with better transport and leisure opportunities.*
- Education - *raise achievement in education and create opportunities for life long learning.*

A.17 The Council has developed Codes of Practice in accordance with paragraph 32 of Circular 5/05 and chapter 4 of the Practice Guidance so as to improve Speed, Predictability, Transparency and Accountability. The Codes of Practice regarding (1) Employment and Training and (2) Health relate to Council priorities in the Community Strategy.

B. Procedures for Negotiating Planning Obligations

B.1 If planning obligations are considered necessary to allow a particular development proposal to go ahead then the planning officer will raise this with the applicant as soon as possible. Pre-application discussions are strongly encouraged but where these do not occur negotiations will take place as soon as possible after the planning application has been submitted.

B.2 The case officer will be the main point of contact for negotiations. It will be the case officer's responsibility to discuss with other services (such as housing/education) what requirements if any they consider necessary. The case officer will then enter into negotiations with the applicant over the need for a planning obligation and the matters it should address. The case officer will normally conduct all negotiations unless a legal representative is needed to discuss a point of law.

B.3 The planning application will be submitted to the Planning Applications Sub-Committee with a resolution to grant planning permission subject to a Section 106 agreement being entered into. The report to the Sub-committee will include the draft agreed heads of term as recommended by the Nolan Report "Standards in Public Life" 1997. The Council's legal service will normally only be instructed to draw up the planning obligations once a resolution to grant planning permission has been made by Sub-Committee.

B.4 When the planning obligation is finalised all relevant parties must sign the document. The decision notice granting planning permission will only be released when the agreement has been agreed, completed and sealed. A copy of the agreement will be placed on the Council's planning register. It should be noted that depending on the nature and complexity of the case it can take a considerable time to reach final agreement on the detailed terms of the agreement, and developers are asked to ensure that sufficient time and resources are made available in their programme. The Council will endeavour to deal with agreements as expeditiously as possible. Any significant changes to the heads of terms of any agreement will require re-submission to the Planning Applications Sub-Committee.

B.5 The agreement will usually come into force when the planning permission is implemented, i.e. when the development commences. The start of development is defined as the date on which any material operation connected to the development starts such as the digging of foundations or the laying out of a road. This is in accordance with section 56 of the Town & Country Planning Act 1990. Occasionally it is necessary to provide for specific obligations to come into force prior to or after the start of the development.

C. **Content of a Planning Obligation**

C.1 A valid planning obligation must include:

- identification of the land involved.
- identification of the person entering the agreement and their interest in the land.
- identification of the authority who will enforce the obligation.

The planning obligation will also include:

- description of the development.
- the type and amount of obligations the developer has agreed to, which may be in the form of actual works or financial contributions.
- a trigger(s) for when the benefits should be provided.
- if financial requirements are provided the agreement may state a time limit within which the money should be committed.
- definitions of terms used within the agreement.
- provision for the legal costs of drafting the agreement to be met.
- provision for the monitoring costs to be met.

6. IMPLEMENTATION, MONITORING AND ENFORCEMENT OF PLANNING OBLIGATIONS

6.1 Planning obligations will normally be expected to be paid prior to or upon commencement of development, once planning permission is implemented. Most agreements provide that at this point financial contributions should be paid to the council and any physical works should commence. However, in some cases the obligation may state that payments should be phased and paid during various stages during the development. Trigger dates for the payment of monies will be included in agreements, as well as any time periods by which the contribution is to be committed. Such cases will need closer monitoring to ensure that all payments have been made over the agreed period. It is important that planning obligations are logged, monitored and accounted for in order to provide information for interested parties on the outcome of any agreement. This will help to ensure that the process is open and fair.

6.2 The Council has introduced arrangements to ensure detailed management and monitoring of planning obligations. The procedures for monitoring and enforcement are set out below.

A. **Monitoring**

A.1 When a planning obligation has been signed and a decision notice issued, copies will be sent to the monitoring officer. The monitoring officer will enter information relating to the planning obligation into a database for the purposes of monitoring. The system will record information such as:

- A reference number.
- Address.

- Description of development.
- Planning obligation heads of term.
- Amount of financial contribution.
- Date development started.
- Date money received.
- Date money committed.
- Date works completed.

A.2 The monitoring officer will liaise with building control and development control, and carry out site visits to determine whether developments that have a planning obligation attached to them have started. Site visits will also be conducted as appropriate to ensure that the developer carries out any physical works required by the planning obligation. Where financial contributions are made the monitoring officer will liaise with the Council's Planning, Environmental Policy and Performance's finance section, to ensure that monies have been received and paid into a planning obligations account. A specific code will be set up relating to each planning obligation to enable the money to be tracked. The monitoring officer will ensure that services for which the money is intended are aware that the money has arrived and of any time limits within which the money must be committed. Some planning obligation agreements require that if financial contributions are not committed within the specified time period then the Council will refund the developer with interest, so the monitoring officer will be proactive in seeking the completion of relevant projects. To obtain the money to complete the agreed works the relevant Council Service will first provide a description of the proposed works in keeping with the agreement before money is released from the account. This will ensure that money was spent on what was agreed in the planning obligation. The monitoring officer will keep copies of all receipts and records relating to a planning obligation to aid monitoring. In this way the monitoring officer can ensure that planning obligations are complied with.

A.3 The monitoring system will indicate when all the money in connection with a planning obligation has been received and the appropriate physical works have been undertaken. At this point a closing statement can be sent to the developer and also placed on the planning register. This will increase the transparency of the system and inform developers and the public that the money has been committed and/or spent on what was set out in the planning obligation.

A.4 The Council has a dedicated officer responsible for monitoring and managing planning contributions. Where planning contributions require compliance checks, monitoring, project management and implementation through the Council and its service area, then an appropriate management, implementation and monitoring cost of up to 5 per cent (%) of the monies agreed will be sought. This will be in addition to any legal fees the Council incurs in preparing the obligation.

B. Enforcement

B.1 If it is evident that planning obligations are not being complied with the monitoring officer will instigate enforcement action. Planning obligations can be enforced through the use of an injunction, which can stop the development proceeding. The authority has the power to enter the land and carry out any works that were required and recover costs (must give 21 days notice of intention to do this), anyone who obstructs the authority from doing this is liable to a fine of up to £1000. In addition the Council will consider charging developers interest for the late payment of financial contributions. This will be written into any planning obligation so that developers are aware of the implications of late payment and agree to the terms.

B.2 The Council's Planning Policy Team, in conjunction with the s106 monitoring officer, will produce Annual Monitoring Reports setting out the contributions negotiated, received, committed and spent.

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Agenda Item 7

Haringey Council

Report for:	Regulatory Committee	Item Number:	

Title:	Development Management, Building Control and Planning Enforcement work report

Report Authorised by:	..... pp. Paul Smith Head of Development Management

Lead Officer:	Ahmet Altinsoy – Development Management Support Team Leader 020 8489 5114 Ahmet.Altinsoy@haringey.gov.uk

Ward(s) affected: Various	Report for Key/Non Key Decisions:

1. Describe the issue under consideration

To advise the Sub-Committee of performance statistics on Development Management, Building Control and Planning Enforcement.

2. Recommendations

That the report be noted.

3. Background information

Summarises decisions taken within set time targets by Development Management, Building Control and Planning Enforcement Work since the 24h November 2011 Planning Sub-Committee meeting.

4. Local Government (Access to Information) Act 1985

Planning staff and application case files are located at 6th Floor, River Park House, Wood Green, London, N22 8HQ. Applications can be inspected at those offices 9.00am – 5.00pm, Monday – Friday. Case Officers will not be available without appointment. In addition application case files are available to view print and download free of charge via the Haringey Council website: www.haringey.gov.uk. From the homepage follow the links to 'planning' and 'view planning applications' to find the application search facility. Enter the application reference number or site address to retrieve the case details.

The Development Management Support Team can give further advice and can be contacted on 020 8489 1478, 9.00am – 5.00pm, Monday – Friday.

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Regulatory Committee 21 February 2012

DEVELOPMENT MANAGEMENT PERFORMANCE STATISTICS

NATIONAL INDICATOR NI 157 -
DETERMINING PLANNING APPLICATIONS

November 2011 Performance

In November 2011 there were 203 planning applications determined, with performance in each category as follows -

0% of major applications were determined within 13 weeks (0 out of 0 cases)
70% of minor applications were determined within 8 weeks (16 out of 23 cases)
74% of other applications were determined within 8 weeks (133 out of 180 cases)

For an explanation of the categories see Appendix I

December 2011 Performance

In December 2011 there were 152 planning applications determined, with performance in each category as follows -

0% of major applications were determined within 13 weeks (0 out of 3 cases)
83% of minor applications were determined within 8 weeks (19 out of 23 cases)
82% of other applications were determined within 8 weeks (103 out of 125 cases)

For an explanation of the categories see Appendix I

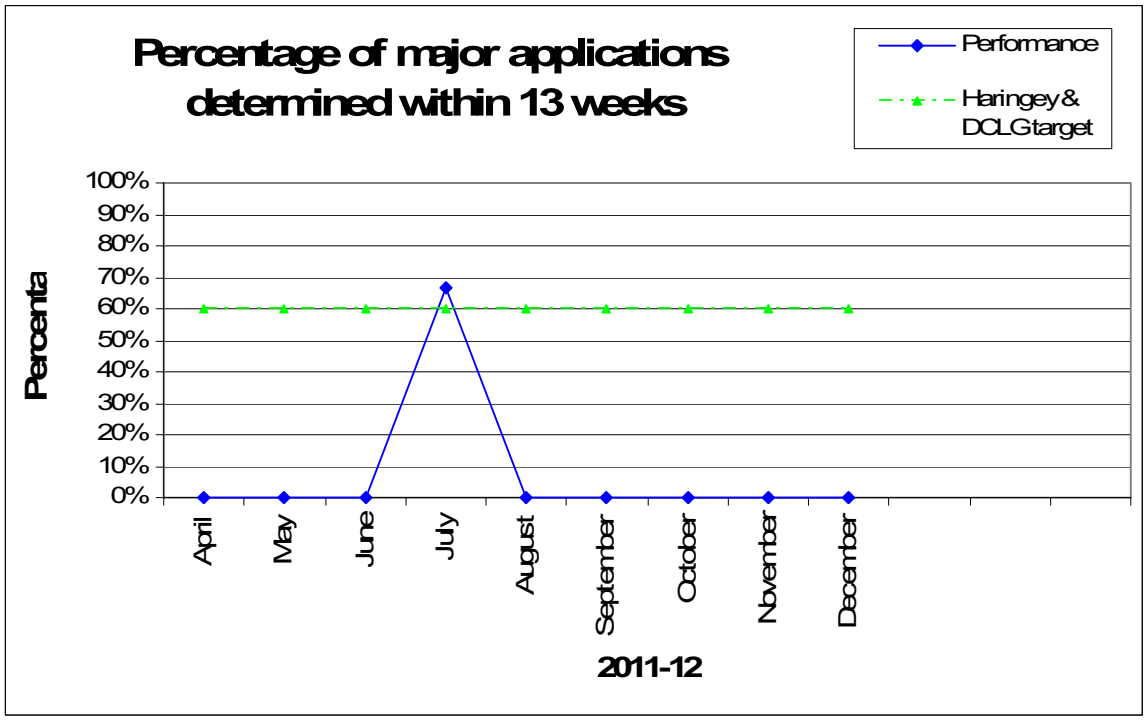
Year Performance – 2011/12

In the financial year 2011/12, up to the end of December, there were 1371 planning applications determined, with performance in each category as follows -

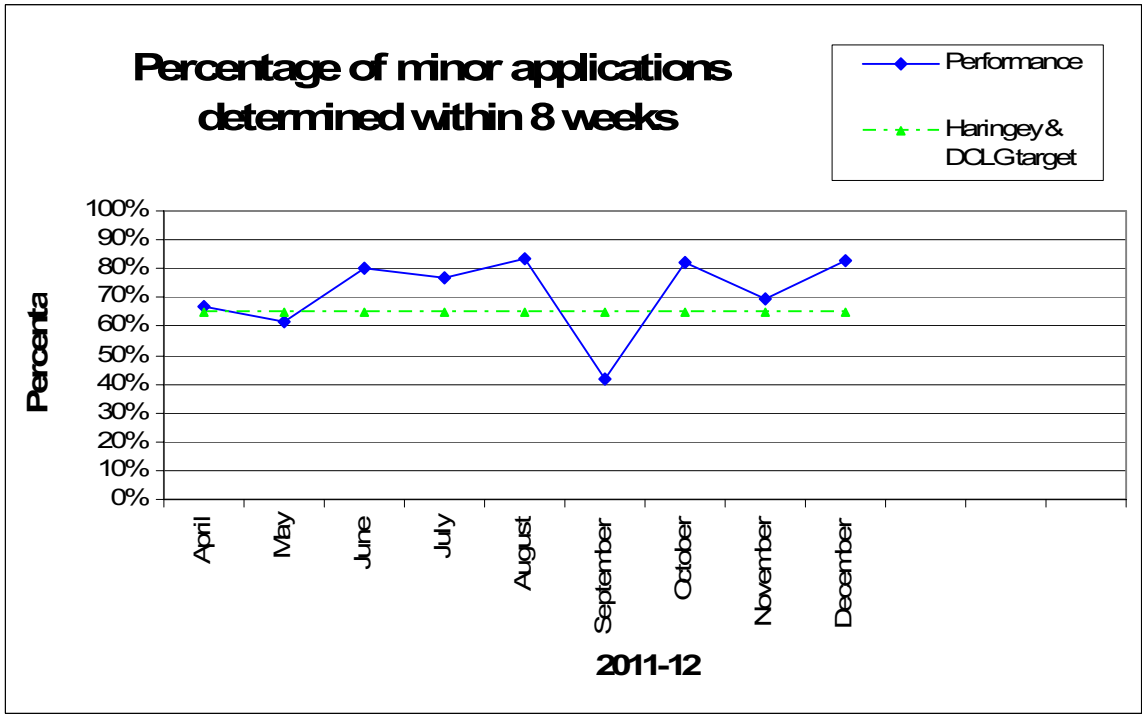
15% of major applications were determined within 13 weeks (2 out of 13)
71% of minor applications were determined within 8 weeks (168 out of 235 cases)
71% of other applications were determined within 8 weeks (792 out of 1122 cases)

The monthly performance for each of the categories is shown in the following graphs:

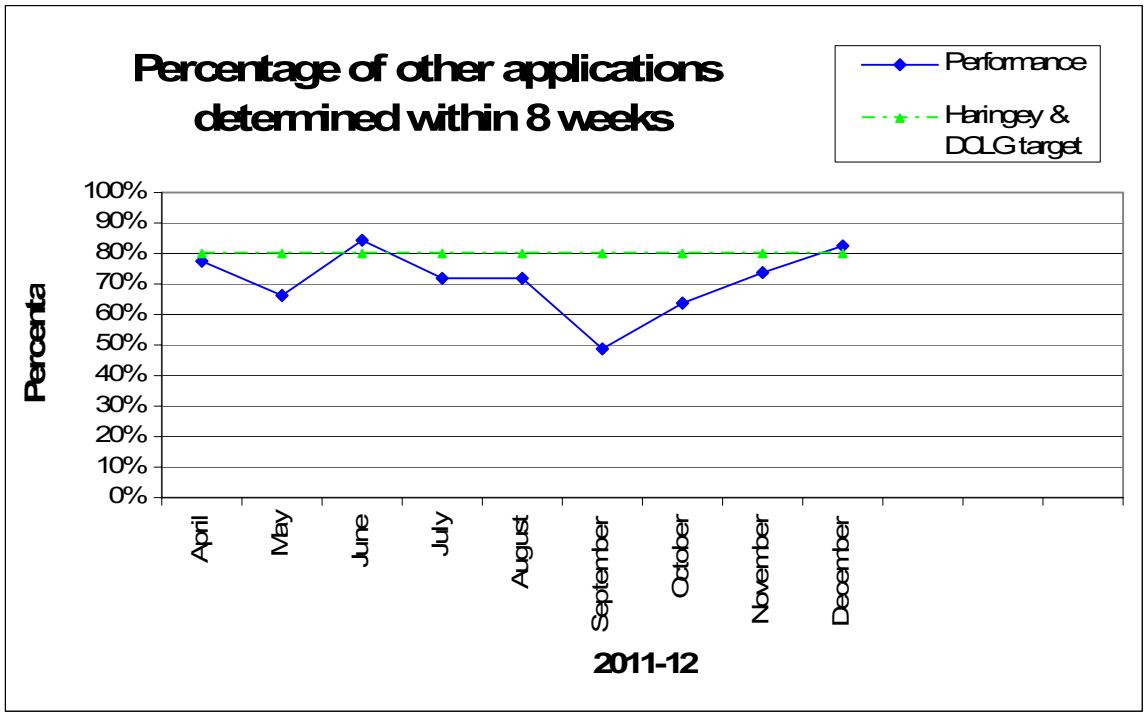
Major Applications 2011/12



Minor Applications 2011/12



Other applications 2011/12



Last 12 months performance – January 2011 to December 2011

In the 12 month period January 2011 to December 2011 there were 1738 planning applications determined, with performance in each category as follows -

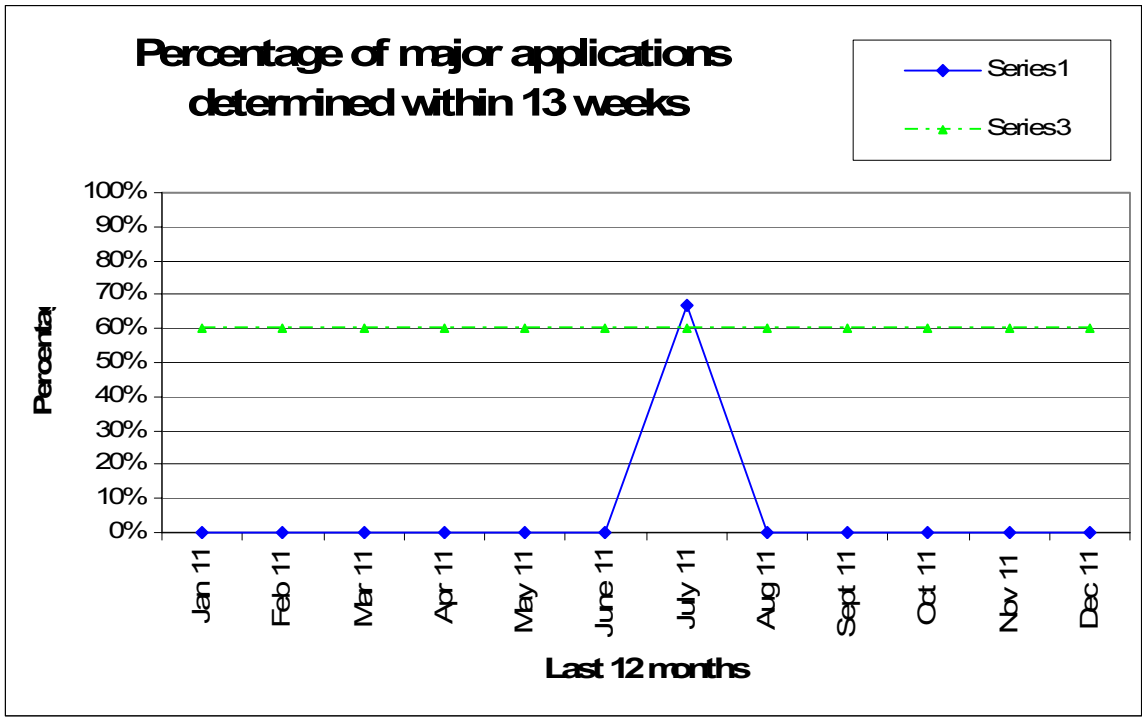
14% of major applications were determined within 13 weeks (2 out of 14)

