

## NOTICE OF MEETING

# CORPORATE COMMITTEE

**Thursday, 10th March, 2022, 7.00 pm - Woodside Room - George Meehan House, 294 High Road, N22 8JZ (watch the live meeting [here](#), watch the recording [here](#))**

**Members:** Councillors Peter Mitchell (Chair), Barbara Blake (Vice-Chair), Kaushika Amin, Dawn Barnes, Patrick Berryman, Mark Blake, Mahir Demir, Joseph Ejiofor, Scott Emery, Emine Ibrahim, Alessandra Rossetti and Preston Tabois

**Quorum:** 3

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

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

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**

To receive any 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 under item 12 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 - 10)**

To confirm and sign the minutes of the Corporate Committee meeting held on 1 February 2022 as a correct record.

**7. TREASURY MANAGEMENT UPDATE REPORT Q3 2021-22 (PAGES 11 - 26)**

To note the Treasury Management activity undertaken during the first three quarters of the financial year to 31 December 2021 and that all treasury activities were undertaken in line with the approved Treasury Management Strategy.

**8. AUDIT & RISK Q3 PROGRESS REPORT (PAGES 27 - 42)**

To note the activities of the Audit and Risk Management Team during quarter three of 2021/22.

**9. ANNUAL INTERNAL AUDIT PLAN, STRATEGY, AND CHARTER 2022/23 (PAGES 43 - 66)**

To review and approve the updated Annual Internal Audit Strategy and Plan for 2022/23 (Appendix A) and the Internal Audit Charter (Appendix B).

**10. VERBAL UPDATE ON 2020/21 AUDIT PROGRESS**

Verbal update from external auditors, BDO, on 2020/21 Audit Progress.

**11. PUBLIC RIGHT OF WAY APPLICATION (PAGES 67 - 172)**

To consider an application for a public right of way.



## **12. NEW ITEMS OF URGENT BUSINESS**

To consider any items of urgent business.

## **13. DATES OF FUTURE MEETINGS**

To note the dates of future meetings:

21 July 2022  
15 September 2022  
15 November 2022  
2 February 2023  
28 March 2023

Jack Booth, Principal Committee Co-ordinator  
Tel – 020 8489 3541  
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Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Monday, 28 March 2022

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## **MINUTES OF THE CORPORATE COMMITTEE MEETING HELD ON TUESDAY, 1 FEBRUARY 2022, 7PM – 9.15PM**

**PRESENT:** Councillors Peter Mitchell (Chair), Barbara Blake (Vice-Chair), Kaushika Amin, Dawn Barnes, Mark Blake, Mahir Demir, Joseph Ejiofor, Scott Emery, Emine Ibrahim, and Preston Tabois.

The following Councillors joined the meeting virtually: Councillors Zena Brabazon, Mike Hakata, Alessandra Rossetti, and Matt White.

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

The Chair referred to the notice of filming at meetings and this information was noted.

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

Apologies for absence were received from Councillor Alessandra Rossetti and Councillor Patrick Berryman. *Councillor Alessandra Rossetti joined the meeting virtually but could not be considered to be present for the purposes of the attendance record.*

### **3. URGENT BUSINESS**

The Chair highlighted that there was one late report. Ayshe Simsek, Democratic Services & Scrutiny Manager, said that the late report pertained to item 9, Proposed Renaming of Black Boy Lane.

### **4. DECLARATIONS OF INTEREST**

Councillors Peter Mitchell, Barbara Blake, Kaushika Amin, Dawn Barnes, Mark Blake, Mahir Demir, Joseph Ejiofor, Scott Emery, Emine Ibrahim, and Preston Tabois declared an interest in relation to item 9, Proposed Renaming of Black Boy Lane as the subject had been discussed previously by the Committee. All members confirmed that they would consider the information in the reports and the issue with an open mind and would take part in the discussion and voting on this item.

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

The Chair said that there was a single deputation in relation to agenda item 9, Proposed Renaming of Black Boy Lane, from a representative of Stand Up to Racism. The Committee agreed that the deputation would be taken immediately before item 9.

### **6. MINUTES**

#### **RESOLVED**

That the minutes of the Corporate Committee meeting held on 16 November 2021 and reconvened on 23 November 2021 be confirmed and signed as a correct record.

## **7. EXTERNAL AUDIT APPOINTMENT**

The Chief Accountant introduced the report which set out recommendations to recommend to the Full Council that Haringey Council opts in to the Public Sector Audit Appointments Ltd (PSAA) scheme to enable them to appoint the external auditor for the Council and for the Pension Fund.

It was explained that, in 2016, the Secretary of State specified the PSAA as the appointing person for local authority audits; this gave PSAA powers to appoint external auditors for every local authority. The appointing period was for 2018-19 to 2022-23. Local authorities had until 11 March 2022 to opt into the second appointing period which would run from 2023-24 to 2027-28. The Chief Accountant noted that the advantages and disadvantages of the scheme were set out in the report and that it was recommended that the Council opted in to the PSAA scheme.

In response to a question from the Committee, the Chief Accountant said that most, if not all, London Boroughs were expected to sign up to the PSAA scheme.

### **RESOLVED**

To recommend to Full Council that Haringey Council opts in to the Public Sector Audit Appointments Ltd (PSAA) scheme to enable them to appoint the external auditor for the Council and for the Pension Fund.

## **8. TREASURY MANAGEMENT STRATEGY STATEMENT 2022-23**

The Head of Pensions and Treasury introduced the Treasury Management Strategy Statement for 2022-23 which provided an update on the council's treasury management activities and performance in the first half of the financial year to 30 September 2021 in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice. It was explained that the report was for the Committee to note and that it would be presented to Full Council as required by the Code of Practice.

An overview of the document was given noting that it detailed the Council's borrowing and investment strategies for the next five years, while identifying risks and controls associated with these processes.

It was noted that the report had been reviewed by the Scrutiny Committee with no formal comments; however, they had asked questions that the officers had agreed to answer in writing to them. It was outlined that the code of practice stated that the strategy should be agreed annually setting out a three year position, but Haringey had decided to cover five years so that the document could be more accurately aligned to the medium term strategy and budget report.

