
Regulatory Committee

TUESDAY, 9TH DECEMBER, 2014 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Ahmet (Chair), Akwasi-Ayisi, Basu, Beacham, Bevan, Carter, Gunes, Mallett (Vice-Chair), Patterson, Rice, Sahota and Stennett

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 6 below.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

4. MINUTES (PAGES 1 - 4)

To approve the minutes of the meeting held on 9 September.

**5. DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT WORK
(PAGES 5 - 14)**

To update on Development Management and Planning Enforcement performance for quarter 2 and October 2014/15.

6. NEW ITEMS OF URGENT BUSINESS

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

7. DATES OF FUTURE MEETINGS

3 March 2015.

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Wednesday, 03 December 2014

**MINUTES OF THE REGULATORY COMMITTEE
TUESDAY, 9 SEPTEMBER 2014**

Councillors Ahmet (Chair), Akwasi-Ayisi, Basu, Bevan, Carroll, Carter, Mallett (Vice-Chair), McShane, Rice and Stennett

Apologies Councillor Beacham and Gunes

MINUTE NO.	SUBJECT/DECISION	ACTION BY
REG134.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Cllrs Beacham, Gunes and Patterson. Cllr McShane substituted.</p>	
REG135.	<p>MINUTES</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the minutes of the meeting held on 12 June be approved as an accurate record. <p>Cllr Bevan expressed concern regarding the cigarette marketing units in place at large concerts in Finsbury Park and asked for feedback on whether the Licensing Team could prohibited them as part of the licence process for future events.</p>	Dale Barrett
REG136.	<p>VARIATION TO THE MEMBERSHIP OF PLANNING AND LICENSING SUB COMMITTEES</p> <p>The Committee considered a report seeking approval for a variation to the membership of the Planning and Licensing Sub A Committees for the remainder of the 2014/15 municipal year. The change proposed to the Planning and Licensing Committee membership agreed at Regulatory Committee on 12 June consisted of Cllrs Sahota and Stennett coming off Planning Committee and Cllr Stennett replacing Cllr Patterson on Licensing Sub Committee A.</p> <p>The Chair highlighted that not all Regulatory Committee members had undergone licensing training in order to be able to substitute at Licensing Committee meetings. It was asked that an additional training session be arranged as soon as possible.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the proposed revised membership of the Planning and Licensing Sub A Committees be approved for the remainder of the municipal year. 	Clerk
REG137.	<p>DEVELOPMENT MANAGEMENT WORK REPORT</p> <p>The Committee considered a report on the performance of the</p>	

**MINUTES OF THE REGULATORY COMMITTEE
TUESDAY, 9 SEPTEMBER 2014**

	<p>Development Management service for the first quarter of 2014/15.</p> <p>Corporate targets were being comfortably achieved, including the percentage of major and minor applications decided on time. This was set within the context of an increase in the number of applications received, 16% up on last year and reflecting greater confidence in the economy. The Council was therefore outside of the criteria used by the government to designate under performing local authorities based on speed and quality of decisions.</p> <p>Two internal audits had been undertaken within the Planning Service looking at Certificates of Lawfulness and the Planning Service in the round and had identified a number of recommendations for improvements, particularly around enforcement. It was confirmed that an enforcement workshop would be held with Members in the autumn to review priority categories and which would feed into the refresh of the enforcement policy. Members would be advised of the date once it was confirmed.</p> <p>The Committee expressed concern regarding the increasing number of applications and the capacity and resilience of the service to manage this, particularly in recognition of ongoing regeneration in the east of the borough. It was advised that the focussing of resources remained a key approach going forward including maintaining a list of applications in the pipelines and the use of planning performance agreements. The increase in applications had primarily been seen from the domestic and small business sectors for small alternations to buildings and changes to permitted development procedures.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the report be noted. 	<p>Stephen Kelly/ Emma Williams on</p>
<p>REG138.</p>	<p>PLANNING ENFORCEMENT ANNUAL UPDATE REPORT</p> <p>The Committee considered a report on the annual performance of the Planning Enforcement Service for 2013/14.</p> <p>The live caseload of the service and number of requests for investigations had seen a significant increase on previous years, with a commensurate increase in enforcement notices issued and appeals determined. A relative decline had been seen in planning enforcement appeal performance, the reasons for which had been reviewed to identify any learning points, particularly where there was an element of judgement in the grounds for appeal.</p> <p>Going forward, the service would be trying to reduce the number of non-cases coming forward through providing early advice and education, as currently around 50% of investigations were closed due to lack of a case. The management of the team would also be reviewed to look at the potential for structuring it around specialisms e.g. HMO enforcement etc.</p>	