72% of minor applications were determined within 8 weeks (231 out of 319 cases)

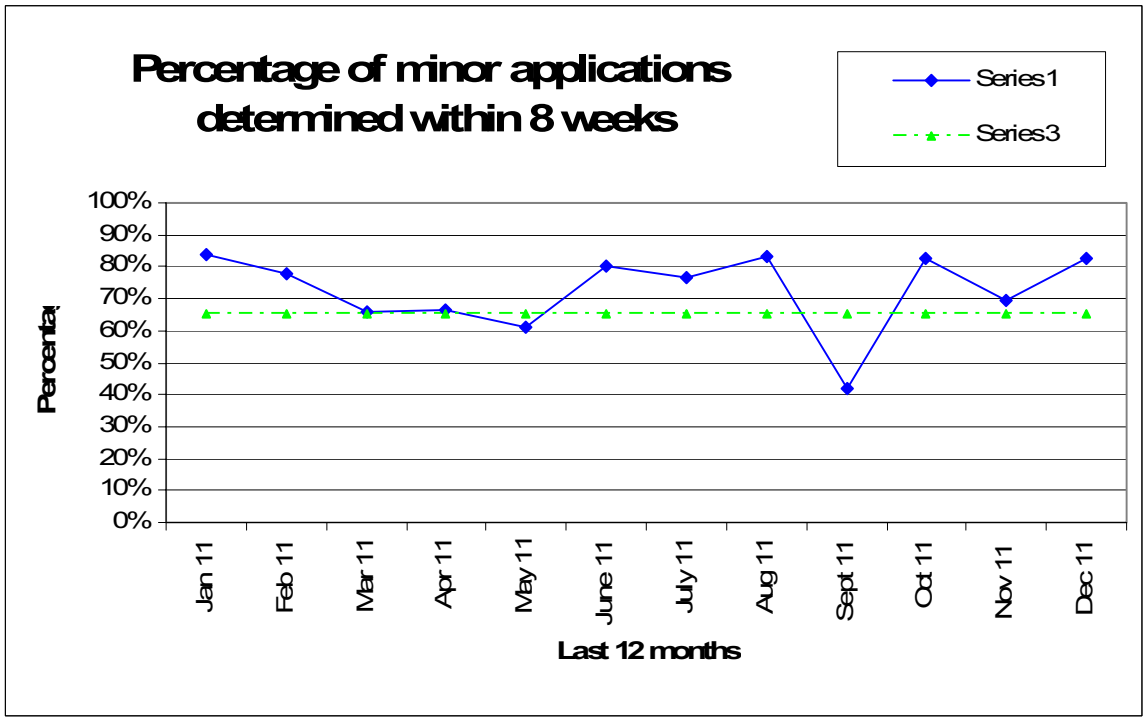
73% of other applications were determined within 8 weeks (1018 out of 1404 cases)

The 12 month performance for each category is shown in the following graphs:

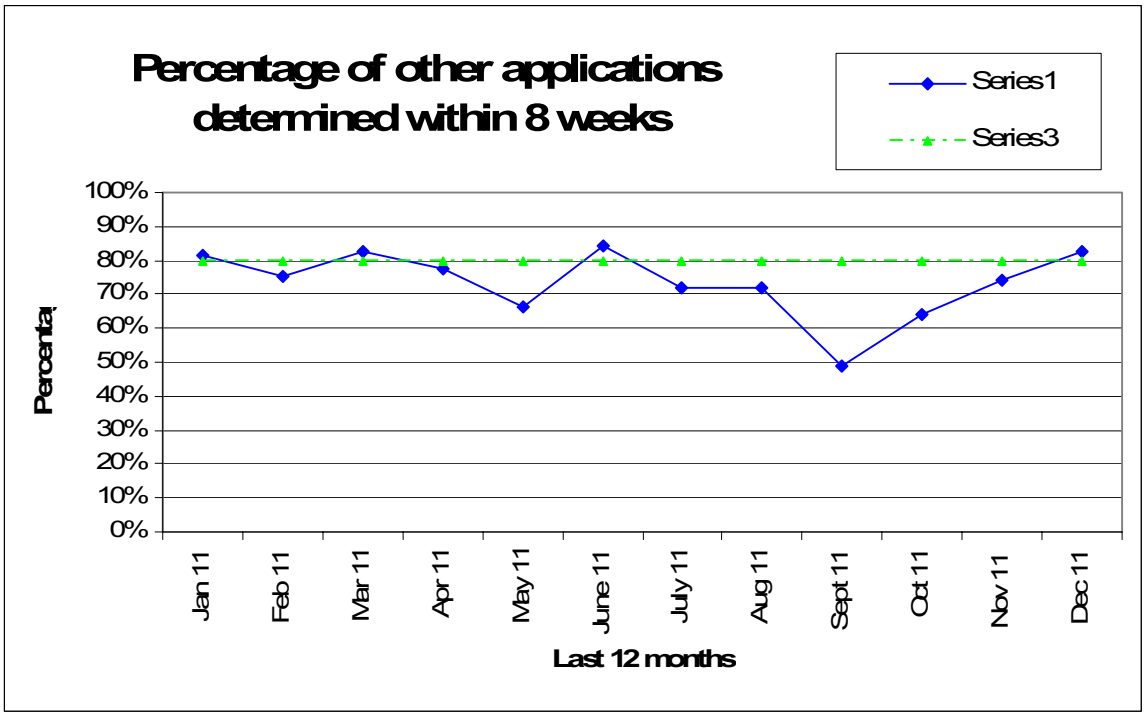
Major applications – last 12 months



Minor applications – last 12 months



Other applications – last 12 months



Background/Targets

NI 157 (formerly BV 109) is one of the Department for Communities and Local Government (DCLG) National Indicators for 2011/12.

It sets the following targets for determining planning applications:

a. 60% of major applications within 13 weeks
b. 65% of minor applications within 8 weeks
c. 80% of other applications within 8 weeks

Haringey has set its own targets for 2011/12 in relation to NI 157. These are set out in Planning & Regeneration (P&R) Business Plan 2010-13 and are to determine:

a. 60% of major applications within 13 weeks
b. 65% of minor applications within 8 weeks
c. 80% of other applications within 8 weeks

Appendix I

Explanation of categories

The NI 157 indicator covers planning applications included in the DCLG PS1/2 statutory return.

It *excludes* the following types of applications - TPO's, Telecommunications, Reserve Matters and Observations.

The definition for each of the category of applications is as follows:

Major applications -

For dwellings, where the number of dwellings to be constructed is 10 or more
For all other uses, where the floorspace to be built is 1,000 sq.m. or more, or where the site area is 1 hectare or more.

Minor application -

Where the development does not meet the requirement for a major application nor the definitions of Change of Use or Householder Development.

Other applications -

All other applications, *excluding* TPO's, Telecommunications, Reserve Matters and Observations.

DEVELOPMENT MANAGEMENT PERFORMANCE STATISTICS

GRANTED / REFUSAL RATES FOR DECISIONS

November 2011 Performance

In November 2011, excluding Certificate of Lawfulness applications, there were 176 applications determined of which:

82% were granted (145 out of 176)
18% were refused (31 out of 176)

December 2011 Performance

In December 2011, excluding Certificate of Lawfulness applications, there were 133 applications determined of which:

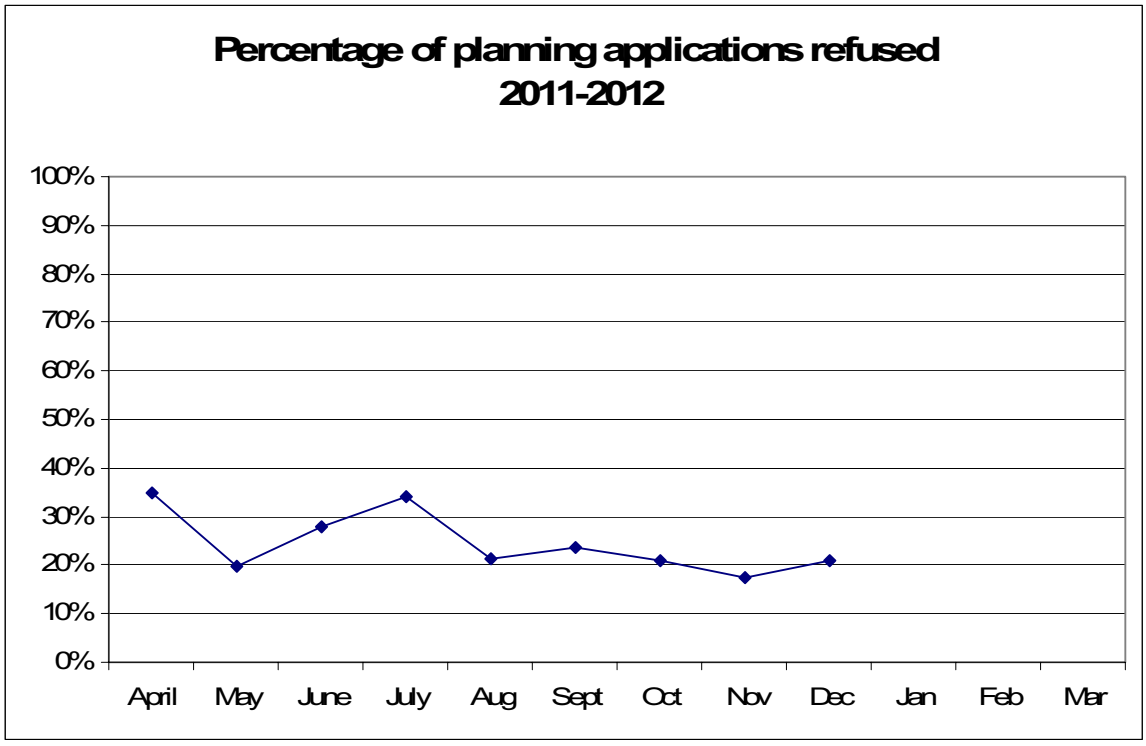
79% were granted (105 out of 133)
21% were refused (28 out of 133)

Year Performance – 2011/12

In the financial year 2010/11 up to the end of December, excluding Certificate of Lawfulness applications, there were 1149 applications determined of which:

76% were granted (874 out of 1149)
24% were refused (275 out of 1149)

The monthly refusal rate is shown on the following graph:



DEVELOPMENT MANAGEMENT PERFORMANCE STATISTICS

LOCAL INDICATOR (FORMERLY BV204) -
APPEALS AGAINST REFUSAL OF PLANNING PERMISSION

November 2011 Performance

In November 2011 there were 12 planning appeals determined against Haringey's decision to refuse planning permission, with performance being as follows -

25% of appeals allowed on refusals (3 out of 12 cases)
75% of appeals dismissed on refusals (9 out of 12 cases)

December 2011 Performance

In December 2011 there were 3 planning appeals determined against Haringey's decision to refuse planning permission, with performance being as follows -

33% of appeals allowed on refusals (1 out of 3 cases)
67% of appeals dismissed on refusals (2 out of 3 cases)

January 2012 Performance

In January 2012 there were 11 planning appeals determined against Haringey's decision to refuse planning permission, with performance being as follows -

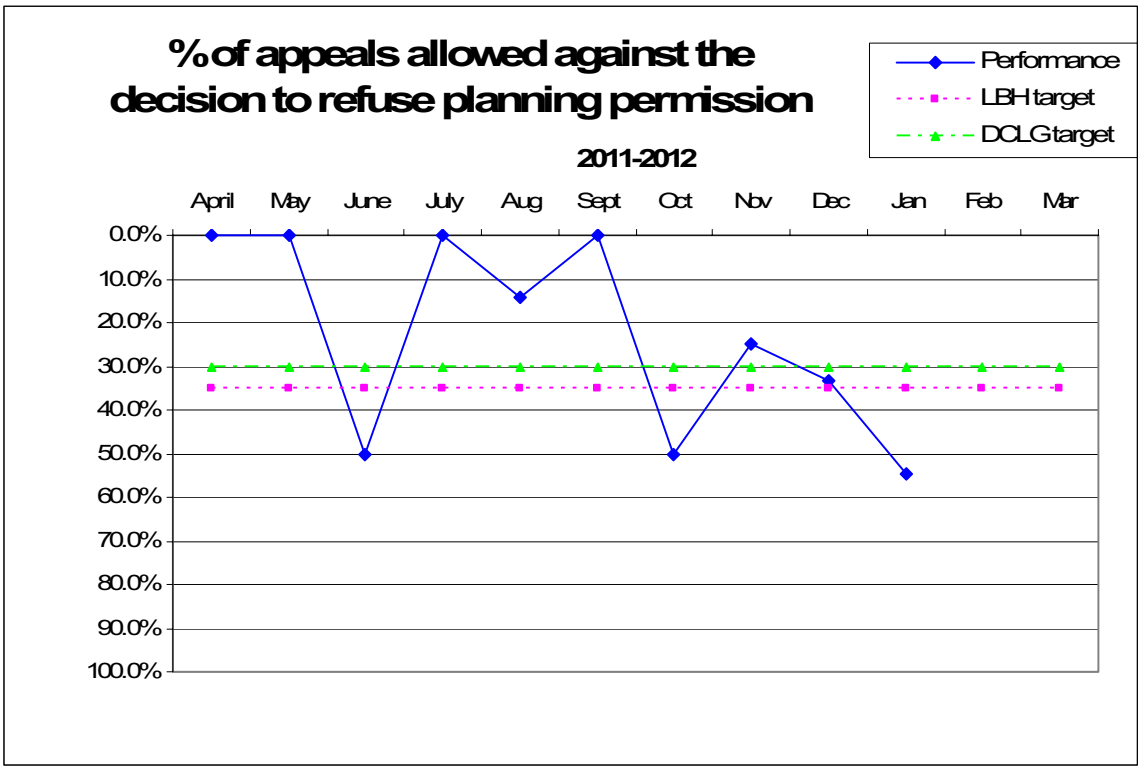
55% of appeals allowed on refusals (6 out of 11 cases)
45% of appeals dismissed on refusals (5 out of 11 cases)

Year Performance – 2010/11

In the financial year 2011/12, up to the end of January, there were 54 planning appeals determined against Haringey's decision to refuse planning permission, with performance being as follows -

28% of appeals allowed on refusals (15 out of 54 cases)
72% of appeals dismissed on refusals (39 out of 54 cases)

The monthly performance is shown in the following graph:


% of appeals allowed against the decision to refuse planning permission
2011-2012
Performance
LBH target
DCLG target
April
May
June
July
Aug
Sept
Oct
Nov
Dec
Jan
Feb
Mar
0.0%
10.0%
20.0%
30.0%
40.0%
50.0%
60.0%
70.0%
80.0%
90.0%
100.0%

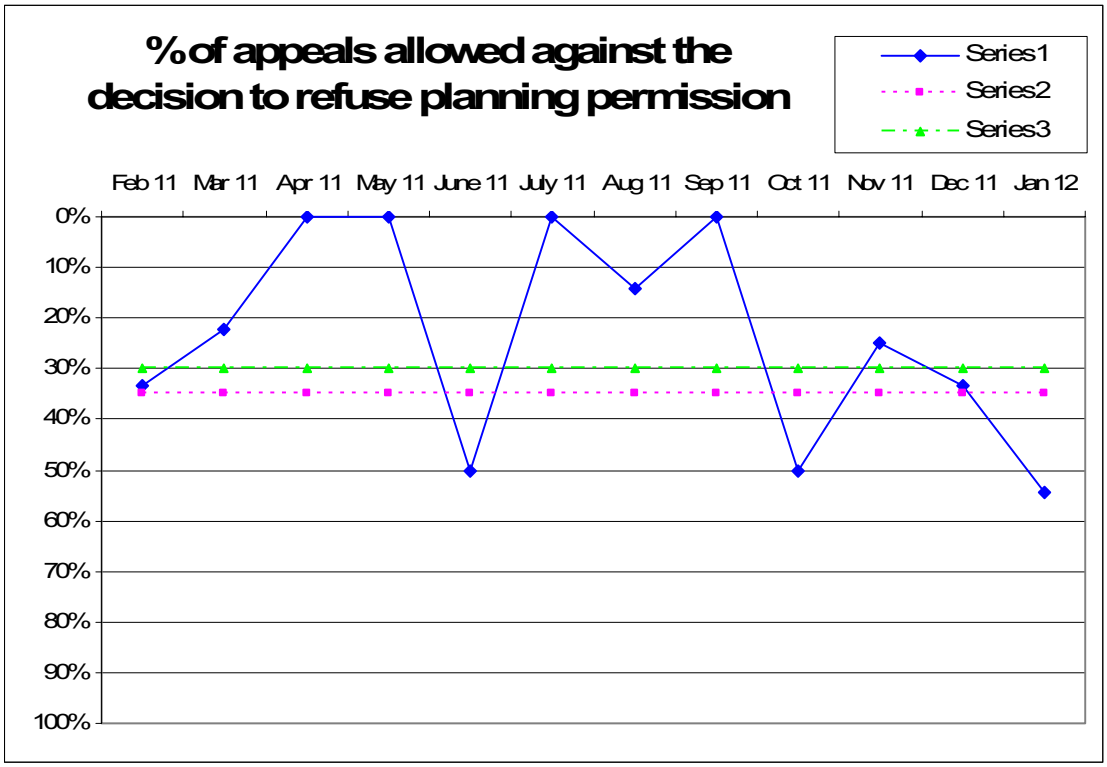
Last 12 months performance – February 2011 to January 2012

In the 12 month period February 2011 to January 2012 there were 69 planning appeals determined against Haringey's decision to refuse planning permission, with performance being as follows -

27% of appeals allowed on refusals (19 out of 69 cases)

73% of appeals dismissed on refusals (50 out of 69 cases)

The monthly performance for this period is shown in the following graph:



Background/Targets

This is no longer included in DCLG's National Indicator set. However it has been retained as a local indicator.

