

## NOTICE OF MEETING

# HOUSING AND REGENERATION SCRUTINY PANEL

**Thursday, 12th September, 2019, 7.00 pm - Civic Centre, High Road,  
Wood Green, N22 8LE**

**Members:** Councillors Khaled Moyeed (Chair), Dawn Barnes, Ruth Gordon,  
Bob Hare, Yvonne Say, Daniel Stone and Sarah Williams

**Co-optees/Non Voting Members:**

Quorum: 3

### 1. **FILMING AT MEETINGS**

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The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

### 2. **APOLOGIES FOR ABSENCE**

### 3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business (late items will be considered under the agenda item where they appear. New items will be dealt with as noted below).

#### **4. 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.

#### **5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS**

To consider any requests received in accordance with Part 4, Section B, Paragraph 29 of the Council's Constitution.

#### **6. MINUTES (PAGES 1 - 8)**

To approve the minutes of the previous meeting.

#### **7. CABINET MEMBER QUESTIONS - STRATEGIC REGENERATION**

An opportunity to question the Cabinet Member for Strategic Regeneration, Cllr Charles Adje, on developments within his portfolio.

#### **8. UPDATE - REVIEW OF MANAGEMENT PROCESS FOR CIL (PAGES 9 - 28)**

To provide the Panel with an update on the Section 106 and Community Infrastructure Levy (CIL) Health Check Report.

#### **9. SOCIO-ECONOMIC PROGRAMME - HIGH ROAD WEST REGENERATION SCHEME (PAGES 29 - 32)**

To provide more details to the Panel about the £10m programme for social and economic support for businesses and residents to be provided by the developer Lendlease as part of the High Road West regeneration scheme.

**10. WOOD GREEN AAP**

To provide a presentation to the Panel about the Wood Green Area Action Plan (AAP).

**11. NEW ITEMS OF URGENT BUSINESS**

To consider any items admitted at item 3 above.

**12. DATES OF FUTURE MEETINGS**

- 4th November 2019 (7pm)
- 16th December 2019 (7pm)
- 3rd March 2020 (7pm)

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Wednesday, 04 September 2019

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**MINUTES OF THE MEETING OF THE HOUSING AND  
REGENERATION SCRUTINY PANEL HELD ON MONDAY 10TH  
JUNE 2019, 7.00 - 9.10pm**

**PRESENT:**

**Councillors: Khaled Moyeed (Chair), Ruth Gordon, Bob Hare, Yvonne Say  
and Sarah Williams**

**1. FILMING AT MEETINGS**

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein'.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Cllr Barnes and Cllr Stone.

**3. URGENT BUSINESS**

None.

**4. DECLARATIONS OF INTEREST**

Cllr Moyeed declared an interest in relation to the Wards Corner scrutiny review as he had previously acted as a lawyer representing two of the traders at Seven Sisters market. While this issue was not scheduled to be discussed at the meeting, Cllr Moyeed wished to place this interest on record at his first meeting as the Chair of the Panel. He would therefore be recusing himself from any future discussions of this issue at the meetings of the Panel including the forthcoming discussions on the recommendations of the Wards Corner scrutiny review.

**5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS**

A valid deputation request had been received from Rev. Paul Nicolson who addressed the Panel about temporary accommodation in Haringey. Rev. Nicolson said that the policies of the government were making people hungry, homeless, mentally and physically ill and shortening their lives. There are 82,310 homeless families with 123,630 children in temporary accommodation in England, some of whom are in work. 56,560 of these families (69%) are in London and just under 3,000 families, with 5,208 children under 18, are in Haringey. This situation can only get worse as incomes are

too low, housing benefit is cut, rents are too high, council housing is demolished and there is a shortage of affordable housing in London. Land is taken by developers for what is called regeneration and the value of land is allowed to exceed the capacity of people on low and middle incomes to afford a home. Billions should be invested into solving the housing crisis in the same way that the government invested to resolve the 2007/08 banking crisis.

In response to questions from the Panel, Rev. Nicolson said:

- That tenants can now be required to accept their first offer of permanent accommodation in council housing or the private rented sector though in some cases this offer is unsuitable. The Panel should advise officers that the Council should only offer accommodation that:
  - is fit for habitation
  - the landlord is not about to be repossessed by a mortgage company
  - the property is not owned by a buy-to-let landlord who anticipates selling it within the next five years
  - that the homeless family is not financially damaged by high private sector rents
- That the Panel should advise officers that the High Road West regeneration scheme should be scrapped because it reduces the number of truly affordable homes to rent.
- In cases where the landlord is the local authority, temporary accommodation tenancies, such as those on the Love Lane estate, could be converted to secure tenancies for the people currently living there.
- That he was aware of some families that had been living in single-room accommodation at Broadwater Lodge and Whitehall Lodge for an extended period of time even though it ought to be only a holding operation while more suitable accommodation is found.
- The Homes (Fitness for Human Habitation) Act 2018 now enables local authorities to take action against landlords with sub-standard accommodation.

Cllr Moyeed thanked Rev. Nicolson for his deputation and said that the Panel would take forward the issues raised as part of the later agenda item on temporary accommodation.

## 6. MINUTES

The action points from the minutes of the previous meeting were discussed:

- On the outstanding action point from the meeting held on 21<sup>st</sup> February which concerned a forthcoming report on the review of the management process for the Community Infrastructure Levy (CIL), Cllr Gordon suggested that this be added as an item to the agenda of the next meeting in September. (ACTION)
- Asked about timescales for the action point on providing a redacted copy of the Development Agreement for High Road West, Dan Hawthorn, Director of

Housing, Regeneration and Planning, said that this should be available shortly. (ACTION)

- It was agreed that an item on the £10m socio-economic programme that is to be implemented as part of the High Road West regeneration scheme be added to the agenda of a future meeting to allow for questions on the report that had been provided. (ACTION)
- On the action point about holding a fuller discussion about the Local Plan and the 50% affordable housing target at a future meeting, it would now be necessary to invite Cllr Hearn who is now the new portfolio holder for Planning. (ACTION)

Members of the Panel requested that the feedback from action points be provided at an earlier stage in future to allow more time for them to be properly considered.

**AGREED: That the minutes of the meeting held on 14<sup>th</sup> March 2019 be approved as an accurate record.**

**AGREED: That new deadlines be added for each item on the action point table.**

## **7. Q&A - CABINET MEMBER FOR HOUSING & ESTATE RENEWAL**

Cllr Emine Ibrahim, Cabinet Member for Housing & Estate Renewal began this item by responding to the points raised by Rev. Nicolson in his deputation earlier in the meeting. Cllr Ibrahim agreed with much of what Rev. Nicolson had said, however said that it also had to be acknowledged what a difficult position many local authorities are in with a national housing crisis that is more acute in places like London and boroughs like Haringey.

On the point about single room accommodation, Broadwater Lodge is not temporary accommodation, it is emergency accommodation which is often only one room. Emergency accommodation can be a difficult experience and 12 weeks is usually set as the maximum time. People placed here often have children because the placements are based on priority need. Places like Broadwater Lodge and Whitehall Lodge, where the Council has control over the conditions, are an improvement on the bed and breakfast premises used for emergency accommodation in the past where there could often be health and safety concerns. However, this does not change the fact that it is still single room accommodation for a family and Cllr Ibrahim said that improving the experience of people in emergency accommodation was a particular priority for her.