**MINUTES OF THE REGULATORY COMMITTEE
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	<p>Future conversations would be scheduled with Members regarding the use of the Proceeds of Crime Act (POCA) in planning enforcement going forward, in particular, opportunities around sub-standard accommodation. The POCA remained an effective enforcement tool, with work underway to secure an in-house POCA resource to change the charging regime for perpetrators to improve cost recovery for the Council from breaches.</p> <p>In response to a question regarding the staffing of the enforcement team, it was acknowledged that the team was currently in transition, with a review planned of the structure, job descriptions etc. Recruiting to roles in this area remained a London wide challenge, with the result that some agency staffing had to be utilised. An approach would also be developed to grow talent within the organisation, potentially linking in with the graduate training scheme.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the report be noted. 	
<p>REG139.</p>	<p>PLANNING ENFORCEMENT AND APPEALS QUARTER ONE UPDATE REPORT</p> <p>The Committee considered an update report on Planning Enforcement and Appeals quarter one performance.</p> <p>The Committee queried the direct future action proposed for the 452 St Anns Road case. It was advised that consideration was being given to engaging a contractor to directly remove the signs in question. Going forward, the service would look to develop expertise within the Council to undertake this direct action in the future, potentially through the Single Frontline service, as part of the integration of the enforcement function. Cllr Bevan suggested that Homes for Haringey might also be able to play a role in this regard.</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the report be noted. 	<p>Stephen Kelly/ Emma Williams on</p>
<p>REG140.</p>	<p>DATES OF FUTURE MEETINGS</p> <p>The next meeting was scheduled for 9 December.</p>	

CLLR Ahmet

Chair

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Report for:	Regulatory Committee 9 December 2014	Item Number:	
Title:	Development Management and Planning Enforcement Work Report		
Report Authorised by:	Stephen Kelly		
Lead Officer:	Emma Williamson		
Ward(s) affected: All	Report for Key/Non Key Decisions:		

1. Describe the issue under consideration

- 1.1 To advise the Regulatory Committee of performance on Development Management and Planning Enforcement for quarter 2 and October 2014/15.

2. Recommendations

- 2.1 That the report be noted.

3. Background information

- 3.1 The report summarises the performance of the Development Management and Planning Enforcement Service for the second quarter 2014/15 and October. The report to the next Regulatory meeting will also include a section on Building Control Performance and this will then be reported alongside Development Management and Planning Enforcement on an ongoing basis.
- 3.3 Work is ongoing with the Corporate Delivery Unit with regard to developing a local suite of indicators to be reported regularly to Regulatory Committee as previously discussed. This has yet to be finalised as it ties in with the Corporate Performance Indicators for the Council and these are yet to be finalised.



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3.4 The draft set of indicators under discussion include indicators for quality and cost as well as speed. The suite under discussion includes the following:

Speed

- Major planning applications decided within 13 weeks over a 2 year period
- Percentage of Major applications determined within 13 weeks
- Percentage of minor applications determined within 8 weeks
- Percentage of others applications determined within 8 weeks
- Percentage of Approval of details (Discharge of conditions) determined within time
- Average number of days to make a decision