It sets a target for the percentage of appeals allowed against the authority's decision to refuse planning permission.

The target that was set by DCLG in 2007/08 was 30%^

Haringey has set its own target for 2011/12 in relation to this local indicator. This is set out in P&R Business Plan 2010-13.

The target set by Haringey for 2011/12 is 35%

(^ The lower the percentage of appeals allowed the better the performance)

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Regulatory Committee 21 February 2012

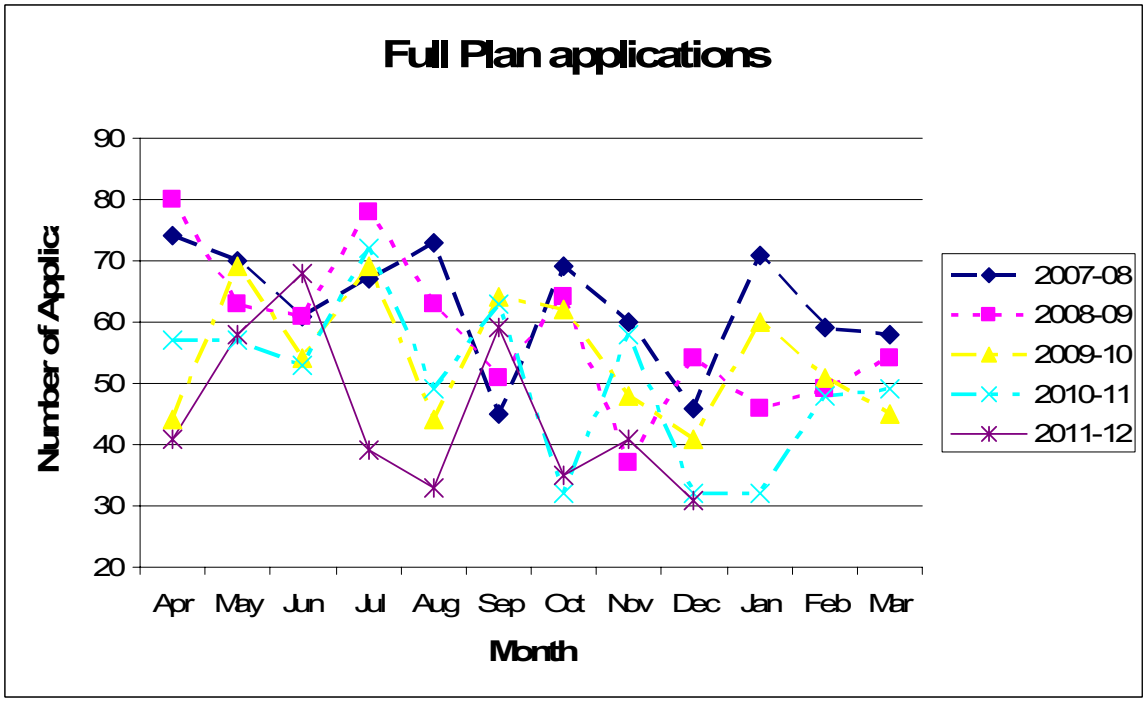
Building Control Performance Statistics

November & December 2011 Performance

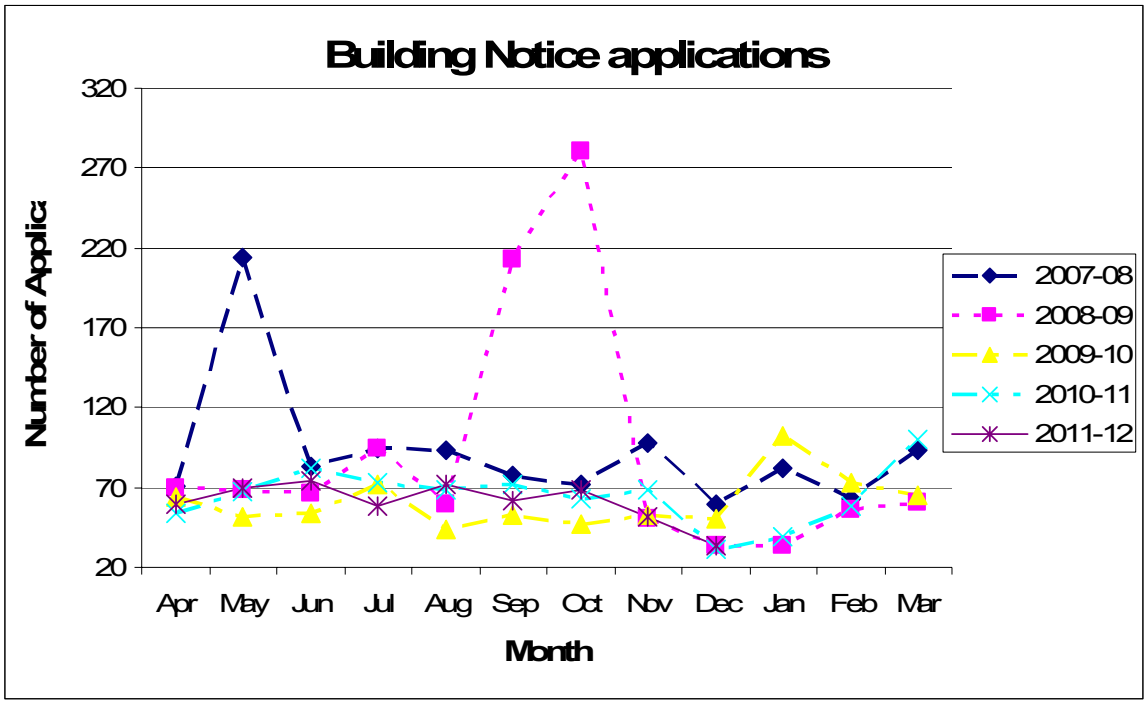
In November & December 2011 Building Control received 241 applications which were broken down as follows:-

72 Full Plans applications;
85 Building Notice applications;
82 Initial Notices and
2 Regularisation applications.

The trend for the number of Full Plan applications received in 2011-12 and for the pervious four years is shown on the following graph:



The trend for the number of Building Notice applications received in 2011-12 and for the pervious four years is shown on the following graph:

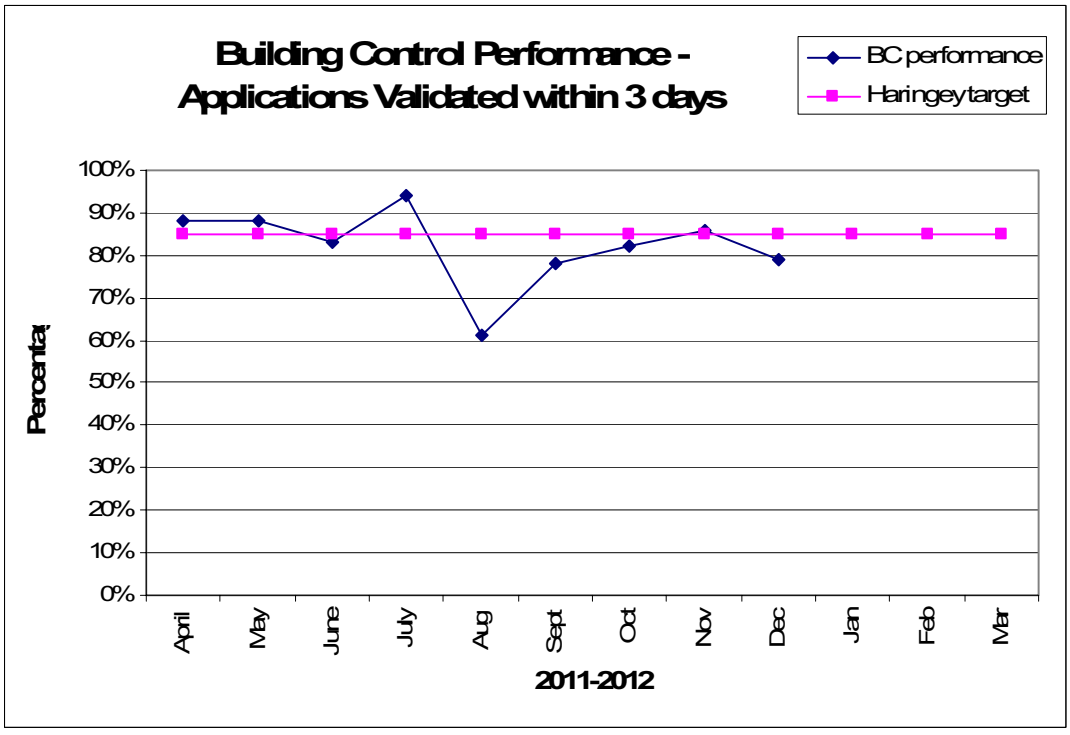


Performance on applications received in November & December was as follows:

November: 86% of applications were validated within 3 days (against a target of 85%)

December: 79% of applications were validated within 3 days (against a target of 85%)

The monthly performance is shown in the following graph:

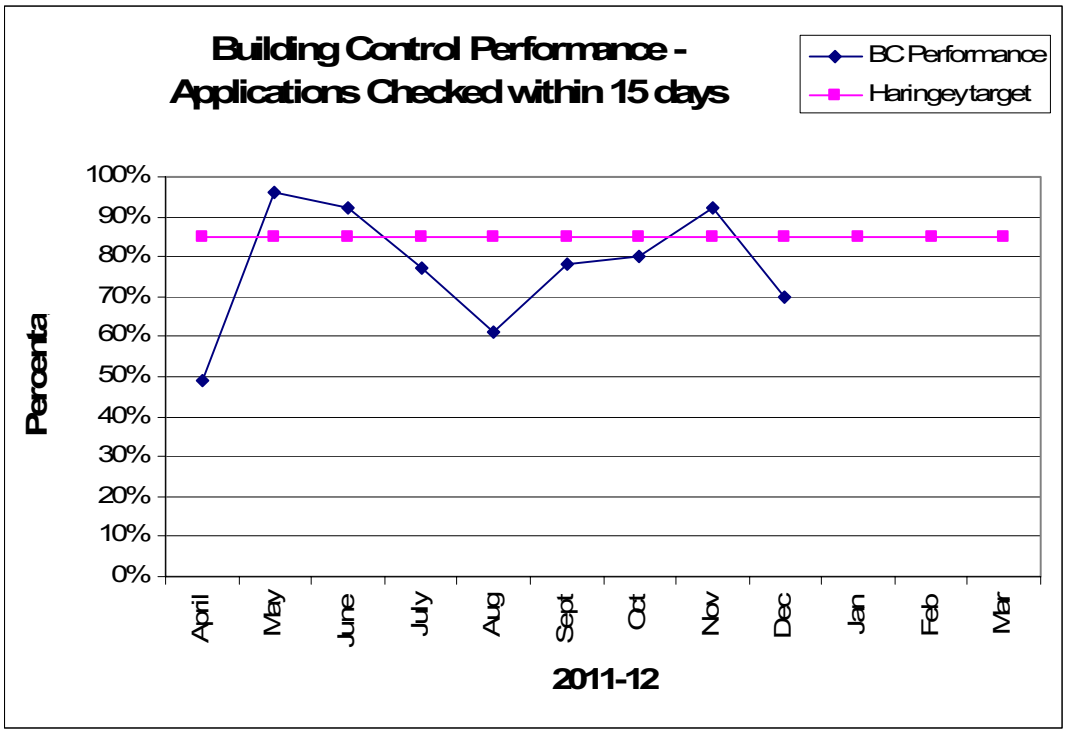


In terms of applications which were vetted and responded to, performance in November & December was as follows:

November: 92% were fully checked within 15 days (against a target of 85%)

December: 70% were fully checked within 15 days (against a target of 85%)

The monthly performance is shown in the following graph:

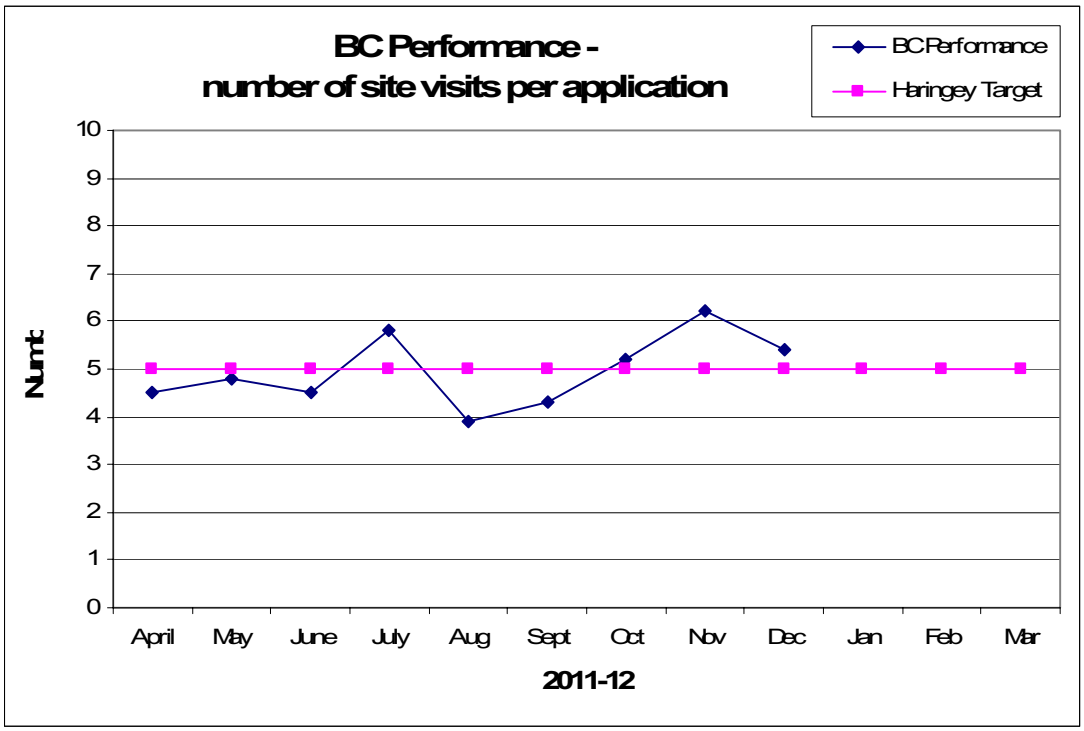


Within the same period, Building Control also received:

> Notification of 40 Dangerous Structures – 100% of which were inspected within the target of 2 hours of receiving notification, and
>
> 26 Contraventions - 100% of which were inspected within the target of 3 days of receiving notification.

Also in November & December 2011, there were 110 commencements and 1313 site inspections were undertaken to ensure compliance with the Regulations.

In terms of site inspections, in November & December 2011 the average number of site visits per application was 6.2 & 5.4 (against a target of 5). The monthly figures are shown in the following graph:



For an explanation of the categories see Appendix A

Appendix A

Explanation of categories

Full Plans applications –	Applications for all types of work, where the applicant submits fully annotated drawings and details that are required to be fully checked by Building Control. When these are checked in the majority of cases a letter is sent to the applicant or their agents requesting clarification and/or changes to be made to the application in order to achieve compliance;
Building Notice -	Applications for residential work only, where the applicant only has to submit the Notice and basic details, most of the compliance checks are carried out through site inspections;
Regularisation application -	Where works are carried out without an application having been made the owner may be prosecuted. However to facilitate people who wish to have work approved, in 1999 Building Control introduced a new process called Regularisation. A regularisation application is a retrospective application relating to previously unauthorised works i.e. works carried out without Building Regulations consent, started on or after the 11 November 1985. The purpose of the process is to regularise the unauthorised works and obtain a certificate of regularisation. Depending on the circumstances, exposure, removal and/or rectification of works may be necessary to establish compliance with the Building Regulations;
Validation -	All applications that are received have to be validated to ensure that the application is complete and ready to be formally checked;
Site Inspections -	Inspections carried out by Building Control to ensure compliance with the Building Regulations and/or in the case of Dangerous Structures, inspections in order to determine the condition of the structure being reported as dangerous.

Dangerous Structures -	Building Control are responsible for checking all notified dangerous structures on behalf of the Council within 2 hours of notification, 24 hours a day 365 days a year;
Contraventions -	Contraventions are reports of works being carried out where no current Building Control application exists.

PLANNING COMMITTEE STATS FOR COMMITTEE MEEETING
November 2011

S.330 – REQUESTS FOR INFORMATION SERVED
None

ENFORCEMENT NOTICES SERVED (S188)
1. 156 Shelbourne Road N17 – change of use to 2 flats
2. 136 Castlewood Road N15 – rear extension
3. 731 High Road N17- change of use to residential
4. 4 Park Avenue Road N17- change of use to 6 self-contained flats
5. 12 Willoughby Road N8- change of use to 6 self-contained flats and erection of outbuilding
6. 130 Myddleton Road N22- change of use to a mini cab office
7. 71 Bruce Castle Road N17- change of use to 6 self-contained flats

BREACH OF CONDITION NOTICE SERVED
1. 71 Crouch End Hill N8- breach of permitted hours

TEMPORARY STOP NOTICES SERVED
None

PLANNING CONTRAVENTION NOTICES SERVED
1. 154 Gospatrick Road N17- alleged use as a HMO
2. Brantwood Autos. Brantwood Road N17
3. 105 Thackerary Avenue- alleged change of use to self-contained flats
4. 99 Boundary Road N22- alleged change of use to flats
5. 12 Willoughby Road N8- alleged change of use to 7 flats and erection of outbuilding

SECTION 215 (Untidy Site) NOTICE SERVED
None

PROSECUTIONS SENT TO LEGAL
1. 2 Moorefield Road N17- breach of Enforcement Notice

APPEAL DECISIONS
1. 122 Mount Pleasant Road N17- conversion to 2 flats and use of outbuilding as self-contained flat- ALLOWED
2. 21 Norfolk avenue N15- single storey rear extension- DISMISSED
3. 52 Bruce Grove N17- change of use to 7 self-contained flats DISMISSED

PROSECUTION OUTCOMES
None

CAUTIONS
None

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PLANNING COMMITTEE STATS FOR COMMITTEE MEEETING December 2011

S.330 – REQUESTS FOR INFORMATION SERVED
None

ENFORCEMENT NOTICES SERVED (S188)
1. 78 Kimberley Gardens N4 Change of use to 2 flats
2. 107 The Avenue N17 change of use to 4 flats
3. 98 Gladesmore Road N15 change of use to 6 flats
4. 97 Mount Pleasant Road N17 Use as HMO
5. 30 Dunloe Road N17 change of use to 6 flats
6. 5 Alfoxton Road Change of use to social club
7. 153 Gospatrick Road BN17- Breach of Article 4 Area

BREACH OF CONDITION NOTICE SERVED
1. Brantwood Autos Brantwood Road N17 Breach of permitted hours

TEMPORARY STOP NOTICES SERVED
None

PLANNING CONTRAVENTION NOTICES SERVED
1. 64 Walpole Road N17 Change of use to 2 flats
2. 23 Grand Parade N4 Unauthorised works
3. 33b Grand Parade Unauthorised change of use (A2)
4. 35 Willoughby road N8- Unauthorised change of use to 8 flats
5. 88 Raleigh Road Change of use to 5 flats
6. 471 Green Lanes N4- Unauthorised Rear Extension
7. 10 Harringay Gardens N8- Unauthorised Rear Extension
8. 23 Paisley Road N22- Unauthorised change of use to flats
9. 33 Waldweck Road- Unauthorised change of use to flats
10. 6 Stanmore Road N15- Unauthorised change of use to flats
11. 578-580 Green Lanes- Unauthorised erection of structure
12. 1 Park Avenue Road Unauthorised change of use to flats

SECTION 215 (Untidy Site) NOTICE SERVED
None

PROSECUTIONS SENT TO LEGAL
1. 74 Umfreville Road N4- 5 flats and a dormer- (re-prosecution)
2. 19 Warham Road N4- (conversion to 2 flats)
3. 646 Green lanes N8- outbuilding
4. 60 St Paul's Road N17

APPEAL DECISIONS
1. 108 Cranley Gardens N8- Erection of railings to forma a roof terrace DISMISSED
2. 316 Philip Lane N15- change of use to 9 flats DISMISSED
3. 28 Waldegrave Road –change of use to 8 flats DISMISSED
4. rear of 636 Green Lanes N8 change of use to 5 flats DISMISSED
5. 123 Gladesmore Road- unauthorised extensions WITHDRAWN

PROSECUTION OUTCOMES
143-5 Philip Lane- unauthorised additions Convicted and fiend £1250 £902 costs

CAUTIONS
None

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Agenda Item 8

Haringey Council

Agenda item:

[No.]