It was noted that the Public Work Loans Board (PWLB), was no longer lending to local authorities who were planning to buy assets for yield. This new policy would not affect Haringey as this was not a practice that Council had pursued previously, therefore allowing the Council to continue to access the PWLB loans going forward.

The context for the report was developed in conjunction with the Council's consultants Arlingclose and the assumptions for new loans were set at an average of 3%. The need for the Council to borrow were set out in the Capital Financing Requirement at Table 1 of the report. The borrowing strategy was set out at section 4, detailing how the Council intended to finance borrowing. The key issue was around meeting the affordability requirements and achieving cost certainty over the long term. The Treasury Investment Strategy detailed how investments would be made on income that was received in advance of expenditure. The Council's primary objectives remained achieving security and liquidity before seeking financial return, as required by the code of practice.

In answer to questions from the Committee, the Head of Pensions and Treasury said that the Council would repay Lender's Option Borrower's Option (LOBO) loans in line with the Council's LOBO loans policy and in consultation with the Council's advisors, Arlingclose. It was important to find the optimum time for repayment; to date there had been no opportunities, that would materially benefit the Council, to repay these loans. In terms of short-term borrowing, 15% of the Council's debt was made up of short-term loans, which were used on an ad-hoc basis to make up any short-term liquidity needs, for example, for emergency payments. Short-term loans often came from other local authorities and these rates were commonly set lower than bank rates. With interest rates due to increase, there might be potential to repay some loans, if there was this would be reviewed by Treasury Advisors and brought back to this Committee. In addition, the assumption that the winter peak for CPI would be 6% was guidance from BoE, if CPI was higher than this there was a risk that the BoE would raise rates even further.

A Committee member noted that at paragraph 5.3 the wording of 'has increased' should be changed to 'had increased' due the risks around Covid-19 diminishing relative to other economic trends. The Head of Pensions and Treasury agreed with this, stating that these risks would likely increase if there was another variant.

### **RESOLVED**

1. To agree the proposed updated Treasury Management Strategy Statement for 2022- 23.
2. To recommend the proposed updated Treasury Management Strategy Statement for 2022-23 to Full Council for approval.

## **9. PROPOSED RENAMING OF BLACK BOY LANE**

The Committee heard a deputation put forward by Mr Vivek Lehal, supporting recommendation 2.1.3 in the report titled 'The proposed renaming of Black Boy Lane'.

The deputation began by emphasising his support for recommendation 2.1.3 in the report. He felt that the current socio-cultural climate was moving in favour of the recommendation and felt that it was not an issue that should be delayed. It was noted that the name of the pub on Black Boy Lane had been renamed as a result of a campaign. He stated that the naming of a pub or street 'Black Boy' contradicted

progressive values and the renaming of the street should be part of the Council's anti-racist agenda.

A Committee member asked the deputation if he was aware of other boroughs who had updated their names recently. The deputation did not have any specific examples of streets; he pointed out that the Albert Road Recreation Ground, had, as of 9 February 2021, been renamed to the O R Tambo Recreation Ground in memory of the South African anti-apartheid campaigner. He stated that the renaming of Black Boy Lane was in keeping with symbolic regeneration of the borough, which reflected the multi-cultural nature of the borough.

It was asked if the deputation agreed with the Mayor of London's establishment of the Commission on Diversity in the Public Realm and its brief to diversify the stories shared and commemorated across the city, and whether this was a progressive attitude. The deputation believed that the Mayor's stance was a progressive one, although there was debate around the idea of changing the names of streets and buildings as it could be considered as 'whitewashing' history. He felt that this was not the case as the process of renaming was a vital one as it was intended to reflect contemporary, multi-cultural London. Therefore, he said it was necessary to rename Black Boy Lane to reflect the diverse demography of Haringey.

The Assistant Director for Commissioning introduced the report which responded to the Committee's request for further consultation with Black Boy Lane residents, an Equalities Impact Assessment, and a support package for residents. The Assistant Director for Commissioning outlined the following about the consultation process:

- a statutory notice of intention was posted, in 12 languages, to every household and business on the street;
- an online survey was conducted;
- residents were given the opportunity to provide postal feedback;
- there were three engagement sessions, two of which were hybrid, and one was online;
- drop-in sessions were held through the local area co-ordinator; and
- plans for more door-to-door knocking sessions were cancelled due to the surge in Covid-19 case numbers caused by the Omicron variant.

The report set out the nature of the responses to the consultation. Overall, 78% of respondents were not in favour of the proposed name change and 22% were in support. When considering residents of Black Boy Lane, 81% were not in favour of the name change and 19% of resident supported the name change. The reasons for the objections to the name change were set out in the report at paragraphs 5.8 and 5.10. Appendices 3 and 4 (at Appendix 5 therein) set out the responses to the consultations which included the objections from residents and organisations which the Committee was required to consider.

It was noted that, if the Committee agreed to the name change, a package of support was in place to mitigate any negative effects of the name change to residents of Black Boy Lane. Residents would receive a voluntary payment of £300 per household. The Equalities Impact Assessment had been refreshed in light of further consultation. It was thought that a change of street name would bring positive impacts for local residents such as those detailed in the deputation. It was acknowledged that there

were negative impacts, particularly for those residents who were elderly, disabled. or from lower socio-economic backgrounds who might find it challenging to make necessary changes.

Regardless of whether the Committee decided to go ahead with renaming, it was recommended to move forward with the development of a Strategic Framework, through which the Council would engage with residents and stakeholders to explore and contextualise contested and inappropriate histories and examples of naming and commemoration, alongside ensuring the celebration of a diverse and representative set of figures and local history would mitigate any negative impacts of not proceeding with the renaming for local residents.

The timing of implementation of the proposed name change had been set out to mitigate any negative impact to local residents. There were also issues that affected the wider borough, such as the electoral register, which had been set out in the report. The appendices in the report pertained to information sent out to residents during the consultation process, the feedback from residents, and the report and appendices that went to the March 2021 Committee.