Quality

- The extent to which major applications are overturned at appeal over a two year period
- Days to make valid
- Days from declared Valid to Decision issued
- Percentage of Planning Enforcement Complaints on which a decision is taken within 8 weeks
- Percentage of applicants notified on Planning Enforcement Complaints on which a decision is taken within 8 weeks
- Number/percentage of Acknowledged enforcement complaints with in 24hrs
- Customer satisfaction

Cost

- Extent to which income covers cost (cost of DM support V's cost of planning officers)

4. 2014/15 Quarter Two and October Development Management performance

- 4.1 The number of major, minor and other applications determined by Haringey in the second quarter of 2014/15 together with October and November was 1,496. The overall number of applications submitted to the Development Management service continues to rise reflecting the increased development activity Londonwide and the prior approval regime introduced by the Government last year.
- 4.2 The cumulative performance for the quarter together with October and November is set out below which demonstrates that the corporate targets were comfortably achieved.
- 4.3 Due to an increased number of applications submitted in the current financial year the caseload of officers has sharply increased. This together with the loss of some



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staff members in August and September and the delay in their replacement and the need to determine a number of outstanding applications prior to the introduction of Haringey Community Infrastructure Levy led to a dip in performance in October particularly for minors. Performance in November on minors has recovered. The cumulative performance is still within target, the staff members have been replaced and the department is again fully staffed. As such we are confident that the year end position will remain within target.

Minors / Others : Cumulative Performance

for Majors = under 13 weeks or PPA / extension of time agreement
for Minors & Others = under 8 weeks or extension of time agreement

2014 2015	Total decided	Total received	Number of major apps decided	Number decided on time	no. of which were due to PPA / extension	% decided on time	LBH Target	Number of minor apps decided	Number decided on time	no. of which were due to PPA / extension	% decided on time	LBH Target	Number other apps decided	Number decided on time	no. of which were due to PPA / extension	% decided on time	LBH Target
April	149	183	6	6	5	100%	65%	26	21	2	80.77%	65%	117	103	15	88.03%	80%
May	337	394	9	9	5	100%	65%	61	53	6	86.89%	65%	267	241	39	90.26%	80%
June	487	589	10	10	6	100%	65%	85	73	12	85.88%	65%	392	350	51	89.29%	80%
July	671	834	10	10	6	100%	65%	120	98	16	81.67%	65%	541	473	63	87.43%	80%
August	842	1043	10	10	6	100.00%	65%	155	122	24	78.71%	65%	677	585	89	86.41%	80%
September	1061	1270	12	12	8	100.00%	65%	195	155	31	79.49%	65%	854	732	103	85.71%	80%
October	1261	1519	13	13	9	100.00%	65%	231	175	39	75.76%	65%	1017	858	121	84.37%	80%
November	1496		14	14	9	100.00%	65%	262	197	44	75.19%	65%	1220	1008	143	82.62%	80%

Pre-application enquiries

- 4.4 The formalised paid pre-application planning advice service provided advice on 63 proposals between 1 July 2014 and 31 October 2014 which represents an increase on the previous quarter. This includes detailed written confirmation of the advice given at the pre-application meeting. The cost of the pre-application planning service is set out on the Council's website with the fees ranging from £600 for a proposal of 1-9 units to a maximum of £4,150 for a major or strategic development proposal of 100 or more residential units or more than 10,000 sq.m. of non residential floorspace. These charges are at the lower end of the charges across London and a revised set of charges will be included in the Council's fees and charges report in February as the Council looks to move towards cost recovery.
- 4.5 In addition 5 additional sites continue to be the subject of a series of meetings through the Planning Performance Agreement process.