Regulatory Committee **On 21st February 2011**

Report Title. **Planning Enforcement Update- Three Quarterly Report 2011-12**

Report of **Director of Place and Sustainability**

Signed :

Contact Officer : **Marc Dorfman, Assistant Director, Planning and Regeneration**
Telephone 020 8489 5538

Wards(s) affected: **All**	Report for: **Non-Key Decision**

1. Purpose of the report

1.1. To inform Members on Planning Enforcement's progress in maintaining service delivery 2011/12.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

2.1. Enforcement of planning control plays a role in delivering policy objectives of the Council's Unitary Development Plan and the future Local Development Framework

2.2. The Council's Enforcement Strategy has an explicit objective to prevent unauthorised use and non permitted development and seek to reverse this when it occurs taking formal enforcement action when expedient to do so.

3. Recommendation

3.1. That member's note the first three quarters performance for 2011/12, April-December 2011 inclusive.

4. Reason for recommendation

4.1. Good progress continues with maintaining the number of open cases at a manageable level, which were 293 at 1st January 2012. The year to date has seen a high degree of formal enforcement activity with 66 Enforcement Notices served and 37 Appeals against Enforcement Notices lodged

5. Other options considered

5.1. Not applicable

6. Summary

6.1. This report advises members on service performance for the first three quarters of 2011/12 and the teams' incorporation into Development Management within the Planning regeneration and Economy Business Unit from 16 May 2011.

7. Chief Financial Officer Comments

7.1Planning Enforcement now forms part of the Planning, Regeneration and Economy business unit within Place and Sustainability and the staffing budget for the posts in this team is £193,100. The costs of preparing this report have been contained within existing budgets.

8. Head of Legal Services Comments

8.1 The Head of Legal Services notes the contents of this report

9. Equalities & Community Cohesion Comments

9.1 There are no equalities, and community cohesion issues raised by this report as it updates members on Planning Enforcement's performance April-December 2011 inclusive.

10. Consultation

10.1 The report identifies steps to consult service users.

11. Service Financial Comments

11.1 The service will continue to ensure that Planning Enforcement remains within budget. The Team Currently has three Planning Officers and a Team Leader. Increase in the number of enforcement cases in the last half year has been in part due to the reduction in staff numbers but also the undertaking of formal enforcement action for a large number of cases especially with the lodgement of an unusually high number of appeals against enforcement notices.

12. Use of appendices

Appendix 1 - The number of open cases by the year received
Appendix 2 – April-Dec 2011 Performance indicators
Appendix 3 - April-Dec 2011 Outcomes of Planning Enforcement Closed Cases
Appendix 4 – Table showing planning enforcement prosecution & caution outcomes

13. Local Government (Access to Information) Act 1985

13.1 Case files held by the Team Leader for Planning Enforcement

14. Planning Enforcement Performance

14.1 Appendix 1 provides a table showing cases still open by the year the case was opened. Our current caseload is 293. These include 193 cases received in 2010/11 which remain open. 48 cases received from before April 2010 and 100 from before April 2011 remain open maintaining the relatively low level of older cases. 6 cases opened before 2007 remain open and non compliant. All of these cases are at an advanced stage and actions against these are ongoing. The overall caseload remain manageable as they have done since 2009-10. The sustained caseload management is encouraging especially given the loss of 1.5 members of staff, a subsequent increase in the overall workload for existing staff and the very high degree of formal enforcement action and appeal work undertaken in the first three-quarters of 2011-12.

14.2 Appendix 2 deals with Planning Enforcement's performance indicators. Performance remains broadly consistent across the suite of indicators. There has been a slight decline in the proportion of cases resolved within 8 week and 6 month. However this is largely explained by the resolution of a significant number of older cases which lies

outside of the 6 month bracket and the recent concentration on formal enforcement action.

14.3 Customer feedback response remained very low and did not provide any real insight into general perception by service users. It is considered necessary to discuss with Service Management how the response rate could be improved going forward.

14.4 Appendix 3 is a table of closed cases in the first three quarter of 2011/12 by outcomes. Of the cases closed 55% were due to no breach, or those allowed under permitted development rights. Of the cases closed, only 7% was due to immunity from enforcement action. It is worth noting that this is less than half the proportion that was typically reported three years ago. It is suggested that the huge reduction in backlog cases and the improvements made with regard to background investigations prior to opening cases through liaising with other service providers and sharing of information have played a significant part in this reduction.

14.5 In 18% of the cases closed, it was considered that enforcement action was not expedient, a figure which ahs been broadly consistent over the last two years and 20% were closed as a result of compliance, remediation or regularisation of the development including formal enforcement action maintaining the quarter figure.

14.5 Appendix 4 is a table of planning enforcement prosecution and caution outcomes. As shown on this table, good process through prosecution cases has been made. During the three quarters of 2011-12. The total fines accrued for convictions was £37,400 and the total costs awarded to the Council was £6,331. Costs recovered by the Council when defendants accepted simple cautions in lieu of prosecution was £11,412.

Other matters

14.6 During the 2009-2010 Development Management undertook a process of revoking Established Use Certificates at several properties where it was found that the evidence submitted which led to their issue was false. Enforcement Action was taken in the autumn of 2010 and the following progress has been made:

- 10 Hampden Lane N17 — Prosecuted and convicted. Notice now complied with
- 69 Roseberry Gardens — Enforcement Appeal withdrawn. Notice complied with
- 13 Harringay Gardens — Enforcement Appeal withdrawn. Notice now in breach
- 82 Warham Road — Enforcement Appeal allowed. Case closed
- 49 Warham Road — Enforcement Appeal withdrawn. Notice now complied with

14.7 It is worth noting that the decision to revoke has been upheld on all of the above. 82 Warham Road was allowed due to material planning considerations outweighing development plan policy. The grounds of challenge which if successful would undermine the decision to revoke the Certificates have been upheld on each appeal or the appeal has been withdrawn. The Planning Inspectorate has awarded costs against the appellant for this appeal and at 13 Harringay Gardens with a further cost application outstanding for 49 Warham Road.

Appendix 1 – Table demonstrating Planning Enforcement Caseload

Year	No. cases opened for investigation	No. of cases remaining open
2001/2002	401	0
2002/2003	782	0
2003/2004	881	0
sub total 2001/2 - 2003/4	**2064**	**0**
2004/2005	899	1
2005/2006	941	4
2006/2007	687	1
sub total 2004/5- 2006/7	**2527**	**6***
2007/2008	914	2
2008/2009	1052	17
sub total 2007/8 - 2008/9	**1966**	**19**
2009-2010	878	23
2010-2011	760	52
2011-2012 (up to 30.12.11)	328	193
Total for all year	**8535**	**293**

***Of the 6 open cases pre 2007**

- 1 warrant case
- 2 both 2nd convictions secured against the same owner
- 1 cases referred to Crown Court for confiscation proceeding under Proceedings of Crime Act (POCA) (2 further cases also referred). Outcome anticipated by Spring 2012
- 2 appeals against re-issued Enforcement Notices- Public Inquiries held in February 2012

It should be noted that all of the above cases deal with unauthorised conversion of houses into multiple self-contained units. Underlining that both the enforcement of and achieving compliance with regard to such breaches can be a lengthy and resource intensive process.

Appendix 2 Table indicating Performance indicators for Planning Enforcement April-Dec 11

Table of performance indicators			
Performance Indicator Number	Performance Indicator description	Performance Indicator target	Performance Output April June 2011
ENF PLAN 1	Successful resolution of a case after 8 weeks	40%	41% (197 from 488 cases closed)
ENF PLAN 3	Customer satisfaction with the service received	To be determined	10% of closed cases to be contacted by the service manager
ENF PLAN 4	Cases closed within target time of 6 months	80%	77% (370 out of 488 cases closed)
ENF PLAN 5	Cases acknowledged within 3 working days	90%	93% (521 out of 563 cases)
ENF PLAN 6	Planning Enforcement Initial site inspections 3, 10, 15 working days	90%	94% (489from 521 cases initial visit within the time period)
Performance Indicator Number	Performance Indicator description	Performance output April – June 2011	
ENF PLAN 7	Number of Planning Contravention Notices served	70	
ENF PLAN 8	Number of Enforcement Notices Served	66	
ENF PLAN 9	Number of enforcement notices appealed	37	
ENF PLAN 10	Number of enforcement notices withdrawn by Council	6	
ENF PLAN 10a	Number of Enforcement Appeals Allowed	2	
ENF PLAN 10b	Number of Withdrawn Appeals	2	
ENF PLAN 11	Number of prosecutions for non-compliance with enforcement notice	14	
ENF PLAN 12	Number of Notices (Other) served	3	

Appendix 3 – Table showing Outcomes of Planning Enforcement Closed Cases April-December 11

Closure reason	Output April-Sept 2011
No breach/Permitted Development	268 (55%)
Not expedient	88 (18%)
Compliance/ Remediation/Regularisation	99 (20%)
Immune from enforcement action	33 (7%)
Total	488

Appendix 6: Prosecutions and Outcomes April-December 11

No	Client Department, address and Lead Officer)	Legislation (inc section) prosecution under	Breach Address	Latest Action
1	Fortune Gumbo	s179 TCPA 1990	31 Siward Road N17	Warrant Case. No progress
2	Myles Joyce	S179 TCPA 1990	646 Green Lanes	Hearing 1.2.12
3	Fortune Gumbo	S179 TCPA 1990	60 St Pauls Road n17	Hearing 1.2.12
4	**Abby Oloyede**	**S179 TCPA 1990**	**143-5 Philip Lane**	**Prosecuted and Convicted £1250 Fine £902 costs**
5	Abby Oloyede	S179 TCPA 1990	2 Moorefield Road	Adj March 2012
6	Myles Joyce	S179 TCPA 1990	19 Warham Road	Hearing 29.2.12
7	Fortune Gumbo	S179 TCPA 1990	181 Tower Garden Road N17	Hearing march 2012
8	Fortune Gumbo	s181 TCPA 1990	13 Bounds Green Road	Trial 1.3.12

9	Myles Joyce	s179 TCPA 1990	13 Whitley Road	Trial 25.1.12
10	Myles Joyce	s179 TCPA 1990	216 West Green Road	Hearing 29.2.12
11	**Fortune Gumbo**	**s179 TCPA 1990**	**38 Thackerary Avenue**	**Convicted and fined £15000 costs £645**
12	**Fortune Gumbo**	**s179 TCPA 1990**	**100 Myddleton Road**	**Prosecuted and Convicted**
13	**Fortune Gumbo**	**s179 TCPA 1990**	**25 Cumberton Road**	**Convicted and Fined £600 costs awarded**
14	Fortune Gumbo	s179 TCPA 1990	22 Cumberton Road	Warrant Case
15	**Myles Joyce**	**s179 TCPA 1990**	**2 Goodwyns Vale**	**Found guilty. Case in Crown Court for Confiscation under Proceeds of Crime Act. Hearing end 2011.**
16	**Lorcan Lynch**	**s179 TCPA 1990**	**9 Heybourne Road**	**Pleaded of guilty. Case in Crown Court for Confiscation under Proceeds of Crime Act hearing Spring 2012**

17	**Lorcan Lynch**	**s179 TCPA 1990**	**1 Bruce Castle Road**	**Found guilty Case in Crown Court for Confiscation under Proceeds of Crime Act. Hearing Spring 2012**
18	**Myles Joyce**	**s179 TCPA 1990**	**74 Umfreville Road**	**Prosecution bundle for 2nd prosecution**
19	**Lorcan Lynch**	**s179 TCPA 1990**	**98 Hewitt Avenue**	**Already convicted**
20	**Myles Joyce**	**s179 TCPA 1990**	**23 Hewitt Avenue**	**Convicted for 2nd time £8000 fine £11617 costs**
21	**Myles Joyce**	**s179 TCPA 1990**	**89 Burgoyne Road**	**Convicted 2nd time £8000 fine**
	Myles Joyce	*s179 TCPA 1990*	*180 Park Lane N17*	*Complied with*
	Myles Joyce	*s179 TCPA 1990*	*22 Black Boy Lane*	*Caution Accepted October*
	Myles Joyce	*s179 TCPA 1990*	*75 Hermitage Road*	*Caution Accepted Costs £2070 paid to Council for 5 and 6*
	Myles Joyce	*s179 TCPA 1990*	*11 Burgoyne Road N4*	*Prosecution withdrawn*
	Lorcan Lynch	*s179 TCPA 1990*	*8 Harringay Gardens*	*Compliance secured £2500 costs paid to Council*

	Myles Joyce	*s179 TCPA 1990*	*101 Lealand Road N15*	*Prosecuted and Convicted in Crown Court. Conditional discharge*
	Fortune Gumbo	*s179 TCPA 1990*	*rear of 110-118 Myddleton Road*	*Cautioned £1480 costs paid*
	Myles Joyce	*s179 TCPA 1990*	*403 Lordship Lane*	*Prosecuted and Convicted £300 fine and £1500 costs. Notice complied with*
	Lorcan Lynch	**s179 TCPA 1990**	**22 Gladesmore Road**	**Notice complied with after conviction**

Haringey Council

Agenda Item 9

Agenda item:

[No.]

Regulatory Committee **On 21st February 2012**

Report Title. **Planning Enforcement - expediency**

Report of **Director of Place and Sustainability**

Signed :

Contact Officer : **Marc Dorfman, Assistant Director, Planning and Regeneration**
Telephone 020 8489 5538

Wards(s) affected: **All**	Report for: **Non-Key Decision**

1. Purpose of the report

1.1. To explain to members the issue of expediency with regard to appraising formal planning enforcement action.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

2.1. Enforcement of planning control plays a role in delivering policy objectives of the Council's Unitary Development Plan and the future Local Development Framework

2.2. The Council's Enforcement Strategy has an explicit objective to prevent unauthorised use and non permitted development and seek to reverse this when it occurs taking formal enforcement action when expedient to do so.

3. Recommendation

3.1. That member's note the contents contained therein.

4. Reason for recommendation

4.1. This report seeks to explain the issue of expediency compare rate of cases closed for reason of being not expedient in the context of the Planning Enforcement service at London Borough of Haringey.

5. Other options considered

5.1. Not applicable

6. Summary

6.1. This reports seek to explain the issue of expediency compare rate of cases closed for reason of being not expedient in the context of the Planning Enforcement service at London Borough of Haringey .

7. Chief Financial Officer Comments

7.1 Not applicable

8. Head of Legal Services Comments

8.1 Not applicable

9. Equalities & Community Cohesion Comments

9.1 There are no equalities, and community cohesion issues raised by this report as it deals with the concept of expediency in the Planning Enforcement context.

10. Consultation

10.1 Not applicable.

11. Service Financial Comments

11.1 Not applicable.

12. Use of appendices

- Appendix 1 – DoE Part of Circular 10/97
- Appendix 2 – Planning Policy Guidance PPG18-Enforcing Planning Control
- Appendix 3 – Guiding Principles of Planning Enforcement
- Appendix 4 – Sample case closure letter where further action is considered not expedient
- Appendix 5 - Planning Enforcement Service standards
- Appendix 6 - A Guide to Planning Enforcement
- Table 2- Benchmarking reports of Planning Enforcement for London LAs
- Table 3- Planning Enforcement: Ward breakdown for 2009-2011

13. Local Government (Access to Information) Act 1985

13.1 Case files held by the Team Leader for Planning Enforcement

14. The Issue of Expediency

14.1 The Enforcement of Planning Control is a discretionary function under the proviso of the relevant legislation the Town and Country Planning Act 1990 (as amended). An important point is that unauthorised development or a change of use is not a criminal offence in most instances. In the majority of cases it only becomes an offence when an Enforcement Notice has been issued, has come into effect and the time for compliance stipulated in the Notice has since expired.

14.2 The two strands of Central Government guidance with regard to Planning Enforcement are DoE Circular 10/97 and Planning Policy Guidance Note (PPG) 18 'Enforcing Planning Control **(Appendices 1 and 2).**

14.3 With regard to Local Authority Enforcement good principles for local authorities to protect the public, environment and consumers but at the same time carry out enforcement action in a clear, open consistent, proportionate and effective manner

which do not unnecessarily interfere with economic development and in that way commit to the principles of Best Value as set out in the Enforcement Concordat.

14.4 Paragraphs 5-7 of PPG18 sets out that it is the primary responsibility to take whatever enforcement action is necessary in the public interest, proportionate to the severity of the breach and to negotiation wherever possible but that said negotiations should not hamper or unduly delay any necessary enforcement action

14.5 PPG 18 also reminds LPAs that unauthorised development or use is not a criminal offence and that where a breach does is broadly in accordance with planning policy and guidance and other planning considerations then the LPA should invite a planning application to regularise the unauthorised use or development. The lack of submission of such an application is not in itself should a reason along to issue an Enforcement Notice.