On a point raised by Cllr Williams about the Council's policy not to accept its responsibility for rehousing a family until a bailiff arrives rather than when the notice to quit is served, Cllr Ibrahim said there are certain legal issues impacting on this but it is something that the Council should look at. Denise Gandy, Executive Director of Housing Demand at Homes for Haringey (HfH), added that there had been a change in guidance following the passing of the Homelessness Reduction Act regarding people who have received Section 21 notices to work with them much earlier. There is a specific test on how to consider the reasonableness of when to move people as a

preventative before the stage where a bailiff is called. However, this is not always possible due to the short supply of housing. Denise Gandy agreed to circulate further details about the test to the Panel. (ACTION)

Cllr Ibrahim cited Right to Buy as a key factor in the extended lengths of time that families are often placed in temporary accommodation as Councils have not been able to replace their stock with the proceeds of purchases. As families are likely to be in temporary accommodation for a longer period of time the Council needs to ensure that the quality of temporary accommodation is sufficiently high and that no family is forced to accept accommodation that is not fit for habitation. There have been some cases, that have arisen via casework, where the Council has fallen short and this reflects the huge challenge faced in securing enough suitable properties. The review process is now being delivered by HfH rather than being outsourced.

Asked what procedures are in place to prevent people from being placed in emergency accommodation for a long time, Cllr Ibrahim said that to be in emergency accommodation for more than three months is often because of unique circumstances. An example could be somebody fleeing domestic violence while they have an existing tenancy elsewhere meaning that it can take some time for HfH to establish that they are homeless. Other examples include cases where it is unclear that the person has recourse to public funds or whether they have become voluntarily homeless and an appeal is heard which takes time. When there are children involved there can still be a Children's Act duty. Denise Gandy, Executive Director of Housing Demand at HfH, expanded on this point saying that when there is an intentionality decision, which is comparatively rare, there is 45 days notice for the period to engage with Children's Services so they will stay in their accommodation while that process happens. A dedicated worker is being recruited to work between HfH and Children's Service with these families to help this process run in a seamless way. This post is just about to be advertised, so will hopefully be in post by the end of the summer, and will be funded through the Flexible Homelessness Support Grant. Denise Gandy also said that she receives a report every three days on the placements in Broadwater Lodge and Whitehall Lodge and the reasons why they are still there in cases where it has been longer than would usually be expected. While this type of emergency accommodation is not ideal, when the Lodges were first established they were to provide an alternative to placing people in private hostels or elsewhere outside of the Borough. Cllr Ibrahim confirmed that she does not receive the same regular update reports as Denise Gandy on a routine basis but can ask for information like this whenever required.

Cllr Gordon asked about a recent report from the Local Government and Social Care Ombudsman concerning a family placed in Temporary Accommodation with issues including cockroach infestation, damp, mould and broken locks and what action was being taken in response to the report. Cllr Ibrahim said that the Ombudsman's report requires a formal response from the Corporate Committee. A meeting date of 17<sup>th</sup> June had been set and HfH would be attending to respond to the criticisms made.

As Cabinet Member she had herself asked for a full response from HfH about this and was in regular contact with Sean McLaughlin and Denise Gandy who had provided

updates and answers. There was some criticism over the review process - these were previously been carried out externally and were now being done internally. It was important not to start apportioning blame and there has been a good level of responsibility taken and no one had sought to pass the buck. Denise Gandy said that the report had two main areas of recommendations, one on the reviews process including ensuring that they are carried out to the appropriate timescales and quality and the other on reporting and repair and checking that these are carried out by the landlord. The full report is already in the public domain and will be circulated to the Panel. (ACTION)

Asked how the Council will prevent the loss of any council-owned housing that will be built in the near future from being sold off under Right To Buy, Cllr Ibrahim said that this is a dilemma. If the properties are not 100% council-owned then only assured tenancies can be offered which are not subject to Right To Buy, however an assured tenancy is not ideally where you want to place families that have been in temporary accommodation. Those placed in secure tenancies have the legal right to buy, however many of the people in temporary accommodation for years and then placed in a secure tenancies are likely to be those on lower incomes so the chances of them being in a position to purchase the property in the first few years is quite low. Dan Hawthorn added that the high property values and the fact that the Right To Buy discounts are not as large in the first few years are also factors that make the purchase of the properties less likely.

Asked whether the 180 families in temporary accommodation on the Love Lane Estate could be allocated secure tenancies immediately, Cllr Ibrahim said that allocations of all people on the waiting list were calculated on the basis of priority need and this has to be respected.

Asked about Rev. Nicolson's other proposal about the Council not offering accommodation in a property that is owned by a landlord who anticipates selling it within the next five years, Cllr Ibrahim said that this is likely to exacerbate existing difficulties with sourcing sufficient good quality private accommodation. Offering accommodation in a property that is just about to be repossessed is something that the Council would already seek to avoid. Denise Gandy added that checks are made on landlords including through a questionnaire on issues such as their mortgage position and with a check of the rogue landlord list.

Cllr Ibrahim also referred to the 'Capital Letters' cross-London initiative which aims to collaboratively procure new properties to rent on behalf of London boroughs and prevent London boroughs from competing with one another and driving up prices.

## **8. TEMPORARY ACCOMMODATION**

Denise Gandy, Executive Director of Housing Demand at HfH, presented some slides on temporary accommodation in Haringey, which had been circulated to Panel Members in advance, and highlighted some key points:

- Haringey has historically had a heavy reliance on temporary accommodation. There had been 6,000 households in temporary accommodation in 2006. The

current figure is 2,931 which is about the third or fourth highest of any borough in the country.

- The Homelessness Reduction Act, which came into force in April last year, had been very significant as the Council is now seeing around a third more people than previously, including more single people. The legislation is to be welcomed but it doesn't come with any additional supply so presents a challenge.
- Access to social housing lets is falling with the decant of the Tangmere and Northolt block on the Broadwater Farm Estate having a significant impact.
- Temporary accommodation is used in a number of circumstances. Sometimes it is provided in short term emergency situations such as for someone fleeing from domestic violence, other times it is when the Council has a relief duty under the Homelessness Reduction Act or where the Council has reason to believe that a household will be owed a homelessness duty and needs to investigate further. The homelessness duty can be discharged through an offer of suitable social housing or private rented accommodation but the shortage of suitable housing means that some households can remain in temporary accommodation for a long period of time.
- The Homelessness Reduction Act has added more emphasis on the importance of preventing homeless including through a "prevention duty" on local authorities to try to prevent the homelessness of anyone who is at risk of becoming homeless in the next 56 days. Everyone that the Council sees through this receives a personalised housing plan.
- The government has also changed the funding arrangements for temporary accommodation. Instead of the management fee of £40 per week per property that local authorities received, this has been replaced by the Flexible Homelessness Support Grant to carry out work on homelessness which is £6.7m for Haringey in 2019/20. This has to be offset against the losses made on temporary accommodation so may not in reality be as large an allocation as it seems.
- In addition to the Lodges referred to earlier, the other types of temporary accommodation used includes Council housing, properties leased from landlords on a 3 or 5 year basis, properties leased from landlords on a nightly basis and properties leased and managed by housing associations.
- There is a Temporary Accommodation Allocations Policy which was agreed by Cabinet which describes who has priority for local temporary accommodation. Families typically stay in one of the Lodges first, further work has been done to support single people including the conversion of properties on Hale Road into hostels.
- Only 347 social housing lets are expected to be offered this year. As there are significant pressures due to the decant of the Northolt block on the Broadwater Farm estate, only 90 of these let are expected to go to people in Temporary Accommodation.
- The provision of temporary accommodation cost the Council nearly £8m last year.

- Future work includes some work with the Fairness Commission, learning from the recent Ombudsman findings and investing the Flexible Homelessness Support Grant.