National monitoring on performance on processing planning applications

- 4.6 The provision to designate under-performing local planning authorities is based on two criteria:

Speed of decisions – the measure to be used is the average percentage of decisions on applications for major development made within the statutory determination period or such extended period as has been agreed in writing with the applicant (either a Planning Performance Agreement or an extension of time). The initial threshold for designation in October 2013 was set at 30% or fewer for the first designation and the assessment period was the two years up to and including the most recent quarter i.e the two year period ending on 30 June 2013. The Council's



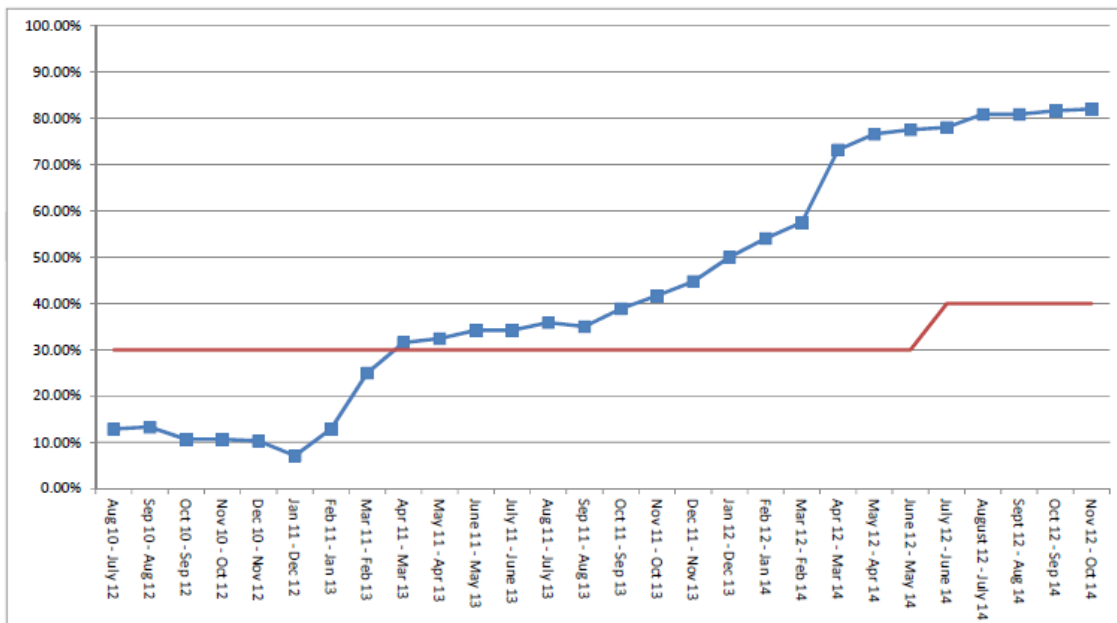
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performance for this period was published by DCLG on 27 September 2013 and showed a percentage of 34.2%. DCLG increased the threshold for designation in July 2014 to 40%. The last official published data is for the period to June 2014 (published on 2 October 2014) which shows Haringey at 78% for the two year period to the end of June 2014. Haringey is ranked 72nd in England which is top quartile. The top performing London Boroughs are Newham at 88.5%, Barking and Dagenham at 87.2% and Kensington and Chelsea at 85.9%.

More recent data (not yet published by DCLG) shows current performance up to end of October 2014 at 82%.

Average percentage of decisions on applications for major development made within the target (rolling two year period)