Principles of Planning Enforcement

14.6 In a nutshell the Guiding Principles of Planning Enforcement should be: Expediency, Proportionality and Consistency

14.7 With regard to harm the local authority should be able to demonstrate this when justifying further or no further action. **Appendix 3** fleshes out the Guiding Principles of Planning Enforcement which was developed for LB Haringey and lists various matters which could be considered factors which could result in demonstrable harm to amenity being caused:

- Significant Loss of privacy
- Noise and/or disturbance
- Loss of/harm to protected trees
- Loss of/harm to Listed Buildings
- Unacceptable departure from Local and/or National Planning Policy
- Visual harm due to poor design or use of materials
- Unacceptable degree of overshadowing due to unauthorised development

14.8 Once harm has been established the enforcement action taken should be proportionate. One example of this would be where a breach of permitted hours of business is considered to cause harm rather than the use itself then enforcement action to discourage the breach of hours rather than cease the use altogether would be the most appropriate approach.

14.9 Finally consistency and quality in terms of investigations before any formal enforcement action can be optimised through frequent liaising with other service providers, researching past actions against similar breaches of planning within a given area and liaising with other authorities or service providers to try and ensure consistency in response to any alleged breach of planning investigated. **Appendix 4** give an example of a closure letter for a case closed as not expedient sent out by LB Haringey Planning Enforcement team.

14.10 In 2008 the Council set out to improve Planning Enforcement function within the local authority. Whilst this dealt with the overall improvement of the service key to this was

developing a set of service standards and guidance with regard to work and procedures which would be of assistance for officers and customers alike. Thus the Planning Enforcement Service Standards and A Guide to Planning Enforcement were both published in February 2009. Both of these are attached as **Appendices 5 and 6**.

14.11 Both appendices are important sources of advice with regard to the following:

- What the service does;
- What the service cannot do;
- That most breach of planning control are not a criminal offence;
- Timescales and Priorities for investigating alleged breaches of planning control;
- That some infringements are minor and action is not in these cases appropriate;
- Timescales and priorities;
- Glossary of terms;
- Contact details.

14.12 A Guide to Planning Enforcement is an online publication which can also be provide in A5 hard copy format. Similar publications have been found in Larger Authorities such as LB Camden and Westminster City Council but does not appear to be present in this format at LB Enfield or Newham.

Planning Enforcement In Haringey

14.13 Since its inception as a dedicated service function in 2004 the Planning Enforcement service sought as a priority to improve the service through a reduction in the Planning Enforcement Backlog, a improvement in the turn around time for cases and an improvement in the quality of enforcement investigation and action. The table 1 below shows a comparison of the number of cases received for 2008-9 up until the third quarter of 2011-12.

14.14 The figures clearly show that the number of planning enforcement cases received as declined. The 2008-9 figures for cases received and enforcement notices issued being unusually high given that two dedicated projects were undertaken at this time in Tower Gardens. The large number of cases closed indicated the drive to reduce the backlog to

Year	**2008-9**	**2009-10**	**2010-11**	**2011 to 31.12.11**
No. of staff	9	6	5	4
Cases Received	1056	878	758	563
Cases Closed	1567	1012	806	488
Live cases	425	301	241	299
Closed No Breach	571 (37%)	465 (46%)	440 (53%)	268 (55%)
Closed Remediated	360 (23%)	215 (21%)	155 (20%)	99 (20%)
Closed as Immune	209 (13%)	115 (12%)	60 (7%)	33 (7%)
Closed as Not Expedient	**427 (27%)**	**217 (21%)**	**151 (20%)**	**99 (20%)**
Enforcement	165	63	68	66

Notices served				

Table1: Planning Enforcement Activity from 2008-9

14.15 More manageable levels in advance of a significant reduction in the team workforce from 9 to 5. In addition, the level of cases closed as not expedient was in real terms and proportionally rather high. In part reflecting the large number of older cases which had not been progressed.

14.16 Aside from 2008-9 it can be demonstrated that although the number of live cases has declined, the level of formal enforcement action has started to increase. More relevantly, the cases closed as not expedient in terms of proportion has stayed relatively constant although wit lower caseloads the overall numbers have continued to decline. The stark reduction in 'backlog' or more than 1 year old cases is indicated in the significant decline in cases closed for reason of immunity

14.17 These figures are encouraging as they indicate the maintenance of a manageable caseload level without leading to an increase in the proportion of cases closed as not expedient as well as maintaining a high level of formal enforcement action. Indeed in terms of numbers the numbers closed for this reason continues to decline.

14.18 Overall Table 2 shows the results of a benchmarking exercise by LB Brent for 10-11 where Haringey performs well in comparison with other London LAs not least in terms of a low backlog and high level of enforcement including prosecution activity.

14.19 If one looks at cases closed as not expedient by ward no clear pattern emerges a ward level. Table 3 looks at this for the years 2009-10 and 2010-11. However what is encouraging is that the number of cases closed for reasons of expediency registers a decline. In addition, there is an increase in case closures as not expedient but referred to other departments who may be better placed to take action. The majority of these referrals were to Development Management, Building Control Private Sector Housing and Frontline Services.

Some examples of cases closed as not expedient

14.21 Reasons for not taking enforcement action where a breach of planning control is confirmed can vary considerably. Although the decision should follow the planning enforcement principles outlined above these can be for a number of reasons:

- Where the breach is minor despite being located in a conservation area.
- Where site redevelopment is of a height in excess of approved plans but no harm results.
- Where there is a breach of planning control but it is part of the re-use of a long vacant site
- Where there is a breach of condition but this is minor and does not go to the heart of the planning permission.
- Rear elevation not in accordance to approved plans but similar to existing adjoining development
- Where a fence is of a height in excess of permitted development rights but is considered not to cause harm

- Tree not protected but in conservation area felled
- Porch height in excess of permitted development but does not cause harm

14.22 These are a variety of cases from around the borough which have been closed in the last 2-3 years

1. UPVC windows inserted in a property within a Conservation Area

14.22 These works did not benefit from permitted development rights as the property had been converted into self-contained flats. Other properties has similar types of UPVC windows and there was evidence that these had replaced previous UPVC windows rather than original timber windows. The degree of harm was considered to be minor and therefore no further action was recommended.

2. Breach of control on long vacant shop site

14.23 A corner shop which had been vacant for a number of years was re-opened in 2010. However the shopfront materials were not in accordance with the Conservation Area Guidance in terms of the materials employed. The signage was in excess of that allowed under the provisions of Class 5 of the Advertisement Regulations and was subject to external illumination. However, further action was not considered appropriate as the use refurbished and brought a long vacant property back into use and resulted in the removal of established and very unsightly roller shutters and satellite dishes.

3. Height of boundary garden fence in excess of permitted development allowance

14.24 A fence some 15cm above the 2m height allowed for boundaries under Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 was considered to not result in any significant harm in terms of overshadowing of the adjoining properties. So no further action was taken. The property was not in a Conservation Area.

4. Porch height slightly above permitted development allowances

14.25 An application for a more substantial brick built enclosed porch was refused and was not built. Instead in its place an open porch with a mixture of materials as built. The porch was 0-.1meter above the 3m allowed for porches under the Part 1 Class D of the permitted development order. This was considered to be a very minor issue from which no harm arose and therefore further action was not recommended.

5. Singe storey rear extension. Parapet walls in excess of approved height

14.26 Planning permission was granted for a single storey rear extension. However the parapet walls were 0.2m in excess of the height stipulated in the approved plans. A site visit confirmed this departure but this no harm in terms of visual appearance or overshadowing was judged to have resulted form this. Accordingly the case was closed.

6. Where the breach of a planning condition is minor

14.27 A premises had gained planning permission for a separate unit to the rear of the main parade in 2009. Complaints were raised and it was found that a condition for a sliding

door was required with details to be submitted. It was considered that an application should be investigated to submit this details as per the planning permission but that any harm that would arise from its non-implementation as being of a minor nature and nothing to do with the principle of the use. Accordingly the case was closed.

7. Where a technical breach with regard to works to a tree does not amount to harm

14.28 A cherry tree had been felled. The tree was not subject to a Tree Preservation Order (TPO) but was situated in a Conservation area. Consequently although no formal application was required the prior approval of the LPA was required before works could be commenced. Planning enforcement liaised with the aboriculturalist who confirmed the tree was dead and of no value. Consequently, no replacement was required and no further action was taken

8. Where there was departure to rear elevation which was largely similar to the existing elevation of the adjoining property

14.29 Planning permission was granted for a rear extension and new fenestration. Although it departs from the approved plans, the adjoining property had a largely similar appearance in terms of fenestration, balcony and railings. This work had benefited from planning permission. Accordingly it was considered that departures were acceptable and therefore no further action was taken.

9. Where the breach of a planning condition is minor

14.30 Re-development of site with the houses built with height at their eaves and ridge approximately 1m in excess of the dimensions stipulated in the approved plans. The breach was confirmed as a result of the site visit but the build was viewed form all possible angles to ascertain what if any harm arose. It was concluded tat the departure did not give rise to demonstrable harm with regard to overshadowing, overlooking or an unacceptable visual appearance. The site being large enough and the instance and juxtaposition with the adjoining properties being such as to accommodate the departures without harm arising.

Conclusions

14.31 In summation, the issue of expediency is applied through various criteria both in general and also on a case by case basis. Similar developments may be more acceptable in some locations than others both in terms of planning policy considerations but also on other matter which may be peculiar to any given site.

14.32 This report recognises the often controversial nature of closing cases for reason of expediency. However it is hoped that the examples given within this report shed light on the judgement applied to these cases and that with the number of cases closed as not expedient continuing to fall, suggests that the Council applies these judgements in a rigorous and consistent way.

Annex 1: the planning contravention notice

Introduction

1.1 Sections 171 C and 171 D of the Town and Country Planning Act 1990, as amended, ("the 1990 Act") provide, respectively, for:

- the local planning authority (LPA) to require information about activities on land by serving a "planning contravention notice"; and
- penalties for non-compliance with a planning contravention notice.

1.2 These provisions are intended to supplement, for planning enforcement purposes, the LPA's more limited powers, in section 330 of the 1990 Act and section 16 of the Local Government (Miscellaneous Provisions) Act 1976, to require information about interests in land. LPAs may still use the earlier versions to require information, if they prefer. These powers to obtain information may also be used when the LPA contemplate making a discontinuance order, under section 102 of the 1990 Act. The planning contravention notice is not available for use in respect of suspected breaches of listed building or conservation area control, hazardous substances control or control of protected trees.

An optional procedure

1.3 Section 171 C(7) of the 1990 Act provides that "the service of a planning contravention notice does not affect any other power exercisable in respect of any breach of planning control". This emphasises the fact that the service of a planning contravention notice is entirely optional. The LPA need not serve a planning contravention notice before considering whether it is expedient to issue an enforcement notice, or to take any other appropriate enforcement action. Service of a planning contravention notice does not constitute "taking enforcement action" as defined in section 171A(2) of the 1990 Act. The recipient of an enforcement notice need not be given the opportunity, provided by section 171C(4), to make personal representations before the LPA decide whether to issue an enforcement notice. Where the LPA already have information they regard as adequate about the activities taking place on land in breach of planning control, and they consider it expedient to initiate any enforcement action, their enforcement decision should not be open to challenge on the ground that it was unreasonable to proceed with enforcement action without first serving a planning contravention notice and considering the recipient's response to it. Nor should a LPA's enforcement decision, when reasonably taken in the circumstances, put the authority at risk of an award of appeal costs against them because they decided not to serve a planning contravention notice.

1.4 A planning contravention notice may only be served when it appears to the LPA that a breach of planning control may have occurred - *R v Teignbridge District Council ex parte Teignmouth Quay Co Ltd* [1995] JPL 828.

1.5 There is no requirement to enter a planning contravention notice in the LPA's register of enforcement notices, stop notices and breach of condition notices. The notice is not a legal charge on the land.

The recipient of a notice

1.6 Section 171C(1) provides that the recipient of a planning contravention notice is to be:

- anyone who is the owner or 'occupier of the land to which the notice relates, or has any other interest in it; or
- anyone who is carrying out operations on the land, or is using it for any purpose.

1.7 When serving planning contravention notices on persons who have an interest in the land, the LPA should try to ensure, so far as practicable, that any known mortgagees of the land are served with the relevant notice. In cases where the owner of the land is a defaulting mortgagor, it may not be possible to locate him or her, and the mortgagee-in-possession will need to be made aware of the situation.

What a notice may require of the recipient

1.8 The LPA may require the recipient of a planning contravention notice to provide any information they want for enforcement purposes about activities on land. Section 171 C(2) describes the information as relating to

> "any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and
>
> any matter relating to the conditions or limitations subject to which any planning permission in respect of the land has been granted."

At this preliminary stage of obtaining information, the LPA need not state their opinion on the "planning unit", or whether the activity to which the notice relates is subordinate or ancillary to some main use of the land.

1.9 Without prejudice to the generality of section 171 C(2), section 171 C(3) specifies in more detail what information a planning contravention notice may require its recipient to give to the LPA, so far as he or she is able to do so. The matters are specified as

> "to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;
>
> to state when any use, operations or activities began;
>
> to give the name and address of any person known to him to use or have used the land for any purpose or to be carrying out, or have carried out, any operations or activities on the land;
>
> to give any information he holds as to any planning permission for any use or operations or any reason for planning permission not being required for any use or operation;

to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land."

The opportunity to make representations in response to the notice

1.10 Section 171 C(4) also enables the LPA to give the recipient of a notice the opportunity to make a constructive response to the matters with which the notice is concerned, and to make any representations about the notice he or she may wish. The purpose of these provisions is to facilitate discussion, between the LPA and the recipient of a notice, about how any suspected breach of control may be remedied. The provisions are intended particularly for use in circumstances where the LPA consider that formal enforcement action could be avoided if the recipient of the notice would agree to apply for a conditional planning permission to regularise the activities taking place on the land; or to cease any operations or activities; or to carry out any remedial works. The opportunity to make representations in person, at a specified time and place, is intended especially for use where the LPA consider that face-to-face discussion with the recipient of the notice could be helpful. Someone who has proved uncooperative in the absence of any requirement to negotiate could be asked to a discussion of the problem.

1.11 The LPA may consider that no useful purpose would be served by face-to-face discussion with the recipient of the notice. If so, the LPA would be justified in using the notice for the limited purpose of obtaining relevant information they require to decide whether to initiate formal enforcement action. There is nothing to prevent the recipient of a planning contravention notice seeking to discuss a suspected breach of planning control with the LPA's development control officers.

The consequences of failing to respond to a notice

1.12 Section 171 C(5) provides that a planning contravention notice must inform the recipient about the likely consequences of failure to respond to the notice (in particular, that formal enforcement action may be taken by the LPA), It must also refer to the effect of the provisions of section 186(5)(b) of the 1990 Act (which are that no financial compensation shall be payable, in consequence of a stop notice, to a claimant who was required to provide information under section 171C, in respect of any loss or damage which could have been avoided if the claimant had provided the information or cooperated when responding to the notice). This warning might best be included as part of the text of a planning contravention notice, as in the model notice appended to this Annex.

1.13 Someone who is served with a planning contravention notice cannot reasonably be expected to provide information he or she do not possess or could not reasonably find out. Any factual information given in reply to a notice will be part of the relevant information the LPA will have to examine in deciding whether a breach of control has occurred; and, if so, what action may be appropriate to deal with it. The information may support a decision that enforcement action is appropriate; or it may reveal a different use or activity from what had been suspected; or it may show that there is no breach of control on the land. If the reply to a notice creates doubt about the use of the land, or any activity taking place on it, a site-inspection will usually be essential to resolve the doubt and ensure that any subsequent enforcement decision is well-founded.

Non-compliance with a planning contravention notice

1.14 Section 171D provides that non-compliance with any requirement of a notice, after 21 days, is an offence. The maximum penalty, on summary conviction, of this offence is "level 3" on the standard scale, currently £1,000, as provided by the Criminal Justice Act 1991. The same penalty applies when there is a continuing failure to provide the required information. It is a defence for anyone charged with this offence to prove that he or she had a reasonable excuse for failing to comply with the requirement of a notice.

False or misleading statements

1.15 It is also an offence if anyone makes any statement purporting to comply with a requirement of a planning contravention notice which is knowingly false or misleading in a material particular; or recklessly makes such a statement which is false or misleading in a material particular. The maximum summary penalty for this offence is "level 5" on the standard scale, currently £5,000, as provided by the Criminal Justice Act 1991.

Cautioning alleged offenders

1.16 When investigating the facts, prior to initiating any proceedings, LPAs should have regard to the provisions of sections 66 and 67(9) of the Police and Criminal Evidence Act 1984 with regard to cautioning alleged offenders.

Model notice

1.17 A model planning contravention notice is appended to this Annex.

Appendix to Annex 1: Model Planning Contravention Notice

Important - This Communication Affects Your Property

Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Planning Contravention Notice

Served by: [name of Council]

To: [Name[s] of those thought to be owner[s] or occupier[s] of land or person[s] having any other interest in it]
[Name[s] of person[s] thought to be responsible for a possible breach of planning control]

1. This Notice is served by the Council because it appears to them that there may have been a breach of planning control, within section 171 A(1) of the above Act, at the land described below. It is served on you as a person who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations in, on, over or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3), so far as you are able, to provide certain information about interest in, and activities on, the land.

2. The Land to Which the Notice Relates

Land at [address or description of land], shown edged red on the attached plan].

3. The Matters Which Appear to Constitute the Breach of Planning Control

[Without planning permission]
[Specify the suspected breach of planning control]
[The failure to comply with a condition or limitation]

4. What You Are Required to Do

Provide in writing, the following information:

(1)

[Specify the information required, having regard to the terms of section 171C(2) and (3)]

(2)

(3)

Time within which the information must be provided: *within twenty-one days*, beginning with the day on which this notice is served on you:

5. Opportunity to Make Representations in Response to Notice

If you wish to make an offer to apply for planning permission, or to refrain from carrying out any operations or activities, or to undertake remedial works; or to make any representations about this notice, the Council, or representatives of the Council, will consider them on [date and time] at [address where the person served with the notice may be heard] where you will be able to make any such offer or representations in person at that time and place.

6. Warning

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence. It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

7. Additional Information

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the 1990 Act, requiring the breach, or any injury to amenity caused by it, to be remedied. [Add any other "likely consequences", in accordance with section 17 I C(5)(a), if appropriate.]