A Committee member noted that, in light of considering all resident feedback, the report had the option to change the name or not to change the name. The timescales given for the name change to come into effect were queried, it was asked if the proposed change could happen sooner. The Assistant Director for Commissioning explained that the timescales proposed would ensure that residents were consulted about how the change would take effect and understood the implications of it. There was the pre-election period to factor in which would affect resident engagement. Additionally, outreach work would need to be undertaken in order to engage residents who had not responded to either consultation.

In response to a question about the level of engagement at engagement sessions and the costing of the support package available to residents, the Assistant Director for Commissioning said that wider engagement was sought from residents and that posters advertising the consultation had been put up in the surrounding area about the consultation. Engagement was thought to have decreased due to the rise in case numbers caused by the Omicron variant. The timings of engagement had been varied to promote resident engagement; however, resident attendance had been low. The support package was a voluntary payment which was designed to recognise the time and disruption caused by the name change as much as any material costs incurred.

In response to a question about a comment received during local resident feedback, the Assistant Director for Commissioning said that there were contrasting views about the name change from the estate of John La Rose. From the Council's perspective, this was a neutral position. The Chair noted that the Trustees of the George Padmore Institute, which had strong connections to John La Rose, had resent their objections to the name change to the Leader of the Council to state that the renaming arrangements would not have been supported by John La Rose. It was also noted that members of John La Rose's family were in favour of the name change. The Assistant Director for Commissioning said that they had made the family aware that the matter was before the Committee and invited any comments. The Assistant Head of Legal Services Legal Services said that there was no policy for consulting the family's estate;

guidelines were referred to instead, which stated that it was at the Council's discretion if they would seek consent from the estate.

A Committee member said that the issue of the name change related back to The Commission for Diversity in the Public Realm, set up in 2010, by the GLA. It was clear that this issue was set to continue, was it possible to have a clear procedure set out in the for future for changing the names of public tributes. The Assistant Director for Commissioning referred the Committee member to recommendation 2.1.5, highlighting that the Committee was asked to acknowledge the importance of the development of the proposed Strategic Framework. This would provide a method, through resident consultation, of approaching renaming public tributes in the future, to agree other priorities and overall help residents have a tangible effect on their local area.

A Committee member commented that the decision before the Committee was an important one for the borough of Haringey and across London as it had implications for the renaming of other streets and public monuments. He understood that some residents in the borough wanted to retain the name Black Boy Lane; however, he felt that it was time to modernise the borough, while addressing historical wrongs.

At 8.04pm, due to technical difficulties, the meeting was briefly adjourned until the video link could be restored. The meeting resumed at 8.11pm.

A Committee member asked what the implications were for the Council's reputation in going against the general opinion of the local residents of Black Boy Lane to not change the name of the road. The Assistant Director for Commissioning outlined that it was up to the Council to give due consideration to consultation responses and to ensure that objections were considered by the Corporate Committee. Consultation responses were a way of testing the views of local residents. In this case understanding what the negative impacts for residents of Black Boy Lane were and mitigating these where possible; this was seen in the voluntary payment, dedicated support to individuals, and proposed Strategic Framework. It was important for the Committee to understand the range and strength of views of local residents, ultimately the decision to rename the road was a decision for the Committee to take.

The Chair thought that there was a need for the Council to have clear policy for street renaming. For example, there was a policy for how a Controlled Parking Zone (CPZ) was allocated or changed, this required over 50% local resident support. The Assistant Director for Commissioning and Assistant Head of Legal Services both confirmed that there was no threshold of local resident approval for a street renaming to go ahead, the decision was made by the Corporate Committee.

In response to a question about how the decision of the Committee would be communicated to residents, should the decision to change the name of Black Boy Lane be taken, the Assistant Director for Commissioning said that the Council would:

- contact residents with the decision outcome;
- detail the nature of support offered by the Council;
- what actions residents might need to take; and
- timeframes for the name change.



The Council would be looking to work with residents collaboratively to allay any worries or fears they may have around the change of a new road name, should the decision be taken.

The Chair highlighted that the Committee were required to consider objections of local residents and asked what amounted to the Committee considering objections. He commented that the response of the Council had not changed with objections and wondered if this was sufficient. A Committee member added that those in favour of the name change had not made detailed responses compared to those who were against the name change; how could both responses be considered equitably. The Assistant Head of Legal Services advised that the Committee approach the idea of consideration as they had been doing so far; that is to weigh and consider the objections, feedback, and results of the consultation.

With the consent of the Chair, Cllr Hakata spoke as ward councillor. He stated that Haringey was an anti-racist borough, with an extremely diverse population. The Council was currently undertaking a review on monuments buildings, places, and street names; it was important to develop a strategic approach to this process, rather than an ad hoc one. Personally, he found the road name Black Boy Lane offensive and thought that it was important to not celebrate histories that related to slavery. There were other road names in the borough that would also benefit from modernisation. He set out two issues: firstly, that the process of the renaming of Black Boy Lane was not strategic. Secondly, the change of name to La Rose Lane was contested by the George Padmore Institute, who found the change of name 'tokenistic', he felt that this challenge should be heeded by the Council. He asked the Committee to vote against the proposal to change the name of Black Boy Lane, looking instead to change the name in the context of the Strategic Framework. The Assistant Director for Commissioning said that whatever the decision of the Committee it was important to take forward the Strategic Framework.

Cllr Emery illustrated that Cllr Rossetti was not in attendance at the meeting due to her fears around contracting Covid-19. He queried why she had not been allowed to speak via the video link, yet Cllr Hakata, who was not part of the Committee, was allowed to do so. The Chair explained that Cllr Hakata was speaking as a ward councillor outlined in Standing Order 50 of the constitution. The Democratic Services & Scrutiny Manager added that, as the items on the agenda were decision-making, members of the Committee were not permitted to join virtually as they were required to be physically present in order to vote on a decision. It was noted that the rules on member voting had been determined by a court decision and it was highlighted that this was replicated across Council meetings.

The Assistant Director for Commissioning responded to a question about the method of consultation saying that her team followed up the decisions of the Committee about a method of consultation, the first consultation being borough wide and the second being the businesses and residents of Black Boy Lane. The Assistant Head of Legal Services explained that the statutory provision stated that the Council consult with residents. This involved processes such as posting the notice of intention and sending circulars to all households. For this consultation the Council had created a dedicated webpage which invited a breadth of responses across the borough. He emphasised that the primary consideration for the Committee was the responses of residents of

Black Boy Lane. Several Councillors outlined that they had considered the comments given through the two consultations. They felt that these should be contextualised and balanced with the views throughout the borough, as well as visitors to the borough.