Major Planning Applications Decided on Time within a 2 year Period

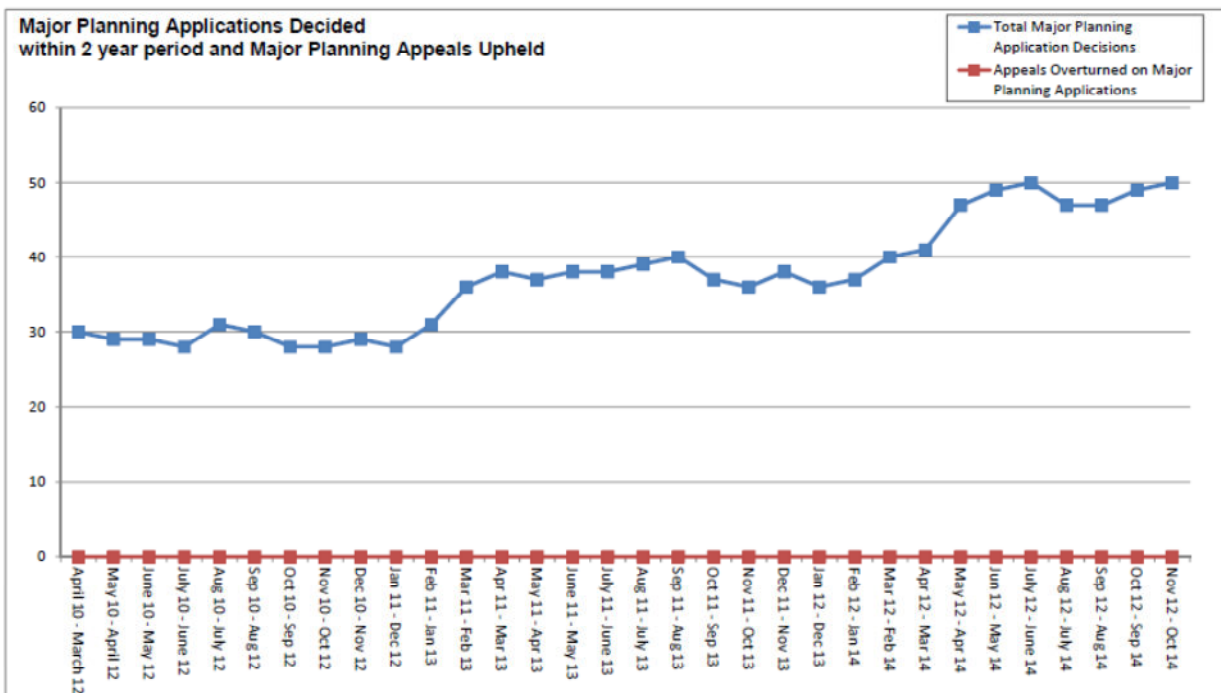




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Quality of decisions – the measure to be used is the average percentage of decisions on applications for major development that have been overturned at appeal once nine months have elapsed following the end of the assessment period. The threshold for initial designation is 20%. For the first designations in October 2013 a two year assessment period ending on 31 December 2012 was used. The nine months is to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged and for the outcome of those appeals to be known. The **table** below monitors this indicator and shows that up to the end of October 2014 the Council is currently at 0% and therefore well below this target.

% of Planning Appeals Allowed Against the Decision to Refuse Planning Permission: Individual Monthly Performance



5. Planning Appeals Performance

- 5.1 The Planning Inspectorate issued decisions on 30 appeals in quarter 2 and only three of these were allowed (14%) with one split decision (5%). The majority of these were decided via the written representations route although there was one informal hearing.
- 5.2 One of the appeals that was dismissed was an appeal on a major scheme that was heard at an informal hearing: Southwood Nurseries a proposal for 3 large houses in the Highgate Bowl in a conservation area.



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- 5.3 A delegated refusal of a major scheme- Ermine Road and Plevna Crescent a residential scheme for 98 units on a Site of Nature Conservation Importance is due to be heard at a Public Inquiry in March.
- 5.4 In the period 1.12.2012-30.11.14 7 applications were refused by planning committee. 6 of these were against officer recommendation. 5 of these refusals have been appealed so far with the remaining 1 still within time for an appeal.
- 5.5 Of the 5 schemes that were appealed 3 were dismissed and 2 were allowed. The two that were allowed were The Nightingale Pub, Nightingale Lane (application to increase the number of units from 7 to 9 decision made 31.3.14) and 2 Wakefield Road (demolition of existing 6 bed HMO and erection of a new building to provide 7 flats decision made 19.6.14).
- 5.6 On two of the sites that were dismissed at appeal revised applications have been submitted. One of these has been approved by a subsequent committee and one is pending decision.

6. Planning Enforcement Performance

Number of cases

- 6.1 The overall caseload continues to increase since 2011-12 and 484 cases have been received so far this year. The service has now put in place new procedures which aim to provide support to officers to make decisions on investigations earlier (or to escalate such cases to senior managers) and it is intended to increase the support provided by the Council's IT systems to ensure that management of cases becomes more automated.
- 6.2 At 1 October 2014 519 planning enforcement cases are still open. Efforts to deal with the backlog will be made in the second half of 2014-2015.