Cllr Ibrahim added that £13.5m had been invested in 2018/19 so far in purchasing 47 street properties which are now being used for temporary accommodation and represents a significant increase in this type of investment compared to previous years.

Asked about the timetable for the decant of blocks on the Broadwater Farm Estate, Alan Benson said that all tenants are now out of Tangmere block but there are still three resident leaseholders living there. Some people have started to move out from Northolt block but this decant is expected to take a little longer, most of these are 1-bedroom properties so it is slightly easier to move them out but it will put pressure on lettings for 1-bedroom properties.

On the development of housing on Hale Road, Denise Gandy said these were previously not let on a permanent basis so these were given on licence to another organisation to let. These properties have now been taken back into HfH management, have been refurbished and there is now a support provider there which is St Mungos.

Asked why the proportion of Temporary Accommodation that is from landlords on a nightly basis is so high (there were 1,490 of these according to one of the slides), Denise Gandy said that many landlords who used to work in the leased sector have shifted to the nightly paid sector because it is more lucrative when demand is high. The spend is a big proportion of the £8m spent on Temporary Accommodation, further details could be circulated on the precise costs. (ACTION) Dan Hawthorn added that the Council's aim is to drive that proportion down through various initiatives because it is this type of temporary accommodation that is the most expensive and also the most difficult type to guarantee the quality of the accommodation.

## **9. CHILD YIELD STATISTICS - NEW HOUSING DEVELOPMENTS**

Emma Williamson, Assistant Director for Planning, introduced the report on this item noting that the Panel's interest in this issue began with a deputation from Paul Burnham at a meeting on 15<sup>th</sup> January 2019 and was then followed up by a letter from the Chair of the Panel to the Leader of the Council. The issue related to which child yield calculator was being used to determine the requirements for play spaces and educational facilities for the expected child population arising from new developments. The GLA had two versions of the calculator on their website and, at the time of the Leader of the Council's reply to the Panel, the advice from the GLA was that the old calculator should be used. Since then the advice has changed and Haringey Council can now use the revised calculator, which results in increased contributions, in planning decisions.

The letter from the Leader of the Council had committed to carrying out research to establish a bespoke Haringey Child Yield standard but since then the Ministry of

Housing, Communities and Local Government (MHCLG) has started some work on updating how child yields are calculated nationally. The Council will therefore instead examine whether a Haringey Child Yield standard is required or whether the MHCLG's work will help to achieve similar objectives. Asked which of these routes would be the quickest, Rob Krzyszowski, Head of Planning Policy, Transport & Infrastructure, said that the quickest method is to adopt the revised GLA calculator which has already been done. The GLA figures are sound but dialogue will also continue with the MHCLG over their work in this area to ensure that the most up to date and robust methodology is used. It is generally helpful for Haringey's Local Plan to align with national policy but if the Council has robust local evidence then it can make a case for this to be used. Cllr Gordon expressed the view that if there is local evidence for a higher standard than the requirements of the MHCLG then this should be applied.

**10. WORK PROGRAMME UPDATE**

The Panel reiterated that an item on the review of the management process for the Community Infrastructure Levy (CIL) and an item on the £10m socio-economic programme that is to be implemented as part of the High Road West regeneration scheme be added to the agenda for the next meeting in September.

**11. DATES OF FUTURE MEETINGS**

- 12<sup>th</sup> September 2019 (7pm)
- 4<sup>th</sup> November 2019 (7pm)
- 16<sup>th</sup> December 2019 (7pm)
- 3<sup>rd</sup> March 2020 (7pm)

CHAIR: Councillor Khaled Moyeed

Signed by Chair .....

Date .....

**Report for:** Housing and Regeneration Scrutiny Panel, 12 September 2019

**Title:** Section 106 (S106) and Community Infrastructure Levy (CIL) Health Check Report – Action Plan

**Report authorised by :** Dan Hawthorn, Director of Regeneration, Housing and Planning

**Lead Officer:** [Rob.Krzyszowski@haringey.gov.uk](mailto:Rob.Krzyszowski@haringey.gov.uk), Head of Planning Policy, Transport & Infrastructure, x3213

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Non Key – For Information

## 1. Describe the issue under consideration

- 1.1 The Housing and Regeneration Scrutiny Panel on 15 January 2019 considered a report on 'S106 and CIL Overview'.
- 1.2 This report does not repeat the background provided in the 15 January 2019 report but instead provides an update on an action arising from that meeting, which was to review the management process of CIL.
- 1.3 The scope of the review has widened and is now known as the **Section 106 (S106) and Community Infrastructure Levy (CIL) Health Check Report**. The Health Check Report is provided as Appendix A and the Council has produced an **Action Plan** provided in the main body of this report.
- 1.4 The report concluded that “Haringey Council has S106 and CIL systems in place which align with the principal legislative and regulatory requirements. There are elements of good practice in the Council’s approach” and “The Assistant Director of Planning maintains a good oversight of the systems including in particular expenditure from the S106 and CIL funds by ensuring compliance with relevant legislation or individual S106 agreements”. However “there are a number of deficiencies that reduce the efficiency, effectiveness and resilience of the service” (paragraphs 11-12). The Action Plan focuses on addressing these deficiencies.

## 2 Cabinet Member Introduction

- 2.1 N/A

## 3 Recommendations

- 3.1 This report is for information only.

## 4 Reasons for decision

4.1 N/A

**5 Alternative options considered**

5.1 N/A

**6 Background information**

6.1 A report on 'S106 and CIL Overview' to the Housing and Regeneration Scrutiny Panel on 15 January 2019 said:

A review of the management of CIL collection, spend and reporting was an outstanding item from the Planning Service Improvement programme. A recent review of the CIL process by the Assistant Director has led to the conclusion that, given the level of development expected in the coming years and the level of complexity of the queries received that another post should be proposed in the forthcoming restructure.

In addition a review by a specialist CIL management consultancy will be taking place in February 2019. The initial review by the Assistant Director, after discussion with staff involved in the process and a desktop analysis of the processes, suggests potential matters to be improved following this review would potentially be the procurement of a specialist database, succession planning and improvement of reporting processes.

(Paragraphs 2.38 – 2.39)

6.2 The minutes of this meeting confirmed:

A review of the management process of CIL is due to be carried out by a specialist consultancy in Feb 2019

6.3 In January 2019 the Council commissioned Citiesmode to undertake the independent Health Check. The review undertook research in February and March 2019 including:

- A two-hour workshop with the Assistant Director of Planning, Development Management Team Leaders, the previous Policy Team Leader, the S106 and CIL Monitoring Officer and Finance officers;
- A two-hour meeting with the S106 and CIL Monitoring Officer to go through the existing procedures and databases in detail;
- Telephone interviews with officers involved in the spend of S106 for delivery of projects in their service area; and
- A review of written internal and external policy and procedure documents.

6.4 The Health Check Report setting out the findings from the research was finalised in May 2019 and agreed by the Assistant Director for Planning,

Building Standards and Sustainability in July 2019 and is provided at Appendix A. The report concluded that “Haringey Council has S106 and CIL systems in place which align with the principal legislative and regulatory requirements. There are elements of good practice in the Council’s approach” and “The Assistant Director of Planning maintains a good oversight of the systems including in particular expenditure from the S106 and CIL funds by ensuring compliance with relevant legislation or individual S106 agreements”. However “there are a number of deficiencies that reduce the efficiency, effectiveness and resilience of the service” (paragraphs 11-12).