If the Council serve a stop notice, under section 183 of the 1990 Act, section 186(5)(b) of the 1990 Act provides that should you otherwise become entitled (under section 186) to compensation for loss or damage attributable to that notice, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: *[date of notice]*

Signed: *[Council's authorised officer]*

On behalf of:
[Council's name and address]

Department of the Environment PPG18
Welsh Office December 1991

PLANNING POLICY GUIDANCE:

ENFORCING PLANNING CONTROL

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1. New and substantially improved powers to enforce planning control are given to local planning authorities (LPAs) by the Planning and Compensation Act 1991. The enforcement provisions of the Act are based on the main recommendations of the report by Robert Carnwath QC, entitled "Enforcing Planning Control" (HMSO, February 1989). The report also recommended (Recommendation No. 14) that current Ministerial policy guidance about enforcement, in DOE/WO Circulars, should be revised, taking account of the concern expressed about certain aspects of the current guidance. This Note gives revised guidance.

THE NEW ENFORCEMENT RÉGIME

2. The new and improved enforcement powers provided by the 1991 Act are:-

(1) the power to serve a "planning contravention notice" where it appears that there may have been a breach of planning control and the LPA require information about activities on the land, or the nature of the recipient's interest in the land (new section 171C of the Town and Country Planning Act 1990);

(2) the power to serve a "breach of condition notice" where there is failure to comply with any condition or limitation imposed on a grant of planning permission (new section 187A of the 1990 Act);

(3) the ability to seek an injunction, in the High Court, or County Court, to restrain any actual or expected breach of planning control (new section 187B of the 1990 Act);

(4) the power to serve a stop notice to prohibit the use of land as the site for a caravan occupied as a person's only or main residence, and to make a stop notice immediately effective where special reasons justify it (amended sections 183 and 184 of the 1990 Act); and

(5) improved powers of entry on to land for the LPA's authorised officer to obtain information required for enforcement purposes (new sections 196A, 196B and 196C of the 1990 Act).

3. The penalty provisions for enforcement offences have also been revised. The maximum summary penalty on conviction of the offence of contravening the requirements of an effective enforcement notice, or the prohibition in a stop notice, is increased from £2,000 to £20,000. And, when sentencing a convicted person for an enforcement notice or stop notice offence, the Court is to have regard to any financial benefit which has accrued, or appears likely to accrue, to him in consequence of the offence. These exceptional summary maxima are intended to signal clearly how seriously Parliament regards this type of offence. The increased penalties are consistent with Government policy stated in the White Paper entitled "Crime, Justice and Protecting the Public" (Cm 965), published in February 1990. Chapter 5 of the White Paper acknowledges that there is increasing

public concern about activities which damage the quality of people's lives (paragraph 5.8). It states:-

> "If people ignore or flout laws and regulations designed to protect the public from serious harm, they should be properly punished, and the punishment should take account of the resulting profits or savings..."

4. During consideration of the Bill in Parliament, amendments to impose a general duty on LPAs to ensure compliance with planning control were proposed. Although these amendments were not accepted (because the Government considers that enforcement action should remain within the LPA's discretion), the Government's view is that the integrity of the development control process depends on the LPA's readiness to take effective enforcement action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the LPA to intervene before serious harm to amenity results from it. Enactment of the new and improved powers summarised in paragraph 2 gives LPAs a wider choice of available enforcement options. Authorities will therefore need to assess, in each case, which power (or mix of powers) is best suited to dealing with any particular expected, or actual, breach of control, to achieve a satisfactory, lasting and cost-effective remedy. Rapid initiation of enforcement action is usually vital to prevent a breach of control from becoming well established and more difficult to remedy.

THE GENERAL APPROACH TO ENFORCEMENT

5. Nothing in this Note should be taken as condoning a wilful breach of planning law. LPAs have a general discretion to take enforcement action, when they regard it as expedient. They should be guided by the following considerations:-

> (1) Parliament has given LPAs the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative area (the private citizen cannot initiate planning enforcement action);
>
> (2) the Commissioner for Local Administration (the local ombudsman) has held, in a number of investigated cases, that there is "maladministration" if the authority fail to take effective enforcement action which was plainly necessary and has occasionally recommended a compensatory payment to the complainant for the consequent injustice;
>
> (3) in considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest;
>
> (4) enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site); and
>
> (5) where the LPA's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop (LPAs should bear in mind the statutory time limits for taking enforcement action).

WHERE DEVELOPMENT IS CARRIED OUT WITHOUT PERMISSION

6. In assessing the need for enforcement action, LPAs should bear in mind that it is not an offence to carry out development without first obtaining any planning permission required for it. New section 73A of the 1990 Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Accordingly, where the LPA's assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the development that he should at once submit a retrospective planning application (together with the appropriate application fee). It may also be appropriate to consider whether any other public authority (eg the highway or environmental health authority) is better able to take remedial action.

7. While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought. In such circumstances, LPAs should consider using the new "planning contravention notice" to establish what has taken place on the land and persuade the owner or occupier to seek permission for it, if permission is required. The owner or occupier of the land can be told that, without a specific planning permission, he may be at a disadvantage if he subsequently wishes to dispose of his interest in the land and has no evidence of any permission having been granted for development comprising an important part of the valuation. As paragraph 14 of DOE Circular 2/87 (WO 5/87) points out, it will generally be regarded as "unreasonable" for the LPA to issue an enforcement notice, solely to remedy the absence of a valid planning permission, if it is concluded, on an enforcement appeal to the Secretary of State, that there is no significant planning objection to the breach of control alleged in the enforcement notice. Accordingly, LPAs who issue a notice in these circumstances will remain at risk of an award against them of the appellant's costs in the enforcement appeal.

WHERE UNAUTHORISED DEVELOPMENT CAN BE MADE ACCEPTABLE BY THE IMPOSITION OF CONDITIONS

8. A LPA may consider that development has been carried out without the requisite planning permission, but the development could be made acceptable by the imposition of planning conditions (for example, to control the hours, or mode, of operation; or to carry out a landscaping scheme). If so, the authority may invite the owner or occupier of the land to submit an application, and pay the appropriate application fee, voluntarily. It can be pointed out to the person concerned that the authority do not wish the business, or other activity, to cease; but they have a public duty to safeguard amenity by ensuring that development is carried out, or continued, within acceptable limits, having regard to local circumstances and the relevant planning policies. LPAs should bear in mind the need to consult on such applications in the normal way and the possible effect of such development on the functions of statutory undertakers.

9. If, after a formal invitation to do so, the owner or occupier of the land refuses to submit a planning application in these circumstances, the LPA should consider whether to issue an enforcement notice. Section 173(4)(b) of the 1990 Act (as amended by the 1991 Act) provides that one of the purposes for which the LPA may, in an enforcement notice, require remedial steps to be taken is for "removing or alleviating any injury to amenity which has been caused by the breach". For that purpose, section 173(5) of the 1990 Act provides that an enforcement notice may require, among other things, "the carrying out of any building or other operations" (paragraph (b)); or "any activity on the land not to

be carried on except to the extent specified in the notice;" (paragraph (c)). Accordingly, where an owner or occupier of land refuses to submit a planning application which would enable the LPA to grant conditional planning permission, the authority would be justified in issuing an enforcement notice if, in their view, the unauthorised development has resulted in any injury to amenity, or damage to a statutorily designated site, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development. If an enforcement notice is issued to enable the LPA to grant conditional planning permission, they should explain clearly (in their statement of reasons for issuing the notice) what injury to amenity, or damage to the site, has been caused by the unauthorised development and how their conditional grant of permission will effectively remedy it. The owner or occupier will then have no doubt about the purpose of the enforcement action, or what he is required to do in order to remove or alleviate the perceived injury to amenity.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE ON THE SITE BUT RELOCATION IS FEASIBLE

10. It is not the LPA's responsibility to seek out and suggest to the owner or occupier of land on which unauthorised development has taken place an alternative site, to which the activity might be satisfactorily relocated. But if, as part of their economic development functions, the authority are aware of a suitable alternative site, it will usually be helpful to suggest it, and to encourage removal of the unauthorised development to it.

11. If an alternative site has been suggested, the LPA should make it clear to the owner or occupier of the site where unauthorised development has taken place that he is expected to relocate to the alternative site (or some other site he may prefer). The LPA should set a reasonable time-limit within which relocation should be completed. What is reasonable will depend on the particular circumstances, including the nature and extent of the unauthorised development; the time needed to negotiate for, and secure an interest in, the alternative site; and the need to avoid unacceptable disruption during the relocation process. If a timetable for relocation is ignored, it will usually be expedient for the LPA to issue an enforcement notice. In that event, the compliance period in the notice should specify what the LPA regard as a reasonable period to complete the relocation.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE AND RELOCATION IS NOT FEASIBLE

12. Where, in the LPA's view, unacceptable unauthorised development has been carried out, and there is no realistic prospect of its being relocated to a more suitable site, the owner or occupier of the land should be informed that the authority are not prepared to allow the operation or activity to continue at its present level of activity, or (if this is the case) at all. If the development nevertheless provides valued local employment, the owner or occupier should be advised how long the LPA are prepared to allow before the operation or activity must stop, or be reduced to an acceptable level of intensity. If agreement can be reached between the operator and the LPA about the period to be allowed for the operation or activity to cease, or be reduced to an acceptable level, and the person concerned honours the agreement, formal enforcement action may be avoided. But LPAs should be aware of the possibility of intensification of the development after expiry of the statutory period for enforcement action. If no agreement can be reached, the issue of an enforcement notice will usually be justified, allowing a realistic compliance period for the unauthorised operation or activity to cease, or its scale to be acceptably reduced. Any difficulty with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.

WHERE THE UNAUTHORISED DEVELOPMENT IS UNACCEPTABLE AND IMMEDIATE REMEDIAL ACTION IS REQUIRED

13. Where, in the LPA's view, unauthorised development has been carried out and the LPA consider that:-

(1) the breach of control took place in full knowledge that planning permission was needed (whether or not advice to this effect was given by the LPA to the person responsible);

(2) the person responsible for the breach will not submit a planning application for it (despite being advised to do so); and

(3) the breach is causing serious harm to public amenity in the neighbourhood of the site,

the LPA should normally take vigorous enforcement action (including, if appropriate, the service of a stop notice) to remedy the breach urgently, or prevent further serious harm to public amenity.

UNAUTHORISED DEVELOPMENT BY SMALL BUSINESSES OR SELF-EMPLOYED PEOPLE

14. Although some breaches of control are clearly deliberate, the LPA may find that an owner or operator of a small business, or a self-employed person, has carried out unauthorised development in good faith, believing that no planning permission is needed for it. The cost of responding to enforcement action may represent a substantial financial burden on such a small business, or self-employed person. LPAs should consider this in deciding how to handle a particular case.

15. The initial aim should be to explore - in discussion with the owner or operator - whether the business can be allowed to continue operating acceptably on the site at its current level of activity, or perhaps less intensively. The LPA should carefully explain the planning objections to the current operation of the business and, if it is practicable, suggest ways to overcome them. This may result in the grant of a mutually acceptable conditional planning permission, enabling the owner or operator to continue in business at the site without harm to local amenity. If the site's owner or occupier is at first reluctant to negotiate with the LPA, the service of a "planning contravention notice" may help to convey the LPA's determination not to allow the development to go ahead by default.

16. If a mutually satisfactory compromise cannot be reached, and formal enforcement action is essential, the LPA should make their intentions clear, at the outset, to the owner or operator of a small business or a self-employed person. Unless it is urgently needed, formal enforcement action should not come as a "bolt from the blue" to a small business or self-employed person. It should be preceded by informal discussion about possible means of minimising harm to local amenity caused by the business activity; and, if formal action will clearly be needed, by discussion of the possible relocation of the business to another site. As explained in paragraph 10, it is not the LPA's responsibility to take the initiative in finding or providing a suitable alternative site. If formal enforcement action is likely to compel a small business or self-employed person to relocate their trading activities, the LPA should aim to agree on a timetable for relocation which will minimise disruption to the business and, if possible, avoid any permanent loss of employment as a result of the relocation. Once an enforcement notice has taken effect, LPAs should bear in mind that, where the circumstances justify it, new section 173A of the 1990 Act enables them to withdraw the notice; or to waive or relax any requirement in it, including the compliance period. A reasonable compliance period, or an extension of the initial period, may make the difference between enabling a small

business or self-employed person to continue operating, or compelling them to cease trading.

17. The Government remains committed to fostering business enterprise, provided that the necessary development can take place without unacceptable harm to local amenity. LPAs should bear this in mind when considering how best to deal with unauthorised development by small businesses. Nevertheless, effective enforcement action is likely to be the only appropriate remedy if the business activity is causing irreparable harm.

UNAUTHORISED DEVELOPMENT BY PRIVATE HOUSEHOLDERS

18. When they are considering the possibility of enforcement action involving unauthorised development by a private householder, LPAs should bear in mind that independent professional advice about whether planning permission was needed for the development may sometimes not have been readily available, or affordable. This is particularly true where the householder may have relied on "permitted development" rights in the General Development Order (the GDO) as authorisation for the development, but a specified limitation has been exceeded in carrying it out. In these circumstances it is inappropriate to initiate a prosecution of a householder, under new section 187A(9) of the 1990 Act (prosecution for the offence of failure to secure compliance with the limitation imposed on a grant of planning permission by virtue of the GDO), unless the breach of condition notice served on the householder includes a full explanation of the allegedly unauthorised development and he has failed to take satisfactory steps to regularise it, despite being allowed adequate time to do so. In considering whether it is expedient to take enforcement action against development carried out in excess of the permission granted by the GDO, the LPA should have full regard to what would have been permitted if the development had been carried out in strict accordance with the relevant provisions. LPAs should not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the GDO provisions.

ENFORCEMENT OF PLANNING CONTROL OVER MINERAL WORKING

19. Minerals planning control is well established as part of the general planning system and there are no separate enforcement powers for unauthorised minerals working. The general policies and principles applicable to enforcement apply equally to minerals cases. Nevertheless, unauthorised minerals working sometimes poses particular enforcement problems, both in terms of the occasionally irremediable nature of the working and the speed at which damage can be caused. Certain of the new powers in the 1991 Act should therefore be helpful to mineral planning authorities (MPAs), to prevent damage which would otherwise be virtually or totally irremediable, either to the site itself or to its surroundings.

20. It is clearly preferable for effective liaison and contacts between MPAs and minerals operators to be sufficiently good for contraventions of planning conditions to be avoided, and for any problems to be resolved through discussion and co-operation. In cases where formal enforcement proceedings are necessary, it is important to ensure that action is taken quickly. MPAs need to be able to stop an unauthorised activity as soon as it is detected. Examples are where a mineral operator is moving soil materials in contravention of clear planning conditions, so as to jeopardise the restoration and aftercare of the site; or where unauthorised excavation outside the permitted boundary causes irremediable damage, or endangers the safety and stability of the surrounding land. Section 183 of the 1990 Act (as amended by section 9 of the 1991 Act) enables a stop notice to be served at the same time as the copy of an enforcement notice; and section 184(3) (as amended) now enables a stop notice to take effect before the expiry of 3 days, or immediately, where special reasons justify it - for example to prevent irremediable damage. The planning injunction provisions of section 187B are also

available in respect of unauthorised minerals development.

21. Further guidance on any more detailed aspects of enforcement of planning control over mineral working will be included, where necessary, in revisions to the relevant Minerals Planning Guidance Notes (MPGs).

THE ORGANISATION OF THEIR ENFORCEMENT FUNCTIONS BY LPAS

22. How LPAs organise the administrative function of enforcing planning control is for each authority to decide. The organisation should correspond to the volume and complexity of enforcement casework in each LPA's area and be sufficiently flexible to adapt to short-term increases in the demand for enforcement. All authorities should ensure that there is a close and co-operative working relationship between the Planning Department and the Solicitor's (or Secretary's or Chief Executive's) Department. Without such an effective working relationship, formal enforcement action (which depends for its success upon speed of assessment and process) may be hampered by poor communications and misunderstandings. Public criticism is then likely, especially if statutory time-limits for taking enforcement action are allowed to expire because of administrative delay. Unless they have done so recently, all LPAs are recommended to carry out a thorough review of the effectiveness of their procedural arrangements for planning enforcement; and, where necessary, to introduce revised arrangements.

23. When complaints about alleged breaches of planning control are received from parish or community councils, or members of the public, they should always be properly recorded and investigated. If the LPA decide to exercise their discretion not to take formal enforcement action, following a complaint, they should be prepared to explain their reasons to any organisation or person who has asked for an alleged breach of control to be investigated.

CANCELLATION OF ADVICE

24. The following PPGs are cancelled:-
PPG 1 (January 1988) - paragraphs 30 and 31;
PPG 4 (January 1988) - paragraph 19.
Paragraphs 15 and 16 of, and Annex B to, DOE Circular 22/80 (WO 40/80) are also cancelled.

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Guiding principles

Planning enforcement follows three guiding principles. These are expediency, proportionality and consistency.

Expediency

In deciding whether it is appropriate to take enforcement action the degree of harm that the unauthorised development is causing, or is likely to cause will be carefully considered.

Harm can arise through a range of factors, for example:

- Noise nuisance or disturbance from a business operation
- Danger and disturbance due to significantly increased traffic flows
- Loss of privacy or overshadowing and loss of natural light
- Adverse impact on visual amenity due to poor design or inappropriate materials
- Loss of protected trees or loss or damage to protected buildings and buildings in a conservation area
- Risk of pollution that affects people or the natural environment
- Developments that undermine the purpose and credibility of adopted national and local planning policies
- Untidy land and run down or derelict buildings that present a very poor quality urban environment and prejudice community safety

Harm does not include

- Competition caused to another business
- Loss of an individual's view or trespass onto their land
- Loss of value to a neighbouring property

Proportionality

Where enforcement action is taken it should be proportionate to the seriousness of the harm being caused. For example:

- Restricting hours of working or settling noise limits on a business activity that is otherwise acceptable but is giving rise to disturbance at certain times of day rather than seeking to prevent the operation altogether
- Requiring the removal of a window or insertion of obscured glazing in a house extension when overlooking is a problem, rather than requiring the whole extension to be removed

Consistency

This means taking a similar approach to similar circumstances to achieve similar outcomes. It does not imply uniformity; rather a full and proper consideration of all the circumstances of a case, guided by the council's adopted policies and priorities, to establish what reasonable and adequate requirements to remedy a breach. We will promote consistency by:

- Liaising across the council's various services that have enforcement responsibilities and by links with other planning authorities, both locally and in those cities facing similar planning issues
- Following the advice contained within government guidance on legal, procedures, planning policy and good practice
- Keeping up to date with ministerial statements, reported appeal decisions and court judgements

Planning Enforcement
6th Floor, River Park House, Wood Green, London, N22 8HQ
Tel: 020 8489 0000 **Fax:** 0208 489 5220
www.haringey.gov.uk

Director of Urban Place & Sustainability Lyn Garner

Haringey Council

Your ref:
Date: TODAYS DATE
Our ref: ADV/2003/00342
Direct dial: 0208 489
Email:

FOR A LARGE PRINT COPY PLEASE TELEPHONE 0208 489 8236

INSERT RELEVANT LEGISLATION HERE

Dear

Re: 224 Muswell Hill Broadway N10 3SH

Reference Number: ADV/2003/00342

I refer to your enquiry concerning ADD ALLEGED BREACH HERE at the above address.