Type of cases

- 6.3 65% of cases received are more straightforward unauthorised development and extension cases which is an increase from 54% for 2013-14. Flat conversions and houses in multiple occupation account for 14% of cases whilst departure from approved plans stands at 1%.

Distribution

- 6.4 With regard to distribution around the Wards whilst the caseload is similar to that for 2013-14 certain wards have seen an increase in cases received pro rata to 30.9.14, namely Crouch End and Hornsey in the West and Northumberland Park, Tottenham Hale and Tottenham Green in the East and Bounds Green, Noel Park and Woodside in the geographical middle of the borough. There is no clear signal as to why this is the case but focus on Conservation Issues in the middle, flat conversions in the east of the Borough and town centre issue in the west borough wards may in



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part explain this change. Bruce Grove Ward has a higher proportion of enforcement notices served.

- 6.5 At the same time a decline in cases received pro rata has been observed in Harringay, Highgate, Muswell Hill and especially Stroud Green Wards. In terms of enforcement activity this follows to a large extent cases received with the exception of Bruce Grove which has a relatively high return of enforcement notices served.

Enforcement action

- 6.6 In addition, formal action and enforcement appeals have also increased. To date 47 enforcement notices have been served this year. 42% of these notices related to unauthorised development or extensions. 59 Planning Contravention Notices have been served. These are a tool to gain further information about a potential breach and these are often a pre-cursor to enforcement action.
- 6.7 51% of cases were closed because there was no breach. Only 7% of cases were closed due to immunity and 11% due to not being expedient to enforce, both representing a drop in proportion in comparison with 2013-14. The proportion of cases closed through remediation, regularisation or compliance continues at a comparatively high level at 25%. Cases referred to a more appropriate service and cases closed where a planning application was invited amounted to 6% of the total of all cases closed.

Enforcement appeals

- 6.8 25 Planning Enforcement Appeals have been received so far in 2014/15. This is considered to be a consequence of the high formal enforcement activity in the last quarter of 2013-14 when a large number of enforcement notices were served. So far in 2014/15 5 appeals (22%) have been allowed.

Performance indicators

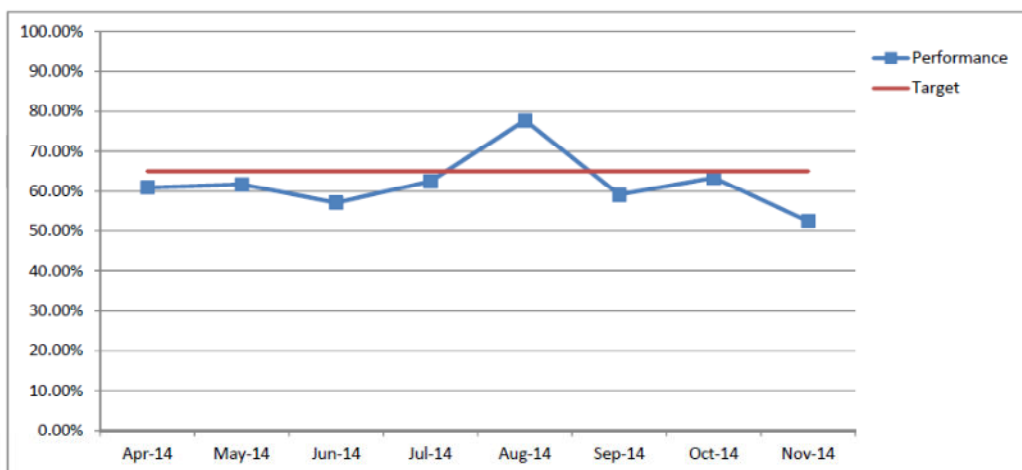
- 6.9 The service is now collecting data on the number of enforcement complaints on which a decision is made as to how to proceed within 8 weeks rather than whether the case was closed within 8 weeks. This is because if it is decided to take enforcement action it will take longer than 8 weeks for the case to be closed. The cumulative performance for the year so far is 57%. The service has set itself the target for performance to be at 65%.