The committee resolved the following:

1. To consider the feedback from the further consultation from 1 December 2021 to 19 January 2022 and the previous consultation from 15 January to 19 February 2021 on the renaming of Black Boy Lane to La Rose Lane, in particular, the objections from residents and organisations directly affected by the proposed renaming;
2. To consider and take into account the Equalities Impact Assessment (at Appendix 1) of the proposed change on protected groups and the actions proposed to mitigate the impact including a commitment to provide support, a dedicated staff resource and resident/organisation payments; and
3. To make an Order under the London Building Acts (Amendment) Act 1939 Section 6(1) to rename Black Boy Lane to La Rose Lane.

Cllr Ejiofor moved to amend resolution 4a and 4c so that the implementation date could be brought forward. He proposed that the amendment read thus (~~striketrough~~ refers to previous wording of the recommendation and **bold** shows the amendment):

4. The Committee having decided to make an:
  - 4a. the Order to take effect from 1 February 2023 **but officers to use best endeavours to achieve an earlier implementation date of 1 December 2022**
  - 4b. the Committee recommends to the Executive that a support package including a 'voluntary payment' of £300 and administrative assistance be made available to all households and businesses of Black Boy Lane to minimise any inconvenience resulting from the processes required to reflect the renaming.
  - 4c. **that officers would bring back a progress report to the Committee in September 2022.**

The Chair suggested amending the wording of resolution 5 to reflect the fact that the Committee had decided to make an order:

5. ~~If the Committee decides not to make an Order or to make an Order, t~~ That the Committee acknowledges the range and strength of opinions expressed during the consultation and the continued need to address identity, history, heritage and community through the development of the proposed Strategic Framework. This will provide a comprehensive approach to engaging with residents and key stakeholders on diversity in the public realm and will be led by the Council's Cabinet working alongside local residents.

The Assistant Director for Commissioning said that officers would undertake their best endeavours to achieve implementation by 1 December 2022 and was happy to provide

a progress report for the September 2022 Committee meeting. Cllr Barnes asked if the 1 December 2022 was an appropriate date, particularly with the run up to Christmas and the change of road name impacting postal delivery. The Assistant Director for Commissioning explained that this would be negated through running both road names concurrently for a year to ease transition. It was highlighted that changing the name at this time had the added advantage of syncing with the electoral register update.

The Committee agreed the following:

- resolution 1 was unanimously agreed
- resolution 2 was unanimously agreed
- resolution 3 was agreed following a vote with 8 votes for and 2 abstentions. Committee members who voted for resolution 3. asked for their vote to be recorded. Votes for: Councillors Amin, Barnes, Mark Blake, Demir, Ejiofor, Emery, Ibrahim, and Tabois
- resolution 4a was agreed following a vote on the amendment: 8 for, 0 against, 2 abstentions; and voting on the resolution: 8 for, 0 against, 2 abstentions
- resolution 4b was agreed following a vote with 9 votes for and 1 abstention
- resolution 4c was agreed following a vote on the amendment: 8 for, 0 against, 2 abstentions; and voting on the resolution: unanimous.
- resolution 5 was agreed following a vote on the amendment: unanimous; and a vote on the resolution: unanimous.

### **RESOLVED**

1. To consider the feedback from the further consultation from 1 December 2021 to 19 January 2022 and the previous consultation from 15 January to 19 February 2021 on the renaming of Black Boy Lane to La Rose Lane, in particular, the objections from residents and organisations directly affected by the proposed renaming;
2. To consider and take into account the Equalities Impact Assessment (at Appendix 1) of the proposed change on protected groups and the actions proposed to mitigate the impact including a commitment to provide support, a dedicated staff resource and resident/organisation payments; and
3. To make an Order under the London Building Acts (Amendment) Act 1939 Section 6(1) to rename Black Boy Lane to La Rose Lane.
4. The Committee having decided to make an Order:
  - 4a. the Order to take effect from 1 February 2023. That the order should take effect from the 1 February 2023. However, officers are to use their best endeavours to achieve an earlier implementation date of 1 December 2022.
  - 4b. the Committee recommends to the Executive that a support package including a 'voluntary payment' of £300 and administrative assistance be made available to all households and businesses of Black Boy Lane to minimise any inconvenience resulting from the processes required to reflect the renaming.

- 4c. that officers bring back a progress report to the Committee in September 2022 as towards the goal of achieving implementation by 1 December 2022.
5. That the Committee acknowledge the range and strength of opinions expressed during the consultation and the continued need to address identity, history, heritage, and community through the development of the proposed Strategic Framework. This will provide a comprehensive approach to engaging with residents and key stakeholders on diversity in the public realm and will be led by the Council's Cabinet working alongside local residents.

**10. NEW ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**11. DATES OF FUTURE MEETINGS**

To note the dates of future meetings:

Thursday, 10 March 2022

**12. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

That the press and public be excluded from the meeting for consideration of items 16-17 as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paragraphs 1, 2, 3, and 5; namely information relating to an individual, information which was likely to reveal the identity of an individual, information relating to the financial or business affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**13. EXEMPT MINUTES (PAGES 55 – 56)**

The exempt minutes were agreed as an accurate record.

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

There were no new items of exempt urgent business.

CHAIR: Councillor Peter Mitchell

Signed by Chair .....

Date .....

**Report for:** Corporate Committee 10 March 2022

**Title:** Treasury Management Update Report Q3 2021/22

**Report authorised by:** Thomas Skeen, Assistant Director of Finance (Deputy S151 Officer)

**Lead Officer:** Tim Mpofu, Head of Pensions & Treasury  
[tim.mpofu@haringey.gov.uk](mailto:tim.mpofu@haringey.gov.uk)

**Ward(s) affected:** N/A

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

### 1. Describe the issue under consideration

- 1.1. The Council has adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Council to approve reports on the performance of the treasury management function at least twice yearly (mid-year and at year end). This quarterly update report provides an additional update.
- 1.2. The Council's Treasury Management Strategy for 2021/22 was approved by Full Council on 1 March 2021.
- 1.3. This report provides an update to the Committee on the Council's treasury management activities and performance in the first three quarters of the financial year to 31 December 2021 in accordance with the CIPFA Treasury Management Code of Practice.