Having undertaken a thorough background check and site visit, I can confirm that a breach of planning control has occurred. A breach of planning control is not a criminal offence and the Planning Acts allow a Council discretion not to take enforcement action, having regard to all of the relevant considerations.

The Council uses its discretion in line with Central Government Guidance under Planning Policy Guidance (PPG) 18 and DoE Circular 10/97, which suggests that action should be in proportion with the degree of harm that can be demonstrated due to this breach of control. Factors that constitute harm could be visual impact, change of character, privacy and/or overbearing, daylight and sunlight, odour, noise generation and access and traffic issues, precedent as well as the age of the breach.

However in this instance the breach is considered to be of a minor nature for which formal enforcement action is considered to be expedient. Accordingly the Council is taking no further action and is recommending that this case be closed.

However, this matter is being referred to the Council's ADD DEPARTMENTS as they may well be able to assist in this matter ADD CONTACT DETAILS.

If you require further information please do not hesitate to contact me on 0208 489 .

Yours sincerely,

Planning Enforcement Officer

Planning Enforcement

Our services

The Planning Enforcement Team deals with complaints about unauthorised development and changes of use. This includes where:

- building work is carried out without permission (if permission is needed);
- planning conditions are not kept to;
- the use of a building or site is changed without planning permission;
- some types of advertisements are displayed without permission;
- walls and buildings in conservation areas are demolished without permission; and
- trees and hedges that are protected by tree preservation orders are cut back or cut down.

It is important to remember that, in most cases of unauthorised developments and changes of use, a criminal offence has not been committed until we have taken formal enforcement action and the person concerned has not kept to the requirements we have set.

Our promise

If you have made a complaint or reported something to us

- We will let you know we have received your complaint within three working days of receiving it.
- We will investigate all complaints by looking at the site and planning history, and carrying out a site inspection. If there are planning enforcement issues, we will try to settle any disputes by coming to an agreement and without taking formal action, unless the matter is causing significant harm. If we need to take formal enforcement action, this may eventually result in the person concerned being prosecuted.
- We will contact you within five days of visiting the site to tell you what the next steps are.
- We will contact you within eight weeks to tell you whether we will take formal enforcement action or invite a planning application, or give you reasons for why we are closing the case.
- If we have issued an Enforcement Notice, we will tell you what the notice says and the date by which we expect a response. When the period set out in the notice has ended, we will check the site and let you know if the conditions have been met.
- We will contact you when the case is closed, explaining why.
- If appropriate, we will provide a service outside of office hours. Please see the ‘Enforcement Response Service’ service standards for more details.
- Cases are dealt with according to the following timescales.

Planning Enforcement

- **Urgent:** This includes work that has been carried out to protected trees or listed buildings without permission. We will visit within 24 hours of receiving the complaint, or sooner if appropriate.
- **Priority 1:** Other serious complaints, including demolition in conservation areas. We will visit within three working days.
- **Priority 2:** All other complaints, such as extensions to buildings and unauthorised changes in the use of a building. We will visit within 10 working days.
- **Priority 3:** Minor complaints where planning rules may not have been kept to, such as minor alterations to the outside of a building, or other minor developments. We will visit within 15 working days.

We will not do the following.

- We will not consider taking formal enforcement action without first considering all the relevant planning circumstances of each case. We must investigate all complaints very carefully and allow enough time for the person concerned to carry out our instructions or appeal against our assessment.
- We cannot take enforcement action if the person has specific planning permission, or does not need planning permission, to carry out the work or change how a building is used. You can find more information on planning permission that has been granted, and the types of work that need planning permission, on our website at www.haringey.gov.uk/planning-mainpage.htm.
- We cannot take enforcement action against unauthorised developments that have been in place for four or more years, as these are considered to be ‘established’.
- We cannot take enforcement action against unauthorised ‘changes of use’ that have existed for a continuous period of over 10 years, as these are considered to be ‘established’.
- We cannot take enforcement action against things which do not fall within planning laws. These include the following.
    - Civil matters, such as blocking a private right of way, or a neighbour’s building or fence built on your land. The website www.adviceguide.org.uk provides information and advice about the legal system.
    - Work inside a property (for more information, please see the ‘Building Control’ or ‘Maintaining Housing Standards’ service standards if it is about a property in which several different households live).
    - Pollution and noise control (for more information, please see the ‘Enforcement Response Service’ and ‘Health and Safety’ service standards).
    - We may decide not to take enforcement action against all minor cases where planning rules have not been kept to.

Planning Enforcement

How you can help us

- Let us know as soon as possible about your complaint, providing written evidence and photographs, and witnesses if appropriate.
- Give us your name and contact details.
- We welcome your views about our service. Please tell us how you think we can improve.

Find out more

For more information on what enforcement action we can take, please see our information sheet 'Planning Enforcement: Enforcement Powers'.

Phone: 020 8489 5508 or 020 8489 8236
Emergencies out of office hours: 020 8348 3148 (between 5pm and 8.45am)

E-mail: planning.enforcement@haringey.gov.uk

Address: Planning Enforcement
Enforcement
Frontline Services
Haringey Council
639 High Road
London
N17 8BD

You can find more information and advice about planning enforcement on our website at www.haringey.gov.uk/planning_enforcement. You can also read planning enforcement complaints from the last eight weeks.

Crystal Mark 17327
Clarity approved by

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A guide to Planning Enforcement

February 2009

www.haringey.gov.uk

Haringey Council

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Introduction

Our services

The Planning Enforcement team deals with complaints about unauthorised development and changes of use. This includes where:

- building work is carried out without permission (if permission is needed).
- planning conditions are not kept to.
- the use of a building or site is changed without planning permission.
- some types of advertisements are displayed without permission.
- walls and buildings in conservation areas are demolished without permission.
- trees and hedges that are protected by tree preservation orders are cut back or cut down.

In most cases of unauthorised developments and changes of use, a criminal offence has not been committed until we have taken formal enforcement action and the person concerned has not kept to the requirements we have set.

Our promise

- We will let you know we have received your complaint within three working days of receiving it.
- We will investigate all complaints by looking at the site and planning history, and carrying out a site inspection. If there are planning enforcement issues, we will try to settle any disputes by coming to an agreement and without taking formal action, unless the matter is causing significant harm. If we need to take formal enforcement action, this may eventually result in the person concerned being prosecuted.
- We will contact you within five days of visiting the site to tell you what the next steps are.
- We will contact you within eight weeks to tell you whether we will take formal enforcement action or invite a planning application, or give you reasons for why we are closing the case.
- If we have issued an Enforcement Notice, we will tell you what the notice says and the date by which we expect a response. When the period set out in the notice has ended,

we will check the site and let you know if the conditions have been met.
- We will contact you when the case is closed, explaining why.
- If appropriate, we will provide a service outside of office hours.

Cases are dealt with according to the following timescales:

- **Urgent:** This includes work that has been carried out to protected trees or listed buildings without permission. We will visit within 24 hours of receiving the complaint, or where works are causing a nuisance we will respond within one hour.
- **Priority 1:** Other serious complaints, including demolition in conservation areas. We will visit within three working days.
- **Priority 2:** All other complaints, such as extensions to buildings and unauthorised changes in the use of a building. We will visit within 10 working days.
- **Priority 3:** Minor complaints, such as minor alterations to the outside of a building, or other minor developments. We will visit within 15 working days.

We will not do the following:

- Consider taking formal enforcement action without first considering all the relevant planning circumstances of each case. We must investigate all complaints very carefully and allow enough time for the person concerned to carry out our instructions or appeal against our assessment.

We cannot do the following:

- Take enforcement action if the person has specific planning permission, or does not need planning permission, to carry out the work or change how a building is used. You can find more information on planning permission that has been granted, and the types of work that need planning permission, on our website at **www.haringey.gov.uk/planning-mainpage.htm**
- Take enforcement action against unauthorised developments that have been in place for four or more years, as these are considered to be 'established'.

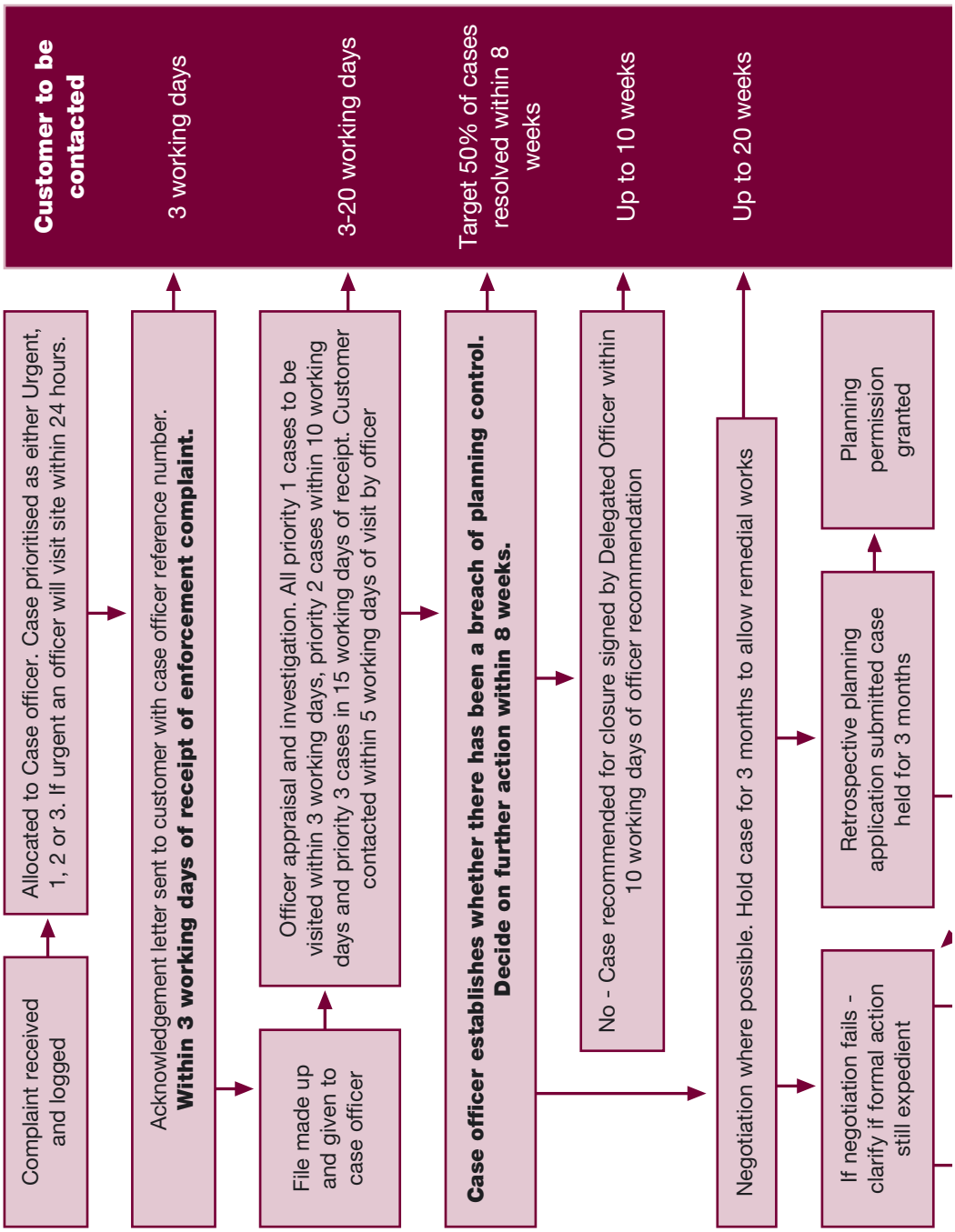
- Take enforcement action against unauthorised ‘changes of use’ that have existed for a continuous period of over 10 years, as these are considered to be ‘established’.
- Take enforcement action against things which do not fall within planning laws. These include the following:
  Civil matters, such as blocking a private right of way, or a neighbour’s building or fence built on your land. The website **www.adviceguide.org.uk** provides information and advice about the legal system.
  Work inside a property. For more information, please contact Building Control or Housing and Health.
  Pollution and noise control. For more information, please contact the Enforcement Response service and Health and Safety team.
  We may decide not to take enforcement action against minor alterations causing minimal impact.

Our procedure

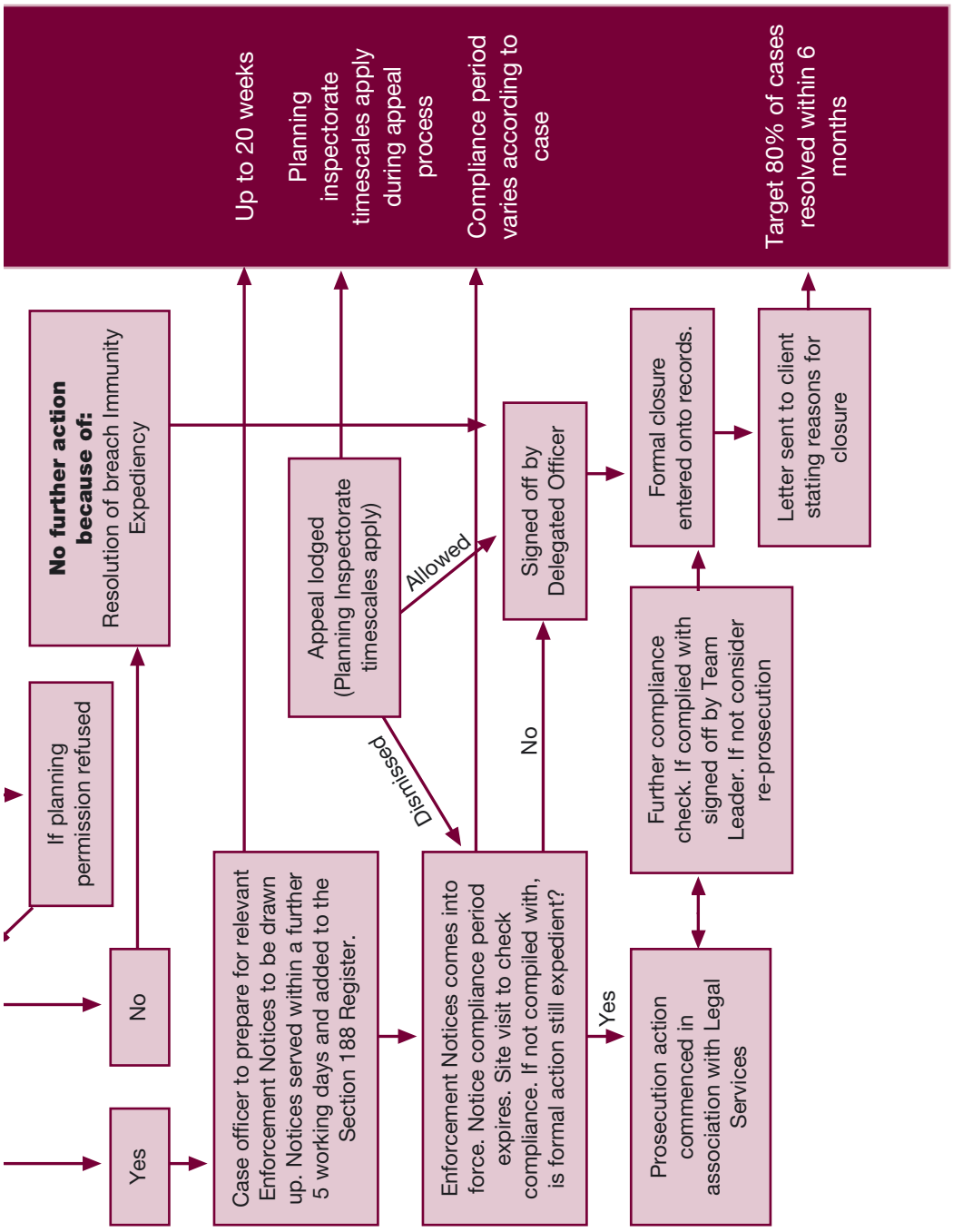
The planning enforcement procedure is often a lengthy process and we understand that customers would like to know what is happening during the process. Within 8 weeks of receipt of any case, investigations should be sufficient to make a decision establishing whether a breach of planning control has occurred and what future action, if any, is required.

On the next 2 pages you will find a flowchart which gives more information about what is done and when you can expect to hear from us.

Planning Enforcement procedure for



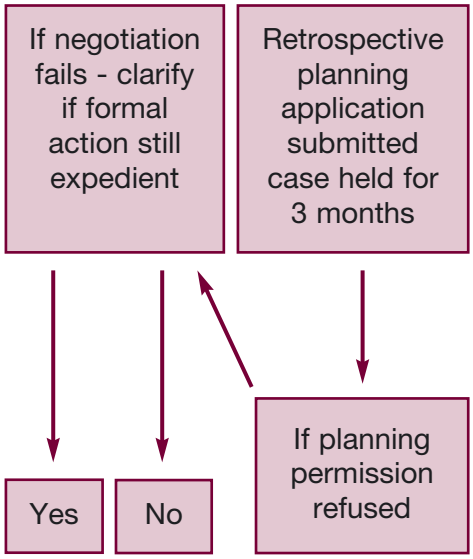
London Borough of Haringey



Negotiation Process

Further information on the negotiation stage of the flowchart

The diagram below is a magnification of the part of the flow chart which requires further explanation. It illustrates the cycle where further action is expedient, but other avenues are considered more appropriate than to go straight to formal enforcement action.



Submission of a retrospective planning application

Where the breach can be corrected through granting of planning permission and controlled by conditions attached to it, we will invite submission of a planning application. This invitation is not appropriate for minor breaches of planning control - these will be considered not expedient to pursue.

Some instances when a retrospective planning application may be appropriate are:

- Certain uses which require controls e.g. permitted hours, flue extraction and noise disturbance.
- Operational development that exceeds approved plans or permitted development rights.
- Breaches of permitted hours where other users are operating in the neighbouring area and where it is considered not harmful to residents of adjoining properties.