- 6.5 The detailed commentary and findings of the Health Check can be found in the Report (Appendix A) and are not duplicated here. However, the key issues, recommendations and actions of the report are provided below, making up the Action Plan:

## Action Plan

Recommendation / Action extracts from Health Check Report (re-sorted by topic, rather than in the order in the report)	Council Action	Target Date & Status
<b>Issue 1: Roles, responsibilities and process</b>		
<b>Recommendation 1:</b> Develop a Section 106 and CIL manual with protocols that clearly establish who is responsible for which stage this should clarify matters in relation to monitoring (not policy or legal agreements).	<b>Action 1.1:</b> Finalise a CIL Procedure Manual	<b>October 2019</b> Initial draft started on Monday 19 August 2019
<b>Priority Action 1:</b> Prioritise production of a first draft working manual based on the knowledge of the S106 officer of process in the first instance (wider engagement/ sign up can be programmed in)	<b>Action 1.2:</b> Finalise a S106 Procedure Manual	<b>December 2019</b>
<b>Other Actions:</b> land charge data was not recorded in S106/ CIL records and no evidence of spot checking of this – whether the charge is applied or when it is removed. Particular attention should be given to ensuring Stage 2 (Demand notice) charges stay on for 7 years.	<b>Action 1.3:</b> Include procedures for adding / removing land charge records in the aforementioned Procedure Manuals	<b>As above</b>
<b>Recommendation 4:</b> Instigate a regular programme of training for Development Management officers on CIL. Training of officers should not be considered as a one off and should be carried out on a quarterly basis to deal with staff changes and as a refresher to ensure compliance with regulations and build the capability of officers to administer CIL.	<b>Action 1.4:</b> Undertake training for all Development Management and Land Charges officers on CIL and S106, initially with reference to the CIL Procedure Manual	<b>October 2019</b>
<b>Priority Action 2:</b> Carry out training for all Development Management officers on CIL liability calculations and clarify their role in the S106 monitoring process – including what information and approvals should be fed back to the S106 officer	<b>Action 1.5:</b> ...and a subsequent refresher with reference to the S106 Procedure Manual	<b>January 2020</b>
<b>Issue 2: Data / recording systems</b>		

Recommendation / Action extracts from Health Check Report (re-sorted by topic, rather than in the order in the report)	Council Action	Target Date & Status
<b>Recommendation 2:</b> Invest in a S106 and CIL database to make monitoring and reporting more efficient, bring records into a single location and standardise approaches to record keeping.	<b>Action 2.1:</b> Initiate procurement for specialist S106/CIL software and initiate making records ready for transfer of records from old to new system	<b>April 2020</b>
<b>Recommendation 2 continued:</b> This will help the council respond to the emerging requirements from Government notably Infrastructure Funding Statements, make reporting easier and provide a more secure platform to hold important information.	<b>Action 2.2:</b> Publish an Infrastructure Funding Statement by the statutory date as required by the CIL (Amendment) (England) (No.2) Regulations 2019	<b>December 2020</b>
<b>Recommendation 2 continued:</b> The Council should buy access to BCIS indices to ensure the index applied is up to date (it may be that the license costs can be shared with other council departments it should be noted that RICS members may be able to access it at a discount).	The CIL (Amendment) (England) (No.2) Regulations 2019 replace the BCIS index of inflation with a new publicly-available RICS CIL Index from 2020 and so purchase of a license is no longer needed	✓ <b>N/A</b>
<b>Recommendation 2 continued:</b> In the interim, regular back-ups of all CIL and S106 files are essential and advice on how to do this from the council's IT support should be sought (other than as per IT standard on the server).	<b>Action 2.3:</b> Create manual 'backup' copies of folders	<b>August 2019</b>
<b>Priority Action 3:</b> Back up of records (CIL and S106 files) securely and regularly (in addition to as per IT standard on the server)	<b>Action 2.4:</b> Seek advice from IT colleagues	<b>August 2019</b>
<b>Other Actions:</b> In addition, neighbourhood CIL pots are not being calculated or recorded correctly as the relevant cap is not being applied. Even though the sums identified are unlikely to differ the system should use the correct method of calculation.	Calculations suggest the cap does not currently apply so there is no need to amend formula.	✓ <b>N/A</b>

Recommendation / Action extracts from Health Check Report (re-sorted by topic, rather than in the order in the report)	Council Action	Target Date & Status
<b>Issue 3: Resource challenges</b>		
<b>Recommendation 3:</b> Expand the CIL and S106 resource to more officer resource to improve systems, minimise resource risk, prepare for new reporting requirements (e.g. infrastructure funding statements) and adopt more proactive approaches that are likely to help optimise receipts and efficiency.	<b>Action 3.1:</b> Draft a Job Description / Person Specification (JD/PS) for a Principal Officer post	<b>October 2019</b>
<b>Recommendation 3 continued:</b> Creating a new S106 and CIL Post at PO4 level to better reflect the existing scope of responsibilities especially in connection to Finance and strategic relationship management. This would also encourage responsibility for more proactive monitoring/ system checks and to introduce new supervisory responsibilities. Linked to this it may be appropriate to provide this role with greater exposure to spend decisions and regular reporting to senior management teams (including in the context of the IFS). This will ensure that there is a greater sense of where the role fits in the council's structure, what it delivers and provide the greater visibility internally that the position requires.	<b>Action 3.2:</b> Job evaluation of JD/PS	<b>December 2019</b>
	<b>Action 3.3:</b> Advertise post	<b>January 2020</b>
<b>Recommendation 3 continued:</b> The existing CIL / S106 officer post (PO2 level) should be retained to focus on day to day S106 monitoring and issuing the required CIL notices.	<b>Action 3.4:</b> Post filled	<b>April 2020</b>
<b>Priority Action 4:</b> take steps advertise for additional resources.		
<b>Recommendation 3 continued:</b> Ensuring that a single manager within planning has a greater role in the day to day management ensuring adherence to the manual/ protocols across the council. They should also ensure that they have oversight of the dedicated S106 and CIL staff resource needs, performance and an awareness of any team member support requirements.	<b>Action 3.5:</b> Ensure Head of Planning Policy, Transport & Infrastructure has management oversight and responsibility for S106 and CIL, with regular 1-1 meetings with the S106 and CIL Monitoring Officer	<b>April 2019</b>  ✓ Post permanently filled on a full time basis with monthly 1-1s and day-to-day line management established
<b>Priority Action 4:</b> Ensure there is more oversight of CIL and S106 tasks at a day to day operational level		



**7 Contribution to strategic outcomes**

7.1 Improving processes for collecting, spending and reporting on S106 and CIL contributes to many Borough Plan objectives indirectly, but the most explicit Borough Plan reference to S106 and CIL is:

- Outcome 16) Regeneration with social and economic renewal at its heart
- Objective 16)b) Take account of how people feel about the way their local areas are changing, building cohesive and resilient communities
- Action: Seek to bring in external funding and use Section 106 and Community Infrastructure Levy budgets [to] achieve maximum impact

**8 Statutory Officers comments (Chief Finance Officer (including procurement), Asisstant Director of Corporate Governance, Equalities)**

8.1 N/A

**9 Use of Appendices**

Appendix A: Section 106 (S106) and Community Infrastructure Levy (CIL) Health Check Report

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

[Tuesday 15 January 2019 Scrutiny Panel minutes item 43](#)