### 2. Cabinet Member Introduction

- 2.1. Not applicable.

### 3. Recommendations

The Corporate Committee is requested:

- 3.1. To note the Treasury Management activity undertaken during the first three quarters of the financial year to 31 December 2021 and the performance achieved which is attached as Appendix 1 to this report.
- 3.2. To note that all treasury activities were undertaken in line with the approved Treasury Management Strategy.

#### **4. Reason for Decision**

4.1. None.

#### **5. Other options considered**

5.1. None.

#### **6. Background information**

6.1. The Council's treasury management activity is underpinned by CIPFA's Treasury Management in Public Services: Code of Practice (the CIPFA Code), which requires local authorities to produce annually, Prudential Indicators and a Treasury Management Strategy Statement. CIPFA has defined Treasury management as: "The management of the local Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

6.2. The CIPFA Code recommends that members are informed of treasury management activities at least twice a year. Formulation of treasury policy, strategy and activity is delegated to the Corporate Committee and this Committee receives reports quarterly.

6.3. However, overall responsibility for treasury management remains with full Council and the Council approved the Treasury Management Strategy Statement and set the Prudential Indicators for 2021/22 on 1 March 2021. The Corporate Committee is responsible for monitoring treasury management activity, and this is achieved through the receipt of quarterly/annual reports. This report forms the third quarterly monitoring report 2021/22.

6.4. Government guidance on local authority treasury management states that local authorities should consider the following factors in the order they are stated:

Security - Liquidity - Yield

6.5. The Treasury Management Strategy reflects these factors and is explicit that the priority for the Council is the security of its funds. However, no treasury activity is without risk and the effective identification and management of risk are integral to the Council's treasury management activities.

#### **7. Contribution to Strategic Outcomes**

7.1. None.

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

Finance and Procurement

8.1. Finance comments are contained within the body of the report.

Legal

8.2. The Head of Legal and Governance has been consulted on the content of this report. The report is consistent with legislation governing the financial affairs of the Council. In particular, the Council must comply with the requirements of the Local Government Act 2003, the Local Authorities (Capital Financing & Accounting – England) Regulations 2003 and the Localism Act 2011 and the CIPFA Treasury Management code.

8.3. In considering the report Members must take into account the expert financial advice available to it and any further oral advice given at the meeting of the Committee.

Equalities

8.3. There are no equalities issues arising from this report.

**9. Use of Appendices**

9.1. Appendix 1 – Treasury Management Update Report Q3 2021/22

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

10.1. Not applicable.

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## Appendix 1 - Treasury Management Update Report Q3 2021/22

### 1. Introduction

- 1.1. The Authority has adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports. This quarterly report provides an additional update.
- 1.2. The Authority's treasury management strategy for 2021/22 was approved at a full Council meeting on 1 March 2021. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.
- 1.3. The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 1 March 2021.

### 2. External Context (provided by the Council's treasury management advisor, Arlingclose)

#### **Economic background**

- 2.1. The economic recovery from coronavirus pandemic, together with higher inflation and higher interest rates were major issues over the period.
- 2.2. The Bank of England (BoE) increased Bank Rate to 0.25% in December 2021 but maintained its Quantitative Easing programme at £895 billion. The Monetary Policy Committee (MPC) voted 8-1 in favour of raising rates, and unanimously to maintain the asset purchase programme.
- 2.3. Within the announcement, the MPC noted that the pace of the global recovery was broadly in line with its November Monetary Policy Report. Prior to the emergence of the Omicron coronavirus variant, the Bank also considered the UK economy to be evolving in line with expectations. However due to the increased uncertainty and risk to activity the new variant presented at the time, the Bank revised down its estimates for Q4 GDP growth to 0.6% from 1.0%.
- 2.4. Inflation was projected to be higher than previously forecast, with CPI likely to remain above 5% throughout the winter and peak at 6% in April 2022. The labour market was generally performing better than previously forecast and the BoE now expects the unemployment rate to fall to 4% compared to 4.5% forecast previously.
- 2.5. UK CPI for November 2021 registered 5.1% year on year, up from 4.2% in the previous month. Core inflation, which excludes the more volatile components, rose to 4.0% year on year from 3.4%. The most recent labour market data for the three months to October 2021 showed the unemployment rate fell to 4.2% while the employment rate rose to 75.5%.
- 2.6. Government support in the form of the furlough scheme ended on 30th September 2021 but the subsequent impact on jobs appears to have been more muted than previously

been feared. In October 2021, the headline 3-month average annual growth rate for wages was 4.9% for total pay and 4.3% for regular pay. In real terms, after adjusting for inflation, total pay growth was up 1.7% while regular pay was up 1.0%. The change in pay growth has been affected by a change in composition of employee jobs, where there has been a fall in the number and proportion of lower paid jobs.

- 2.7. The UK's gross domestic product (GDP) grew by 1.1% in the quarter ending 30 September 2021 according to the final estimate, compared to a gain of 5.4% quarter over quarter reported in the previous quarter. The annual rate slowed to 6.8% from 23.6%. The data however predates the escalation in virus infections caused by the Omicron variant in December which will very likely result in a slowdown in activity in the quarter ending 31 December 2021.
- 2.8. GDP growth in the euro zone increased by 2.2% in the quarter ending 30 September 2021. Headline inflation has been strong in the region, with CPI registering 5.0% year on year in December, the sixth successive month of inflation. At these levels, inflation is above the European Central Bank's target of 'below, but close to 2%', putting some pressure on its long-term stance of holding its main interest rate of 0%.
- 2.9. The US economy expanded at an upwardly revised annualised rate of 2.3% in the quarter ending 30 September 2021, slowing sharply from gains of 6.7% and 6.3% respectively in the previous two quarters.
- 2.10. In its December 2021 interest rate announcement, the Federal Reserve continue to maintain the Fed Funds rate at between 0% and 0.25% but outlined its plan to reduce its asset purchase programme earlier than previously stated and signalled they are in favour of tightening interest rates at a faster pace in 2022, with three 0.25% movements now expected.