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Percentage of applicants notified on Planning Enforcement Complaints on which a decision is taken within 8 weeks

Month	complaints received	decision taken within 8 weeks	Target %	Total decisions	%
Apr-14	61	39	65.00%	64	60.94%
May-14	90	50	65.00%	81	61.73%
Jun-14	94	44	65.00%	77	57.14%
Jul-14	96	50	65.00%	80	62.50%
Aug-14	64	70	65.00%	90	77.78%
Sep-14	79	55	65.00%	93	59.14%
Oct-14	105	45	65.00%	71	63.38%
Nov-14	90	62	65.00%	118	52.54%



- 6.10 Work will be undertaken in the second half of the year to improve this performance through management and performance tracking changes.
- 6.11 The service also collects data on the number of cases acknowledged within 3 days and the number of initial site visits carried out within the service standards (10 days for most breaches) and this stands at 93% and 90% respectively for the year so far.

Prosecutions and other income

- 6.12 So far in this financial year there have been 6 completed cases: 2 prosecutions and convictions, and 4 accepted simple cautions and costs paid in lieu of prosecution. To date in 2014-15 10 further cases have been referred to legal for prosecution.
- 6.13 In addition 20 planning enforcement appeals attracted fees as the planning merits (Ground a avenue of appeal against the Notice). To date appeal fees required with regard to enforcement appeals total £16,792.
- 6.14 To 21st November prosecution actions had attracted fines in the Courts of £7,500 with the Council awarded £1,200 in costs. 4 simple cautions yielded £3,890 during the same time period making a total received of £5,140.



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6.15 As such the total income this year from appeal fees and prosecutions actions, excluding POCA set out below, was £21,932.

Proceeds of Crime Act (POCA)

6.16 There have been no further cases referred for confiscation under the Proceeds of Crime Act (POCA).

6.17 An update of POCA receipts received since the last committee meeting is set out below. The Council's share of POCA awards is 18.75% Defendants pay POCA awards to the Home Office which in turn allocates a local authority's share on a quarterly basis. Below is an update on cases yet to be fully concluded.

2 Goodwyns Vale N10

- £44,640 POCA was awarded and has been paid to the Home Office.
- £8,370 (LBH's share of the POCA award) should be received by the Council during the next quarter.

9 Heybourne Road and 1 Bruce Castle Road

- £71,782 POCA was awarded and has been paid to the Home Office.
- £13,459 (LBH's share of the POCA award) has been received by the Council

The matter has, however, been re-opened because it has been discovered that the Defendant now has means to pay more (which he did not before) toward the actual benefit figure of £222,536. This could result in the Council being awarded a further £23,643 but this is by no means guaranteed as the court must consider it "just" to do so when re-opening a matter as opposed to dealing with it for the first time. A court hearing is due in January 2015.

23 Hewitt Road and 89 Burgoyne Road

- £312,315 POCA was awarded.
- £255,000 has been paid to the Home Office to date.
- £42,564 (part of LBH's share of the POCA award) has been received by the Council. A balance of £15,995 is slightly overdue.

6.18 However experience of other authorities suggest that it is often difficult to recover this money.

7. Comments of the Assistant Director of Corporate Governance and legal implications

7.1 The Assistant Director of Corporate Resources has been consulted in the preparation of this report. As a noting report there are no specific legal implications which arise.



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8. Local Government (Access to Information) Act 1985

- 8.1 Planning staff, application, appeals and enforcement case files are located at 6th floor, River Park House, Wood Green, London N22 8HQ. Application details 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.
- 8.2 The Development Management and Building Control Support Team can give further advice and can be contacted on 020 8489 5504, 9.00am-5.00pm Monday to Friday.