# Haringey Council S106 and CIL Health Check Report May 2019



## 1. Introduction and Background

1. In January 2019 the London Borough of Haringey (client Officer Emma Williamson, Assistant Director of Planning) commissioned Citiesmode to undertake a high-level review of the council's processes associated with the administration, monitoring and governance of Section 106 (S106) legal agreements and the Community Infrastructure Levy (CIL). In the case of CIL this includes the collection of the Mayor of London's CIL as well as the collection and spend of Haringey's own CIL. Both regimes were considered in the context of their association with the grant of planning permission for development within Haringey.
2. The objective of the review was to analyse the effectiveness of the current processes, including acknowledging areas of good practice, and to identify opportunities for improvement in order to optimise the service and make it more successful. The review included:
  - A two-hour overview workshop held on the 6<sup>th</sup> February 2019 with the Assistant Director of Planning, Development Management Team Leaders, Policy Team Leader, the S106 and CIL monitoring officer and business managers from Finance.
  - A two-hour follow up meeting held on the 7<sup>th</sup> February with the S106 and CIL monitoring officer who is principally responsible for undertaking the daily tasks involved with the monitoring of S106 legal agreements post the grant of planning permission and the administration of the collection and spend of Haringey Council's CIL and the collection and transfer of the Mayor of London's CIL. This allowed a deeper dive in to a number of matters including:
    - The functionality and utilisation of current databases and spreadsheets that are used for the monitoring of the processes associated with S106 and CIL; and
    - Filing and data storage management.
  - Telephone interviews with officers involved in the spend of S106 (but not yet the spend of CIL) for delivery of projects within their service areas in March 2019. This included interviews with an officer from the council's Regeneration service working primarily on public realm projects and an officer leading the council's employment agenda (and with oversight of associated S106 employment and training matters).
  - A review of written internal and external documents linked to S106 and CIL monitoring, collection, spend and reporting.
3. The purpose of this report is to provide the council with a summary of the findings of the review, including an analysis of the current processes, along with detailed recommendations for improvement that are practical and specific to Haringey Council. The report also identifies relevant training needs to support officers involved in the process and recommendations for further support that might be required or accessed from other sources.

4. It should be noted that the review and assessment was focused on the processes associated with the administration, monitoring and spend of S106 and CIL only. It did not therefore include consideration of matters associated with S106 policy or the setting of a CIL charging schedule and neither can it be considered to be a formal audit of the systems.

## 2. S106 and CIL in Context

5. The main planning tools for securing developer contributions to be used towards infrastructure that is required to support development are planning obligations, as secured through Section 106 (S106) legal agreements, and the Community Infrastructure Levy (CIL). The way each of these tools can be used is prescribed in the CIL Regulations 2010 (as amended). S106 is used to address site specific impacts arising from individual developments and to secure planning policy requirements. It is the main tool used to secure affordable housing linked to the grant of planning permission. CIL on the other hand is a strategic tool that is used to address the area wide and cumulative impacts of development.
6. Guidance on how planning obligations are used and secured through S106 legal agreements linked to the grant of planning permission in Haringey is set out in its [“Planning Obligations” supplementary planning document](#) that was adopted by the Council in March 2018. This document sets out the Council’s approach, policies and procedures on the requirement and use of planning obligations. It also sets out the relationship between them and the application of the Haringey CIL.
7. [Haringey’s CIL Charging Schedule](#) was adopted by the Council in July 2014 and came in to effect on 1<sup>st</sup> November 2014. This sets out differential charging rates for residential development (including student accommodation) across three defined zones in the borough. For other types of development single rates apply across the borough and there is no charge for office, industrial, warehousing, defined small scale retail development, health and educational uses. CIL is generally chargeable on most new developments and extensions that include 100 square metres or more of new build floorspace or comprise one or more dwellings. As of June 2018, the Council had collected £4,861,852 of Haringey CIL.
8. In accordance with the CIL regulations the Haringey CIL must be allocated for spend in the following proportions:
  - 70 – 80% on the provision, improvement, maintenance or operation of infrastructure to support the development of the London Borough of Haringey.
  - 15 – 25% of receipts collected within a “neighbourhood” to be ring fenced and spent in agreement with the community on infrastructure to support the development of their area or anything else that supports the development of their area.

It is important to note that where there is a neighbourhood plan made in the area the portion of CIL receipts ring fenced should be 25%. Where there is no neighbourhood plan the amount of CIL ring fenced should be 15% **BUT** capped at £100 per council tax paying dwelling.

  - Up to 5% on the costs associated with the administration of the CIL.
9. In December 2018, the [Government undertook a technical consultation](#) on draft regulations which included a proposal to introduce a requirement for authorities to publish an Infrastructure Funding Statement (IFS) by December 2019. If implemented this will mean that

the Council must report on S106 and CIL receipts received, spent and being held as well as identify projects that funds will be spent on over the proceeding five years. The draft regulations associated with this proposal also set out a requirement to provide forecast figures for receipts in future years. Whilst the IFS is not yet a legal requirement it is already referenced in [National Planning Policy Guidance](#) as a tool which can be used for effective cooperation in addressing strategic infrastructure needs.

10. The expectation is that the Regulations will be 'made' and take effect this summer however this is dependent upon Parliamentary timetables and availability. Given that there has not yet been a response by Government to this technical consultation it is anticipated that the requirement for an IFS is likely to be pushed back to December 2020. Notwithstanding, given that many authorities have a back log of historic records associated with the monitoring of S106 agreements it will be prudent for authorities to start to consider now how they will collate and report on this information to aid transparency in the system. This is also linked to the [wider ambition of Government](#) to have all S106, CIL and viability assessments as open data.

### 3. S106 and CIL Health Check

11. Haringey Council has S106 and CIL systems in place which align with the principal legislative and regulatory requirements. There are elements of good practice in the Council's approach. However, there are a number of deficiencies that reduce the efficiency, effectiveness and resilience of the service. A summary of the key areas of assessment that were undertaken is provided at Appendix 1. The 'headline' issues and a more detailed commentary is set out below.

#### **Issue 1: Lack of clarity on roles and responsibilities and processes to be followed**

12. The Assistant Director of Planning maintains good oversight of the systems including in particular expenditure from the S106 and CIL funds by ensuring compliance with relevant legislation or individual S106 agreements. Notwithstanding, at an operational level there is a lack of clarity on the precise processes for monitoring CIL and S106 and on the roles and responsibilities of officers. For example, who does what in the process, when and how is this recorded and what are the procedures for reporting?
13. Some monitoring tasks are undertaken by the S106/CIL officer and some by Development Management officers. It is understood that each scheme about to be implemented should be allocated to a Development Management officer who uses the S106/CIL officer's spreadsheet to actively monitor compliance with S106 agreements. The implementation of this system *has* improved the effectiveness of monitoring, particularly of non- financial obligations (known in Haringey as 'physical obligations'). However, this process needs to be formalised and training embedded.
14. Clarity is needed on how, and who, communicate decisions on compliance with S106 agreements to developers as well as how it is recorded on the Council's systems. Better defining these roles and the task split is also will also benefit internal and external customers who need to know *who* the point of contact is for enquiries related to S106 monitoring. Development Management officers also need to provide more regular feedback to the S106/CIL officer on progress monitoring the S106 – and when any decisions on compliance are made - to ensure records are kept up to date and consistent. Improvements are needed to

increase the efficiency of monitoring and reduce the risk of task duplication *or* of tasks being missed.

15. Council departments other than Planning also have a role in considering compliance with some non-financial obligations for example, energy and employment and training. Significant progress has been made recently with the Employment team who are looking at developing protocols for dealing with S106 obligations relevant to that service area. But the lack of clarity on roles and responsibilities reduces the effectiveness of the monitoring approach. This also inhibits effective resource planning for both the planning service and the other departments in determining who is or who *should be* involved, in the monitoring of S106 or S106/CIL spend and assessing the time needed to undertake these tasks.