### **Financial Markets**

- 2.11. Ongoing monetary and fiscal stimulus together with rising economic growth supported equity markets over the period, but higher inflation and the prospect of higher interest rates mixed with the emergence of the new coronavirus variant ensured it was a bumpy period. The Dow Jones hit another record high during the quarter while the UK-focused FTSE 250 index continued making gains over pre-pandemic levels. The more internationally focused FTSE 100 saw more modest gains over the period and remains below its pre-crisis peak.
- 2.12. Inflation worries dominated bond yield movements over the period as initial expectations for transitory price increases turned into worries that higher inflation was likely to persist for longer meaning central bank action was likely to start sooner and rates increases are expected at a faster pace than previously thought.
- 2.13. The 5-year UK benchmark gilt yield began the quarter at 0.62% before rising to 0.82%. Over the same period the 10-year gilt yield fell from 1.00% to 0.97% and the 20-year yield declined from 1.35% to 1.20%. The Sterling Overnight Rate (SONIA) averaged 0.07% over the quarter.

### **Credit Review**

- 2.14. Relatively benign credit conditions caused credit default swap (CDS) prices for the larger UK banks to remain low and had steadily edged down throughout the year up until mid-

November when the emergence of Omicron caused them to rise modestly but have since continued their downward trajectory.

- 2.15. The ongoing vaccine rollout programme is credit positive for the financial services sector in general but there remains uncertainty around the full extent of the losses banks and building societies will suffer due to the pandemic-related economic slowdown, but the sector is in a generally better position now compared to earlier in the financial year and 2020.
- 2.16. At the end of the period Arlingclose had completed its full review of its credit advice on unsecured deposits for UK and non-UK institutions whereby the maximum duration for all recommended counterparties was extended to 100 days. The institutions and durations on the Authority's counterparty list recommended by treasury management advisors Arlingclose remain under constant review

### 3. Local Context

- 3.1. On 31<sup>st</sup> March 2021, the Authority had net borrowing of £555.9m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

**Table 1: Balance Sheet Summary**

Type of Liability	31.03.21 Actual £m
General Fund CFR	505.5
HRA CFR	332.3
<b>Total CFR</b>	<b>837.8</b>
Less: *Other debt liabilities	(28.2)
<b>Borrowing CFR – comprised of:</b>	<b>809.6</b>
- External borrowing	555.9
- Internal borrowing	253.7

\* finance leases, PFI liabilities and transferred debt that form part of the Authority's total debt

- 3.2. Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority continued to pursue its long-standing strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk.
- 3.3. The treasury management position on 31 December 2021 and the change over the year is shown in Table 2 on the following page.

**Table 2: Treasury Management Summary**

Type of Borrowing / Investment	31.03.21 Balance (£m)	Movement (£m)	31.12.21 Balance (£m)	31.12.21 Rate (%)
Long-term borrowing	496.9	41.0	537.9	3.22

Short-term borrowing	59.0	40.0	99.0	0.12
<b>Total borrowing</b>	<b>555.9</b>	<b>81.0</b>	<b>636.9</b>	<b>2.65</b>
Long-term investments	0.0	0.0	0.0	0.00
Short-term investments	5.0	0.0	5.0	0.12
Cash and cash equivalents	12.0	(6.2)	5.8	0.00
<b>Total investments</b>	<b>17.0</b>	<b>(6.2)</b>	<b>10.8</b>	<b>0.06</b>
<b>Net borrowing</b>	<b>538.9</b>	<b>87.2</b>	<b>626.1</b>	

#### 4. **Borrowing Update**

- 4.1. CIPFA published a revised Prudential Code for Capital Finance in Local Authorities on 20<sup>th</sup> December 2021. The Code took immediate effect although local authorities may defer introducing the revised reporting requirements until the 2023/24 financial year.
- 4.2. In order to comply with the Code, authorities must not borrow to invest primarily for financial return. The Code also states that it is not prudent for local authorities to make investment or spending decisions that will increase the CFR unless directly and primarily related to the functions of the authority.
- 4.3. Borrowing is permitted for the purposes of cashflow management, managing interest rate risk, refinancing existing borrowing and to adjust levels of internal borrowing. Authorities can borrow to refinance capital expenditure primarily related to the delivery of a local authority's function, provided that financial return is not the primary reason for the expenditure.
- 4.4. The changes align the CIPFA Code with the PWLB which prohibits access to authorities planning to purchase 'investment assets primarily for yield' except to refinance existing loans or externalise internal borrowing. Acceptable use of PWLB borrowing includes service delivery, housing, regeneration, preventative action, refinancing and treasury management.
- 4.5. The Authority does not plan to borrow to invest primarily for commercial return and so is unaffected by these changes and so is able to continue to fully access the PWLB.

#### **Municipal Bonds Agency (MBA)**

- 4.6. The MBA continues to work to deliver a new short-term loan solution, available in the first instance to principal local authorities in England, allowing them access to short-dated, low rate, flexible debt. The minimum loan size is expected to be £25 million. Importantly, local authorities will borrow in their own name and will not cross guarantee any other authorities.
- 4.7. If the Authority were to consider future borrowing through the MBA, it would first ensure that it had thoroughly scrutinised the legal terms and conditions of the arrangement and taken proper advice on these.

#### **UK Infrastructure Bank**

- 4.8. £4bn has been earmarked for lending to local authorities by the UK Infrastructure Bank which is wholly owned and backed by HM Treasury. There is an application and bidding process for these loans which is likely to favour environmental or regeneration projects. Loans will be available for qualifying projects at gilt yields plus 0.60%, which is 0.20% lower

than the PWLB certainty rate. The bank made it first loan in October 2021 to Tees Valley Combined Authority.

### **Borrowing strategy during the period**

- 4.9. On 31<sup>st</sup> December 2021, the Authority held £636.9m of loans (an increase of £81.0m compared to 31<sup>st</sup> March 2021) as part of its strategy for funding previous and current years' capital programmes. Outstanding loans on 31<sup>st</sup> December 2021 are summarised in Table 3 below.