Negotiation

Where remedial action appears to be possible within a reasonable timescale we will consider negotiation. We aim to go through a negotiation period before taking any formal action The negotiations aim to achieve one or more of the following outcomes:

- To comply with permitted hours.
- To undertake work to comply with the planning permission granted/fall within permitted development rights.
- To remove any obstacles allowing remedial works to be undertaken.
- To cease an unauthorised use.

Negotiation would not be appropriate where significant and sustained harm is arising in the surrounding area. In these circumstances, formal enforcement action is the most appropriate action.

Please note

For retrospective planning applications and negotiations the input of Development Management, Conservation and Urban Design, Building Control and other relevant service providers will usually be necessary.

The time for negotiation is a maximum of 3 months from when the officer has established the next course of action, allowing for the determination of most planning applications and/or for remedial works to be undertaken. This timetable should not be exceeded except when there is exceptional circumstances.

Enforcement Powers

Listed below are a series of notices and other actions which can be imposed by the Planning Enforcement service.

Enforcement Notices can be served on unauthorised development where the development can be remedied by alteration, complete demolition or the unauthorised use to cease. For these notices there is a right of appeal to the Planning Inspectorate.

Breach of Condition Notices require compliance of a condition attached to a planning permission already granted. These notices are suitable for specific breaches of planning control and need to be corrected within a specified deadline. There is no right of appeal for these notices.

Stop Notices would normally only be served in a small number of cases where the unauthorised development is considered to be so harmful that the outcome of the enforcement process could not be waited for. These must be served together with an Enforcement Notice. There is no right of appeal for these notices.

Temporary Stop Notices are served where significant and harmful unauthorised development has occurred and need to be stopped temporarily (for up to 28 days). This allows time for negotiation between the Council and offending parties. There is no right of appeal for these notices.

Section 215 Notices can be served on any interested party where land or building(s) have become untidy and are adversely affecting the amenity of the area. There is a right of appeal to the Magistrate's Court for these notices.

Planning Contravention Notices can be served on any known interested party where it is expected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control and limitations to any planning permission granted on the land. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

S330 Notices require information from any occupier of land asking what his interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

Other actions which can be taken by the Planning Enforcement:

Most breaches of planning control are not criminal offences until formal enforcement action has been taken and not complied with. We cannot take enforcement action if the works or change of use have planning permission **or** do not need planning permission.

More information on planning permissions that have been granted and the types of works that need planning permission can be found on the Haringey website: **www.haringey.gov.uk/planning-mainpage.htm**

Prosecutions: can be undertaken by the Council in incidences such as unauthorised works to listed buildings, protected trees, some advertisement displays and complete demolition in conservation areas, as well as non-compliance with the notices listed.

Direct Action: can be used as an effective alternative to prosecution so that the Council can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice.

Injunctive Action: is used where a breach of planning control is very severe, or there is a threat of it becoming severe, which can be halted by the successful application to the High Court for an Injunction. This is normally considered as a last resort.

Cases: Questions and Answers

Please find below a list of frequently asked questions

Can we take enforcement action on internal works to a house or flat?
Internal works may be a breach of planning control if the building is converted into a greater number of units than what was there prior to the works commencing.

When can we take enforcement action on operational development to a house?
A property may not require planning permission following all works past and current if:

- The total ground area covered by the building is not more than 50% of the total land excluding the house.
- It is single storey, cannot be more than 4 metres in height and 3 metres in depth from the original wall (4 metres for a detached house).
- It is more than one storey cannot be more than 3 metres in depth from the original wall.
- It is a single storey extension to the side of property (Please note: Only single storey rear extensions are permitted in conservation areas).
- It is a raised platform which is not more than 300mm in height.

Buildings in gardens which do not exceed more than 50% of the land excluding the house may not require planning permission if they are not:

- In front of the house.
- More than 1 storey or more than 4 metres in height.

Please note: further restrictions may apply.

What walls are permitted by planning legislation?
Walls including any means of enclosure which do not require planning permission include:

- Up to one metre in height or the height of what is replaced if it is a boundary adjoining a highway.
- Up to two metres in any other case

When can people use their home as a place of employment?
Works may not require planning permission if:
The main use of the house is as a dwelling and the use of a room as an office or for administrative duties is additional.

When can we enforce on the replacement of doors and windows and other external alterations?
These normally do not require planning permission. However, within conservation areas and for listed buildings, planning or listed building consent is often required.

What action can be taken on the erection of satellite dishes?
Planning permission is not usually required for the erection of up to 2 satellite dishes on a house or building up to 15 metres in height. They cannot be attached to a wall, chimney stack or roof slope facing onto and visible from a road within a designated Conservation area. On buildings over 15 metres in height you are usually allowed to erect up to four satellite dishes. However, this requires that the satellite dishes are for the building as a whole and not individual flats, provided they are not attached to a wall, chimney stack or roof slope facing onto and visible from a road within a designated Conservation area.

What permission is needed for alterations to flats, maisonettes and live/work units?
It is important to be aware that these do not enjoy permitted development rights and accordingly all but the most minor additions would require planning permission. Residences (flats) above commercial units (shops) have no permitted development rights and means of access, such as external stairs, would require planning permission. These are often unacceptable as they tend to be unsightly and/or give rise to adverse privacy issues to occupiers of neighbouring properties.

What alterations to shop fronts require permission?
Most external alterations to a shop front, erection of non-retractable canopies and associated signage require express consent.

When can we take enforcement action on hours of operation?
Where planning permission is subject to a condition limiting hours of operation, activity outside of these hours can be subject to enforcement action. Please note that these conditions are separate from those imposed by other services. Therefore these cases usually require liaison with Licensing, Enforcement Response Service and Commercial Environmental Health.

What action can be taken on commercial premises turned into social clubs?
Planning policy restrictions may apply in certain areas to protect existing retail uses. Unauthorised changes of use to private social clubs are usually enforced, even if the use is allowed on appeal conditions. These include controlled hours of operation or restricting the permission to a personal permission. These types of cases usually require liaison with other service providers such as Licensing, Enforcement Response Service and Commercial Environmental Health.

When might enforcement action be taken on change of use to a place of worship?
A significant number of cases involve units within industrial and employment areas being occupied by religious organisations. Whilst planning policy does provide for such community uses, planning policy also resists the concentration of these within designated employment areas as this can lead to a loss of employment land. Such unauthorised uses within these locations are usually enforced.

Feedback

How you can give us feedback about our services?

You can give us feedback, including complaints, compliments, WOW nominations or suggestions in all of these ways:
• Email • By phone • Letter
• Face to face • Web • By fax

Email: **frontline@haringey.gov.uk**
Address: **Urban Environment Feedback Team, Haringey Council, 639 High Road, London N17 8BD**

Telephone: **0208 489 1335**

Find out more
For more information on what enforcement action we can take, please call:
020 8489 5508 or **020 8489 5551**

For urgent responses during office hours please call **0208 489 1284**

Emergencies out of office hours:
020 8348 3148 (between 5pm and 8.45am)

E-mail: **planning.enforcement @haringey.gov.uk**

Address: **Planning Enforcement, Enforcement, Frontline Services Haringey Council, 639 High Road, London N17 8BD**

You can find more information and advice about planning enforcement on our website at **www.haringey.gov.uk/ planning_enforcement.** You can also read planning enforcement complaints from the last eight weeks.

Glossary of Terms

Breach of planning control:
Where any development or use occurs which has not been authorised by planning permission or allowed by the provisions of a Central Government Order.

Civil matters:
Non-planning matters often impacting on residents e.g. boundary disputes.

Conditions:
Limitations attached to planning permission granted limiting the scope of its authorisation.

Formal enforcement action:
The service of an Enforcement Notice which identifies the breach of planning, the steps required to overcome this breach and a timescale for undertaking the required work. Non compliance with this Notice is a criminal offence.

Internal works:
Works not affecting a buildings exterior.

Negotiation:
An alternative to formal action where remedial action may be undertaken voluntarily.

Office hours:
Normally considered to be 0800-1800 Monday to Friday.

Operational development:
Development involving building, mining or engineering works and excludes development involving only a material change of use.

Remedial action:
Steps undertaken to ensure that the breach ceases.

Site history:
Any previous history on a site, important in deciding whether a breach has occurred and what future action to take.

Tree Preservation Order:
A protective measure conferred to protect identified trees requiring works to be authorised and enabling enforcement to be taken against unauthorised works.

Unauthorised development:
Please see breach of planning control.

Unauthorised change of use:
Please see breach of planning control.

Shqip

Kjo fletushkë ofron informacion mbi procedurën e Zbatimit të Planifikimit të Këshillit të Haringejit dhe si të përgjigjeni ndaj ankesave mbi ndërtimet e paautorizuara dhe ndryshimeve të përdorimit të pronës. Nëse e doni një kopje në gjuhën tuaj, ju lutem shënjoni ✓ kutinë, plotësoni emrin dhe adresën tuaj dhe dërgojeni tek adresa e mëposhtme me postim falas.

Polski

Broszura zawiera informacje na temat procedury dotyczącej egzekwowania przepisów budowlanych w Haringey oraz skarg w sprawie nieautoryzowanej rozbudowy i zmiany używalności lokalu. Aby otrzymać jej kopię w języku polskim należy zaznaczyć okienko, wpisać nazwisko i adres oraz przesłać formularz na podany bezpłatny adres.

Français

Ce livret fournit des informations sur la procédure de mise en oeuvre de la planification du Conseil municipal de Haringey et comment répondre aux réclamations sur les travaux non-autorisés et les changements d'utilisation d'une propriété. Pour en recevoir un exemplaire dans votre langue, veuillez cocher la case, compléter votre nom et adresse et le renvoyer à l'adresse en port payé ci-dessous.

Soomaali

Buugyarahni wuxuu ku siinayaa macluumaad ku saabsan Nidaamka fulinta Qorshaynta ee Kawnsalka Haringey iyo sida loogu jawaabo cabashooyinka ku saabsan dhisitaanka iyo waxkabeddelidda lagu sameeyo guryaha ee aan la oggolaan. Haddii aad rabto koobbi ku qoran luqaddaada,fadlan calaamadi sanduuqa, buuxi sanduuqa oo ku soo dir cinwaanka kharashkiisii boosta la bixiyay ee hoose.

Kurdî Kurmancî

Ev belavok li ser prosedura Bicîhkirina Plansazîyê ya şaredarîya Haringey û ku gilîyên li ser avakirin û guhertinên bê destûr ên bikaranîna milkekî çawa bersîv bikin, agahîyê dide. Heke hun kopîyeke wê bi zimanê xwe dixwazin, ji kerema xwe qutîkê işaret bikin, nav û navnîşana xwe binivîsin û ji navnîşana posta bêpere ya jêrîn re bişînin.

Türkçe

Bu kitapcık Haringey Belediyesi'nin Planlama Uygulama prosedürü ve binayı izinsiz geliştirme ve kullanma şeklini değiştirme şikayetine nasıl cevap verileceği hakkında bilgi sağlamaktadır. Kendi dilinizde bir kopyasını istiyorsanız lütfen kutuya tik atın, adınızı ve adresinizi yazın ve aşağıda yazılı olan ücretsiz posta adresine gönderin.

Please tell us if you would like a copy of this booklet in another language that is not listed above or in any of the following formats, and send the form to the Freepost address below.

☐ In large print ☐ On audio tape ☐ In Braille ☐

☐ In another language, please state:

Name: Tel:

Address:

Email:

Please return to: Freepost RLXS-XZGT-UGRJ, Haringey Council,
Translation and Interpretation Services, 8th Floor, River Park House, 225 High Road, London N22 8HQ

Haringey Council offers this translating and interpreting service to Haringey residents. We can translate this document into one language per resident ONLY.

A guide to planning enforcement

recycle One tonne of recycled paper saves 17 trees, 32,000 litres of water, and enough electricity to heat an average house for 6 months

Published by Haringey Council's Communications Unit 21331 • 02/2009

Table 2 Benchmarking Results for 2010-11 (Courtesy of LB Brent)

	Breakdown of Staff				Number of Backlog cases (approx)	Statistics for 1st April 10 to 31st March 11.				
Authority	Qualified Town Planners	Site Inspectors	Admin	Total		No of complaints received	No of notices Issued	No of EN prosecution convictions obtained	No.Direct Actions carried out	No of Advert Prosecutions convictions obtained
Brent	5	0	1	6	500	930	169	17	30	25
Westminster	10	4 (2 of which are TP's)	3 .5	17	3400 cases under investigation	2300	156 and 154 PCNs	0	0	2
Ealing	4	1	1	6	1600	832	93	1 (15 outstanding)	0	0
Haringey	4	0	0	4	83	805	65	24	1	0
Bexley	1	3.5	1	5.5	243	704	24 (EN) 47(PCN) 3 (BCN) 1(TSN)	6	0	0 (1 for TPO)
Richmond	4	0	1.5	5.5	344	643	79	7	0	0
Tower Hamlets	4	0	0	4	533	756	60	7	11	2
Sutton	1	1.5	0	2.5	168	342	8	3	0	0
Newham	6	1	1	8	600	1596	175 (+50 PCN, 4 Stop, 12 Temp Stop)	~ 5 (in excess of 30 cases with legal team awaiting action as of 31 March 2011)	~ 50	1
Hounslow	3		1	4	857	653	28	3	0	0
Islington	4	1	0.25	5.25	550	653 Closed 651 in same period	69	0	6 (not incl est ads)	0

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Table 3 Breakdown of Case Closures by Ward 2009-2011

Complaints Closed By Reason : West of Borough : 2009-2010

	Alexandra	Crouch End	Fortis Green	Highgate	Hornsey	Muswell Hill	Stroud Green
Appeal Allowed	0	0	0	1	0	0	0
CCPD	0	0	0	0	0	0	0
Development remediated	3	16	3	12	8	13	2
Immune after 10 years	0	0	0	0	1	1	0
Immune after 4 years	0	1	2	2	1	1	3
No breach has occurred	16	28	13	29	9	13	17
Not a planning matter	1	1	2	1	4	5	0
Not expediant to planning-referred to relevant department	2	4	2	0	0	1	3
Not expediant to take action	10	12	12	14	7	9	7
Notice complied with	1	1	0	0	0	0	2
Notice complied with - Cautioned	0	0	0	0	0	1	0
Permitted within use class order	0	0	0	0	0	0	0
Planning application approved	1	2	3	1	0	2	3
Prosecuted and Notice complied with	0	2	1	0	0	0	1
Use caseed	1	0	0	0	0	0	0
Within permitted development rights	10	8	2	1	5	9	1
TOTAL	45	75	40	61	35	55	39

Complaints Closed By Reason : West of Borough : 2010-2011

	Alexandra	Crouch End	Fortis Green	Highgate	Hornsey	Muswell Hill	Stroud Green
Appeal Allowed	0	0	0	0	0	0	0
CCPD	0	0	0	0	0	0	0
Development remediated	0	2	6	7	3	5	1
Immune after 10 years	0	0	0	0	0	0	0
Immune after 4 years	5	1	1	3	3	2	1
No breach has occurred	14	28	17	42	23	21	15
Not a planning matter	0	2	0	3	3	4	1
Not expediant to planning-referred to relevant department	1	0	0	0	1	3	2
Not expediant to take action	1	16	8	6	6	5	8
Notice complied with	1	0	0	1	0	0	0
Notice complied with - Cautioned	0	0	0	0	0	0	1
Permitted within use class order	0	0	0	1	0	1	0
Planning application approved	3	3	0	0	1	1	1
Prosecuted and Notice complied with	0	0	0	0	0	0	0
Use caseed	3	0	0	0	0	0	0
Within permitted development rights	1	3	2	3	4	5	4
TOTAL	29	55	34	66	44	47	34

Complaints Closed By Reason : East of Borough : 2009-2010

	Bounds	Bruce Gro	Harringay	Noel Par	Northum	Seven	St Anns	Tottenhan	Tottenhan	West Gree	White Har	Woodsid
Appeal Allowed	3	1	1	0	1	0	1	1	1	1	0	1
CCPD	0	0	0	0	0	0	0	0	0	0	0	0
Development remediated	8	0	8	7	1	2	5	3	0	1	2	5
Immune after 10 years	0	0	2	0	0	0	0	1	0	0	1	0
Immune after 4 years	48	2	10	6	2	1	4	4	1	2	13	6
No breach has occurred	12	8	53	16	10	16	22	14	7	11	17	18
Not a planning matter	2	0	2	0	0	3	1	0	0	2	3	0
Not expediant to planning-referred to	2	2	1	6	1	2	0	0	1	1	5	2
Not expediant to take action	11	11	12	19	4	11	4	7	0	5	21	5
Notice complied with	6	1	4	2	0	0	1	4	2	1	13	4
Notice complied with - Cautioned	1	0	0	1	4	1	0	2	0	2	0	0
Permitted within use class order	0	0	1	0	1	0	0	2	0	0	0	0
Planning application approved	3	2	2	1	0	2	1	3	1	0	3	2
Prosecuted and Notice complied with	0	1	3	0	0	0	0	0	0	1	0	0
Use caseed	1	0	1	1	0	2	0	1	0	1	0	1
Within permitted development rights	5	6	12	5	2	5	7	5	5	5	7	6
TOTAL	102	34	112	64	26	45	46	47	18	33	85	50

Complaints Closed By Reason : East of Borough : 2010-2011

	Bounds	Bruce Gro	Harringay	Noel Par	Northum	Seven	St Anns	Tottenhan	Tottenhan	West Gree	White Har	Woodsid
Appeal Allowed	0	2	1	0	0	0	0	0	0	0	0	0
CCPD	0	1	0	0	0	0	0	0	0	0	0	0
Development remediated	3	2	0	0	2	2	3	4	0	0	1	2
Immune after 10 years	0	0	0	0	0	0	0	0	0	0	0	0
Immune after 4 years	2	3	6	1	1	1	6	7	5	2	4	0
No breach has occurred	21	14	18	23	12	15	16	15	12	15	10	16
Not a planning matter	1	2	2	0	1	2	1	3	0	0	0	1
Not expediant to planning-referred to	3	1	2	3	0	3	3	3	0	0	4	1
Not expediant to take action	9	7	7	6	6	4	2	8	8	4	0	3
Notice complied with	2	1	5	1	2	5	0	2	3	0	6	2
Notice complied with - Cautioned	2	0	2	0	1	0	0	1	0	1	2	0
Permitted within use class order	0	2	0	0	0	0	0	1	0	0	0	0
Planning application approved	5	2	1	1	1	3	1	1	1	4	1	2
Prosecuted and Notice complied with	0	0	3	0	0	0	0	0	1	0	2	0
Use caseed	1	0	0	1	0	0	1	3	2	1	2	2
Within permitted development rights	0	10	7	6	5	4	8	6	6	1	3	8
TOTAL	49	47	54	42	31	39	41	54	38	28	35	37

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