## **Issue 2: Data/ Recording systems are not fit for purpose**

16. The S106 and CIL monitoring system comprises a series of Excel sheets. The record keeping is excellent but there are a number of issues:
  - the data/ records are not 'backed up' (other than as per IT standard on the server) and therefore there is a real risk of file deletion or corruption
  - the records are not in an easily accessible format – either in terms of who can access the files or the degree to which they can be easily used or interrogated.
  - the format of the records requires data input that is labour intensive and includes task duplication. For example, recording the same information in several places. This is in part a response to the difficulty in producing reports in the Excel (rather than ACCESS or other database formats)
  - there is weak / absent data on the spend and delivery of projects in the S106 and CIL monitoring systems (although these are recorded through other reporting mechanisms)
  - The records on the neighbourhood funding allocations show that the appropriate cap on funding is not being applied, although it is noted that no Neighbourhood CIL has been spent yet
  - Spend and delivery information is not integrated with the main S106 and CIL records which will raise challenges for dealing with information requests, including the multitude of freedom of information requests, efficiently and nor in the context of any challenge on spend.
17. There is a clear framework for the governance of spend which was agreed by the council's Cabinet in October 2017. This includes the requirement that all funding for new projects from the strategic CIL revenues will be required to be for projects within the Capital Programme for the borough. Projects are assessed by the Assistant Director of Planning for conformity with the relevant legislation and against guidelines set by the council. This is to ensure that projects support growth and are linked to development in the borough. S106 funding is also made available to service areas to bid for in accordance with the associated legal agreements. Spend on S106 is also reported to the Capital Board.
18. Notwithstanding, the clear governance process it is noted that there are unspent S106 receipts and no current projects held against future CIL receipts. In recent years quarterly reports on receipts are now going to the Capital Board and Borough Plan Delivery Board. However, there may be value in providing further guidance to internal officers on the processes to access funding alongside these regular updates to these officers – and the senior leadership team – on CIL and S106 contributions received and unspent sums.

## **Issue 2: Resource challenges**

19. Many aspects of S106 (and to a lesser degree CIL) monitoring are carried out by a single S106/CIL officer. The S106/CIL officer works with a high degree of autonomy. Engagement on

a day to day basis from their line manager is low compared to other work streams within the team, for example, on local plan (it is noted that the line manager is part-time). An unintended consequence of this, is that wider awareness of day to day CIL and S016 processes and record keeping across the department is low. This raises significant service continuity risks.

20. The S106/CIL Officer is experienced and highly capable and maintains good records and has excellent relationship management skills. However, working across S106 and CIL combined with cumbersome systems reduces the capacity to step back and look at the bigger picture to undertake system checks or proactive monitoring. This means that there is:
  - limited or no checking to see if CIL cases are being missed by Development Management at the planning application stage or any analysis of how the CIL liability cases relate to the information the council has on development completion data
  - no review on whether land charges are implementing Stage 1 and Stage 2 land charges effectively (including claw back provisions).
21. Better systems for allocating and monitoring neighbourhood CIL proportions need to be put in place. This should include applying the appropriate 'cap' based on the number of council tax paying dwellings for 15% of CILs in those areas not covered by a neighbourhood plan. It is noted that no Neighbourhood CIL has been spent yet and the small ward size and levels of CIL means this is unlikely to change the amount; however, circumstances may change. The neighbourhood funding should be calculated in line with the CIL Regulations and it is important that this is communicated accurately to communities so that they understand how funds are apportioned.

## 4. Recommendations

22. There is a need for the development of, and investment in, the S106 and CIL systems at Haringey to improve the efficiency and resilience of the system. Key recommendations include:
23. **Recommendation 1: Develop a Section 106 and CIL manual with protocols that clearly establish who is responsible for which stage this should clarify matters in relation to monitoring (not policy or legal agreements).** This will help in the context of any future audit and should cover:
  - The roles and responsibilities of the S106/CIL Officer and Development Management officers related to S106 including mechanisms for feedback/ information sharing and on CIL in particular how reliefs are issued by who and when
  - Locations of files and databases on potential receipts, actual receipts and spend and who has access/ who approves access
  - The role of other services in the process including finance, land charges and the legal team as well as other council departments – e.g. Employment and training, carbon offset, car free etc.
  - How and when potential and actual receipts and spend are reported internally, who receives these, and when they are published in line with legislation and by whom
  - The details of the cost centres and codes where CIL and S106 funding is held and who has access to these to (i) view transactions and (ii) journal payments to internal costs centres or make payments to external organisations
  - How to bid for/ draw down funds in accordance with the relevant legal requirements, how this is approved and signed off and how it is recorded (including capturing the details of the recipient cost centre/ account) and how delivery of the project is monitored.
  - Clearly defined roles for the S106/CIL officer and finance on responsibilities for identifying, recording payments and transferring funds for spend

- The format and frequency of reporting from the Finance team to S106/ CIL Officer, Head of Planning Policy, Transport and Infrastructure and Assistant Director of Planning on transactions in/out of the S106 and CIL cost centres and codes.
24. **Recommendation 2: Invest in a S106 and CIL database to make monitoring and reporting more efficient, bring records into a single location and standardise approaches to record keeping.** This will help the council respond to the emerging requirements from Government notably Infrastructure Funding Statements, make reporting easier and provide a more secure platform to hold important information. The costs can be met through the monitoring fees that the council retains for administration and monitoring. A bespoke S106 and CIL system should be used or as a minimum a well-designed access database that is properly backed up on a regular basis (in addition to as per IT standard on the server).
25. One option might be the EXACOM system which deals with processes end to end (so charge, collection and spend) and has an option to include a public facing module: <http://pfm.exacom.co.uk/midsuffolkbabergh/cil.php>. This system also accommodates neighbourhood CIL monitoring and reporting (and deals with the application of the relevant cap as referenced above). The Council should buy access to BCIS indices to ensure the index applied is up to date (it may be that the license costs can be shared with other council departments it should be noted that RICS members may be able to access it at a discount). In the interim, regular back-ups of all CIL and S106 files are essential and advice on how to do this from the council's IT support should be sought (other than as per IT standard on the server).
26. **Recommendation 3: Expand the CIL and S106 resource to more officer resource to improve systems, minimise resource risk, prepare for new reporting requirements (e.g. infrastructure funding statements) and adopt more proactive approaches that are likely to help optimise receipts and efficiency.** Consideration should be given to:
- Ensuring that a single manager within planning has a greater role in the day to day management ensuring adherence to the manual/ protocols across the council. They should also ensure that they have oversight of the dedicated S106 and CIL staff resource needs, performance and an awareness of any team member support requirements.
  - Creating a new S106 and CIL Post at PO4 level to better reflect the **existing** scope of responsibilities especially in connection to Finance and strategic relationship management. This would also encourage responsibility for more proactive monitoring/ system checks and to **introduce new supervisory responsibilities**. Linked to this it may be appropriate to provide this role with greater exposure to spend decisions and regular reporting to senior management teams (including in the context of the IFS). This will ensure that there is a greater sense of where the role fits in the council's structure, what it delivers and provide the greater visibility internally that the position requires.
  - The existing CIL / S106 officer post (PO2 level) should be retained to focus on day to day S106 monitoring and issuing the required CIL notices.
23. It should be noted that attempting to implement a new S106 / CIL software with one officer would significantly impact their ability to continue to undertake the current day to day work. This could therefore put the council at risk of loss by impeding the required daily monitoring functions. Indeed, the scope of any data transfer exercise should be assessed, and if appropriate consideration be given to temporary support to help with the transfer of historic records.
24. **Recommendation 4: Instigate a regular programme of training for Development Management officers on CIL.** Training of officers should not be considered as a one off and should be carried out on a quarterly basis to deal with staff changes and as a refresher to

ensure compliance with regulations and build the capability of officers to administer CIL. This should cover:

- Identifying what is a CIL case
  - CIL calculations including how to deal with existing floorspace (when it can be offset and when it cannot) and how reliefs are calculated
  - Feedback from the Development Management officer to the S106/CIL officer on any issues and protocols on information sharing
25. It may also be helpful to advise officers of the projects that have been allocated S106 and CIL funding to help them understand the important role that these planning tools have in place shaping and supporting the development of the borough

## 5. Next Steps

26. It is recommended that the council progress the actions above. It is suggested that based on this report, the following immediate actions are undertaken:
1. *Prioritise production of a first draft working manual based on the knowledge of the S106 officer of process in the first instance (wider engagement/ sign up can be programmed in)*
  2. *Carry out training for all Development Management officers on CIL liability calculations and clarify their role in the S106 monitoring process – including what information and approvals should be fed back to the S106 officer*
  3. *Back up of records (CIL and S106 files) securely and regularly (in addition to as per IT standard on the server)*
  4. *Ensure there is more oversight of CIL and S106 tasks at a day to day operational level and take steps advertise for additional resources.*
26. CITIESMODE PLANNING are available to deliver a presentation of the findings to the Assistant Director of Planning and any other officer(s) as directed. This will provide an opportunity for us to clarify the content, answer any questions and provide more detailed advice on the actions recommended.

## APPENDIX 1 Summary Health Check February 2019

Green = A good approach with no or only minor suggestions to improve effectiveness	Orange = Improvements needed to ensure effective operation of S106 and CIL systems	Red = Risk to service delivery/ continuity and non-compliance with regulations
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INDICATOR	ASSESSMENT	RAG SCORE
<b>Overall management of function and service</b>	<p>The Assistant Director of Planning maintains oversight of the systems including governance and reporting.</p> <p>The Assistant Director of Planning instigates service improvements and monitors outputs overall.</p>	<b>Green</b>
<b>Day to day management oversight/ checking of monitoring function</b>	<p>The Policy manager provides useful reporting support to the Assistant Director of Planning but the part time basis means there has been less day to day engagement with the work of the S106/CIL officer (compared to other project areas), low interface with how applications are considered for CIL liability in Development Management with no overall checking of systems and process or S106 officer performance. There is also low oversight of the level of demand on the S106/CIL officer from the Finance team and the impact of this on day to day monitoring – it is noted that there are a high number of time-consuming finance tasks that are undertaken by the S106/CIL officer.</p>	<b>Red</b>

	INDICATOR	ASSESSMENT	RAG SCORE
	<b>Capability (skills) and capacity of officer(s) responsible for Section 106 monitoring</b>	<p>The S106 monitoring is primarily undertaken by the S106/CIL monitoring officer (all financials and some non-financials). However, some monitoring in parallel is done by the Development Management service. The exact scope of this is unclear and appears inconsistent across the team with at times weak feedback on monitoring from the Development Management Officers to the S106/CIL monitoring officer (including the use of separate recording systems). The employment and training team are more directly involved in employment and training obligations.</p> <p>As well as good organisation skills, a major strength of the officer is good relationship management across and beyond the authority - this increases the effectiveness of the service and is under utilised at present.</p>	Orange
	<b>Capability (skills) and capacity of officer(s) responsible for CIL admin</b>	<p>CIL administration is split with Development Management calculating liability and the S106/CIL officer issuing demand notices. This split is sensible and necessary given that there is only one officer in post. It also helps minimise any lag between the issue of decision notices and CIL liability notices.</p> <p>The S106/CIL officer issues CIL demand notices effectively based on the liability notice. There may be a need for further (and ongoing training) to ensure Development Management officers are capturing CIL cases and calculating these accurately. Particular attention should be paid to calculation of reliefs and any netting off of existing floorspace</p>	Orange
	<b>Capacity of officer(s) responsible for CIL admin</b>	<p>The S106/CIL Monitoring officer is experienced and capable with high standards of work. However, the officer is stretched across S106 and CIL demands meaning there is limited capacity to undertake proactive monitoring (checking for missed CIL cases, proactive chasing up of commenced developments) or systems improvements. A substantial amount of officer time is spent on financial tasks (recording receipts and setting up journals which are checked and approved by finance). While more efficient to have the S106/CIL officer doing this from a corporate and systems perspective this is a time consuming task which is not necessarily acknowledged in the work planning for the officer.</p>	Red

	INDICATOR	ASSESSMENT	RAG SCORE
	<b>Contact points for internal and external customers</b>	Internal customers seem to know who to contact and for what. This is possibly mainly as a result of the S106/CIL officer being in post for so long rather than a clear protocol for communication of who to contact. This could raise issues for new officers. External contacts were not assessed as part of this process but there were no obvious issues. Notwithstanding this consideration should be given to the provision of a standalone CIL and S106 inbox so that emails are accessible (not limited to one officer) to support service continuity.	Green
	<b>S106 Database/Records</b>	There is good record keeping with key data recorded. But the current approach is neither secure in terms of back up, or easy to update and interrogate (other than as per IT standard on the server). Reporting from the Excel sheets is cumbersome and inefficient and unlikely to be suitable to emerging requirements from government on data transparency and standardisation. Emerging government requirements to produce infrastructure funding statements also demand more investment in systems to enable fast and comprehensive reporting.	Red
	<b>CIL Database/ Records</b>	<b>As above.</b> In addition, neighbourhood CIL pots are not being calculated or recorded correctly as the relevant cap is not being applied. Even though the sums identified are unlikely to differ the system should use the correct method of calculation.	Red
	<b>Interface with Land Charges</b>	This was not assessed as part of this projects. Scored orange primarily to flag the need for review as land charge data was not recorded in S106/ CIL records and no evidence of spot checking of this – whether the charge is applied or when it is removed. Particular attention should be given to ensuring Stage 2 (Demand notice) charges stay on for 7 years.	Orange
	<b>Identification of CIL cases and calculation of CIL (including relief)</b>	Limited cross checking of these cases is undertaken and potentially a lack of clarity about exactly how reliefs are being administered and recorded from the Development Management team. Not necessarily a compliance issue but it is clear that further training is needed for Development Management managers and no doubt other officers involved	Orange
	<b>CIL Demand notices payments</b>	Issued by the S106/CIL monitoring officer – no issues but it is noted that there is limited checking of whether cases were missed at liability stage	Green

	INDICATOR	ASSESSMENT	RAG SCORE
	<b>Calculation of S106 financials and payments</b>	Checks of calculations not undertaken as part of the assessment	Green
	<b>Ensuring compliance with S106 non-financials / physical obligations</b>	As noted above S106 monitoring is primarily undertaken by the S106/CIL monitoring officer (all financials and some physicals); However, some monitoring (physical obligations) is undertaken by Development Management. There is a lack of exact split of tasks, application appears inconsistent across the team with and there is in some instances weak/ infrequent communication back to the S106/CIL monitoring officer on compliance or non compliance with obligations. Separate recording systems are used/ notes and correspondence are not saved to the same file location. As a consequence, records <i>may</i> not be complete or up to date and it may be confusing for external customers.	Orange
	<b>Governance of spend</b>	There is a published document setting out the governance approach to CIL (although not S106). There are good controls for spend with PIDS and an application, a board to consider spend and formal sign off process by the Assistant Director of Planning. Transparent systems in place, routed through a corporate board and with clear mechanisms for sign off and a form for audit. Consideration should be given to making clear that there is delegation to Planning Managers such as the Head of Planning Policy, Transport and Infrastructure of some levels of sign off in absence of the Assistant Director	Green
	<b>Processes for accessing / transferring funding</b>	The processes are in place and do operate (based on know-how of finance/ S106/CIL officer) but should be codified so the process is clear should someone else have to pick it up as well as for transparency. There is a weak feedback loop on the delivery of projects to the S106/CIL officer.	Orange
	<b>Reporting</b>	Reporting in line with CIL Regulations is undertaken. However, more consistent reporting could be done internally particularly to push for expenditure of historic S106 receipts in line with agreements. Data on spend is not well integrated with main CIL and S106 receipts and could be clearer for audit. However, it should be acknowledged that it is not impossible as decisions on spend are recorded.	Orange