**Table 3: Borrowing Position**

	<b>31.03.21 Balance £m</b>	<b>Net Movement £m</b>	<b>31.12.21 Balance £m</b>	<b>31.12.21 Weighted Average Rate %</b>	<b>31.12.21 Weighted Average Maturity (years)</b>
Public Works Loan Board	371.9	41.0	412.9	2.63	28.4
Banks (LOBO)	125.0	0.0	125.0	4.72	38.4
Local authorities (short-term)	59.0	40.0	99.0	0.12	0.4
<b>Total borrowing</b>	<b>555.9</b>	<b>81.0</b>	<b>636.9</b>	<b>2.65</b>	<b>26.0</b>

- 4.10. The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.
- 4.11. With short-term interest rates remaining much lower than long-term rates and with surplus of liquidity continuing to feature in the local authority to local authority market, the Authority considered it to be more cost effective in the near term to use short-term loans to satisfy liquidity requirements during the first half of the year. The net movement in temporary short-term loans is shown in Table 3 above.
- 4.12. Having considered the appropriate duration and structure of the Authority's borrowing in consultation with the Authority's treasury advisor Arlingclose, the Authority decided to take some advantage of the fall in external borrowing rates and borrowed a combined £55m of medium-term Equal Instalments of Principal (EIP) loans and longer-term maturity loans from the PWLB, at an average of 1.54%. This will provide longer-term certainty and stability to the debt portfolio.
- 4.13. The Authority has a significant capital programme which extends into the foreseeable future. A large proportion of this will be financed by borrowing, which the Authority will have to undertake in the current and coming years. In line with the approved Treasury Management Strategy, additional long-term borrowing is anticipated to be raised over the remaining course of the 2021/22 financial year.
- 4.14. Any borrowing which is taken prior to capital expenditure taking place, and reducing the extent of the Authority's internal borrowing, would have to be invested in the money markets at rates of interest significantly lower than the cost of borrowing, creating an immediate cost for revenue budgets. The Authority's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short and long-term borrowing is maintained.

- 4.15. Arlingclose undertakes a weekly 'cost of carry' analysis which informs the Authority on whether it is financially beneficial to undertake long-term borrowing now or delay this for set time periods based on PWLB interest rate forecasts.

### **LOBO Loans**

- 4.16. The Authority continues to hold £125m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the year.

## **5. Treasury Investment Activity**

- 5.1. CIPFA published a revised Treasury Management in the Public Services Code of Practice Cross-Sectoral Guidance Notes on 20<sup>th</sup> December 2021. These define treasury management investments as investments that arise from the organisation's cash flows or treasury risk management activity that ultimately represents balances that need to be invested until the cash is required for use in the ordinary course of business.
- 5.2. The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £10.8 and £50.1 million due to timing differences between income and expenditure. The investment position is shown in table 4 on the following page.

**Table 4: Treasury Investment Position**

Investments	31.03.21 Balance £m	Net Movement £m	31.12.21 Balance £m	31.12.21 Rate of Return %	31.12.21 Weighted Average Maturity (Days)
Money Market Funds	0.0	4.7	4.7	0.03	1
UK Government:					
- Local Authorities	5.0	0.0	5.0	0.12	234
- Debt Management Office	12.0	(10.9)	1.1	-0.14	1
<b>Total investments</b>	<b>17.0</b>	<b>(6.2)</b>	<b>10.8</b>	<b>0.06</b>	<b>1</b>

- 5.3. Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 5.4. Ultra-low short-dated cash rates which have been a feature since March 2020 when Bank Rate was cut to 0.10% have resulted in the return on sterling low volatility net asset value money market funds (LVNAV MMFs) being close to zero even after some managers have temporarily waived or lowered their fees.
- 5.5. Deposit rates with the Debt Management Account Deposit Facility (DMADF) are also largely around zero, depending on the length of deposit.
- 5.6. The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

**Table 5: Investment Benchmarking – Treasury investments managed in-house**

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (Days)	Rate of Return
31.03.2021	3.91	AA-	0%	8	0.28%
31.12.2021	4.46	AA-	44%	110	0.06%
Similar Local Authorities	4.77	A+	72%	56	0.14%
All Local Authorities	4.64	A+	66%	16	0.10%

Scoring: AAA = highest credit quality = 1; D = lowest credit quality = 26

Aim = A- or higher credit rating, with a score of 7 or lower, to reflect current investment approach with main focus on security

### **Non-Treasury Investments**

- 5.7. The definition of investments in CIPFA's revised 2021 Treasury Management Code covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. Investments that do not meet the definition of treasury management investments (i.e., management of surplus cash) are categorised as either for service purposes (made explicitly to further service objectives) and/or for commercial purposes (primarily for financial return).
- 5.8. Investment Guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC) also broadens the definition of investments to include all assets held partially for financial return.

### **Treasury Performance**

- 5.9. Treasury investments generated an average rate of return of 0.02% in the first three quarters of the financial year. The Authority's treasury investment income for the year is likely to be less than the budget forecast due to a lower than anticipated average rate of return.
- 5.10. Borrowing costs for 2021/22 are forecast at £16.5m (£10.5m HRA, £6.0m General Fund) against a budget of £24.8m (£16.2m HRA, £8.6m General Fund). In prior years, these budgets have underspent due to a number of factors, including: the current lower interest rate environment reducing interest costs for the Council, and delays in the capital programme's delivery. Should slippage in the Council's capital programme occur, it will reduce the borrowing requirement, and reduce this forecast.

## **6. Compliance**

- 6.1. The Director of Finance reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.
- 6.2. Compliance with the authorised limit and operational boundary for external debt is demonstrated in Table 6 below.

**Table 6: Debt Limits**

	<b>31.12.21 Actual £m</b>	<b>2021/22 Operational Boundary £m</b>	<b>2021/22 Authorised Limit £m</b>	<b>Complied?</b>
Borrowing	597.2	1,157.4	1,207.4	Yes
PFI and Finance Leases	28.2	28.2	31.0	Yes
<b>Total debt</b>	<b>625.4</b>	<b>1,185.6</b>	<b>1,238.4</b>	<b>Yes</b>

- 6.3. Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure, however, Haringey's debt remained well below this limit at all points during first half of the year.