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**Report for:** Housing and Regeneration Scrutiny Panel, 12<sup>th</sup> Sep 2019

**Title:** High Road West - update

**Report**

**authorised by:** Peter O'Brien, Assistant Director for Regeneration

**Lead Officer:** Matthew Maple, Regeneration Manager

**Report for Key/**

**Non Key Decision: Report for information**

**1. Introduction**

- 1.1 Cabinet agreed in September 2017 for the Council to select Lendlease as the preferred bidder for the High Road West scheme. In doing so, the Council confirmed a budget of over £10m for social and economic support for both businesses and residents to be provided by Lendlease as part of the agreement as well as delivery of socio-economic benefits provided through the scheme.
- 1.2 As noted previously (see App 1), the Council is currently reviewing the High Road West scheme, not least in order to increase the number of Council owned social rent homes and address the consequent viability gap. As such, spend of this funding is predominantly on hold while this is done. This is providing an opportunity for the budget to be reviewed in line with current Council priorities.
- 1.3 This briefing note provides more information about the High Road West socio-economic programme, with a particular focus on:-
  - Further clarification of the themes (e.g. 'building community capacity', 'enabling healthy lives' etc)
  - Timeframes for next steps
  - How local stakeholders (including residents and businesses) can get involved in shaping the programme as well as benefitting from it

**2. Approach to Development of Themes and Timescales**

- 2.1 As part of their successful bid, Lendlease provided a strong response regarding the socio-economic programme as described below. Since that time, the Council has adopted a new Borough Plan and progressed a number of other strategic approaches, such as the commitment to increasing Council homes, a strategic focus on Community Wealth Building, an emerging Economic Development Strategy and the Communities First programme. The Council is taking the opportunity to review the High Road West scheme, including the socio-economic programme to ensure that it optimises its delivery in response to the needs of local people.
- 2.2 This review includes an assessment of how elements of the scheme can best meet the needs of local people, using an evidence-based approach to help ensure a high

likelihood of success of the scheme interventions in relation to the Council's core priorities (as described in the Borough Plan and supporting evidence such as last year's borough wide Residents' Survey). The scheme can address these issues in a cross-sector manner, working together with initiatives such as Communities First, through interventions such as providing healthy homes and neighbourhoods, providing new community facilities such as the Library and Learning Centre and promoting employment that relates to local need.

- 2.3 It is hoped this work will be complete in Autumn to support progress of the scheme.
- 2.4 The Council understands that in delivering the new homes and facilities provided through High Road West, that the lives of residents and businesses living within the area will face disruption and difficulties. This is why engagement and allowing people to have a say over their future has been, and will continue to be, an important priority in the delivery of the scheme.
- 2.5 Residents and businesses have already shaped the scheme, initially through consultation that initiated the scheme and defined the masterplan design, and thereafter, through initiatives such as the Resident Charter, the Resident Design Panel and the Resident Procurement Panel, which have provided residents with greater control over the types of homes and neighbourhood being created. Regular engagement with residents through these and other activities has helped the Council to understand local needs and issues, so that the scheme and specifically, the socio-economic programme can be targeted towards the most pressing local priorities.
- 2.6 A business engagement programme is being delivered through the Council's engagement team, supported by Retail Revival. Through a mix of face to face meetings, business breakfast events and business support initiatives, the Council has a good understanding of the needs of the business community both within and outside the development area, aimed at protecting and enhancing the local businesses and strengthening employment opportunities in the area.

## THE COMPONENTS OF THE PROGRAMME

- 2.7 As part of the tendering process for High Road West, the Council required that bidders commit to delivering a socio-economic programme to improve the lives of people in and around the High Road West area, in accordance with the vision and themes of the Tottenham Strategic Regeneration Framework's People Priority. We asked bidders to structure their response around 3 themes: (i) creating better prospects; (ii) enabling healthy and safe lives; and (iii) building community capacity; bidders were required to outline a funded and resourced programme that met the Council's aims and objectives.
- 2.8 Lendlease responded strongly to this requirement with a structured programme of interventions that support the Borough Plan ambitions on employment, skills and young people and provides a £10m funding contribution and officer resources.
- 2.9 Following the signing of the Development Agreement in December 2017, the Council worked with Lendlease officers to develop a HRW Socio Economic Strategy which outlines how the scheme will deliver improved socio economic outcomes for local

residents. In line with the bid and tender requirements, the socio-economic strategy and programme is structured around five areas:-

- (i) Building Community Capacity
- (ii) Creating Better Prospects
- (iii) Enabling Healthy and Safe Lives
- (iv) Business Support
- (v) Physical Changes

- 2.10 The Council is currently reviewing the High Road West scheme, not least in order to increase the number of Council owned social rent homes and address the consequent viability gap. It is likely that there will be a corresponding review of the use of the £10m funding in order that its use can be optimised to support the objectives of the scheme, in accordance with recent Council directions provided by the Borough Plan and other related strategy and policy documents. As such, apart from the ongoing Haringey Community Gold project under Building Community Capacity, work has been put on hold until this review is completed. The following descriptions are provided as a current position it has been agreed that the programme will be re-scoped in the Autumn in line with the new Borough Plan and Economic Development Strategy.
- 2.11 **Building Community Capacity** is currently based around two main areas: funding to support preventative work around Youth Crime through the Haringey Community Gold project and building community capacity through the creation of a new “Community Impact Group”. The Community Impact Group has been set up to allocate funding to community projects on Love Lane Estate and the wider North Tottenham area and is represented by local residents, stakeholders and members of the project team.
- 2.12 **Creating Better Prospects** provides funding for skills and employment programmes. This strand will deliver employment and skills programmes to support local residents to access construction, end use and wider employment and apprenticeship opportunities. Any programmes will be developed through the Haringey Construction Partnership in partnership with Conel. The theme also includes a bespoke programme to provide wrap around support and employment opportunities for those furthest from the job market via Lendlease’s Be-Onsite Service. All support will be targeted at residents who have a number of barriers to entering employment and will align will and complement existing provision. This theme also includes funding to support a youth apprenticeship programme.
- 2.13 **Enabling Healthy Lives** includes work with young people in schools to build self-esteem through promoting opportunities in STEM subjects and entrepreneurship, as well as promoting sports for young people and families through the ‘Sports Inspired’ programme.
- 2.14 The **Business Support** theme includes funding to support businesses in the area, including support by Retail Revival, who have been delivering a range of support

activities with businesses in north Tottenham, as well as funds for start-ups and relocation of existing businesses.

- 2.15 The **Physical Changes** theme sets out the schemes aspiration to ensuring that delivering better socio-economic outcomes is embedded into the to the physical design of the scheme, designing out crime and activating spaces to support healthy and active lifestyles. It also includes funding for the refurbishment of the Grange as a community facility to support community interaction and funding set aside to provide a nursery, subject to securing premises.