### Treasury Management Indicators

- 6.4. The Authority measures and manages its exposures to treasury management risks using the following indicators.

### Security

- 6.5. The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	<b>31.12.21 Actual</b>	<b>2021/22 Target</b>	<b>Complied?</b>
Portfolio average credit score	4.46 (AA-)	7.0 (A-)	Yes

### Liquidity

- 6.6. The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

	<b>31.12.21 Actual</b>	<b>2021/22 Target</b>	<b>Complied?</b>
Total cash available within 3 months	20.0	10.0	Yes

### Interest Rate Exposures

- 6.7. This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

<b>Interest rate risk indicator</b>	<b>31.12.21 Actual</b>	<b>2021/22 Target</b>	<b>Complied?</b>
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£0.20m	£2m	Yes
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	£0.20m	£2m	Yes



- 6.8. The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

### **Maturity Structure of Borrowing**

- 6.9. This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	<b>31.12.21 Actual</b>	<b>Upper Limit</b>	<b>Lower Limit</b>	<b>Complied?</b>
Under 12 months	16.48%	50%	0%	Yes
12 months and within 24 months	1.88%	40%	0%	Yes
24 months and within 5 years	5.79%	40%	0%	Yes
5 years and within 10 years	4.59%	40%	0%	Yes
10 years and within 20 years	14.50%	40%	0%	Yes
20 years and within 30 years	7.07%	40%	0%	Yes
30 years and with 40 years	23.00%	50%	0%	Yes
40 years and within 50 years	26.69%	50%	0%	Yes
50 years and above	0.00%	40%	0%	Yes

- 6.10. Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

- 6.11. The Authority has used short term borrowing (under 1 year in duration) from other local authorities extensively in recent years, as an alternative to longer term borrowing from PWLB, due to lower interest rates, and corresponding revenue savings. Short term borrowing exposes the Authority to refinancing risk: the risk that rates rise quickly over a short period of time and are at significantly higher rates when loans mature, and new borrowing has to be raised. With this in mind, the Authority has set a limit on the total amount of short-term local authority borrowing, as a proportion of all borrowing.

<b>Short term borrowing</b>	<b>Limit</b>	<b>31.12.21</b>	<b>Complied?</b>
Upper limit on short-term borrowing from other local authorities as a percentage of total borrowing	30%	16%	Yes

### **Principal Sums Invested for Periods Longer than a year**

- 6.12. The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Actual principal invested beyond year end	Nil	Nil	Nil
Limit on principal invested beyond year end	£10m	£10m	£10m
Complied?	Yes	Yes	Yes

## 7. Revisions to CIPFA Codes

- 7.1. CIPFA published revised Prudential and Treasury Management Codes in December 2021. The Prudential Code takes immediate effect although detailed reporting requirements may be deferred until the 2023/24 financial year and have thus not been included in this report. There is no mention of the date of initial application of the TM Code.
- 7.2. The accompanying guidance notes to the Codes including the treasury management prudential indicators have not yet been published. The main changes or expected changes from previous codes that have not already been discussed above include:
- Additional reporting requirements for Capital Strategy.
  - For service and commercial investments, in addition to assessments of affordability and prudence, an assessment of proportionality in respect of the Authority's overall financial capacity (i.e. whether plausible losses could be absorbed in budgets or reserves without unmanageable detriment to local services).
  - Forward looking prudential code indicators must be monitored and reported to members at least quarterly.
  - A new indicator for net income from commercial and service investments to net revenue stream.
  - Inclusion of the liability benchmark as a treasury management prudential indicator. CIPFA recommends this is presented as a chart of four balances – existing loan debt outstanding; loans CFR, net loans requirement, liability benchmark – over at least 10 years and ideally cover the authority's full debt maturity profile.
  - Excluding investment income from the definition of financing costs.
  - Credit and counterparty policies should set out the Authority's policy and practices relating to Environmental, Social and Governance (ESG) investment considerations.
  - Additional focus on the knowledge and skills of officers and elected members involved in decision making.

## 8. Outlook for the remainder of 2021/22 and beyond (provided by the Council's treasury management advisor, Arlingclose)

- 8.1. The table below shows the latest interest rate forecast produced by Arlingclose.

	Current	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24
Official Bank Rate													
Upside risk	0.00	0.00	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Arlingclose Central Case	0.50	0.75	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Downside risk	0.00	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50

- 8.2. Arlingclose anticipate the MPC will want to build on the strong message it delivered in December and January by tightening policy further to dampen aggregate demand and reduce the risk of sustained higher inflation.

- 8.3. Despite this expectation, risks to the forecast remain weighted to the upside for 2022, becoming more balanced over time. The Arlingclose central forecast remains below the market forward curve.
- 8.4. Gilt yields are expected to remain broadly flat from current levels, which have risen sharply since mid-December 2021. Significant volatility is, however, likely which should offer tactical opportunities for borrowing and investment.
- 8.5. The post COVID global economy has entered a higher inflationary phase, driven by a combination of resurgent demand and supply bottlenecks in goods and energy markets. Geopolitics are also playing a role, driving energy prices upwards which are being passed on to consumers. Tighter labour markets due to reduced participation rates have prompted concerns about wage-driven inflation, leading central banks to tighten policy to ensure inflation expectations remain anchored.
- 8.6. Supply constraints are also evident in the labour market. Underlying wage growth is running above pre-COVID levels despite employment being lower now than in early 2020. Evidence suggests that labour pools have diminished. Higher wage growth will be a contributory factor to sustained above-target inflation this year.
- 8.7. However, higher inflation will dampen demand. In the UK, households face a difficult outlook. Fiscal and monetary headwinds alongside a sharp reduction in real income growth will weigh on disposable income, ultimately leading to slower growth.
- 8.8. The Bank of England will tighten policy further over the next few months to ensure that aggregate demand slows to reduce business pricing power and labour wage bargaining power. Markets have priced in a significant rise in Bank Rate, but Arlingclose believe the MPC will be more cautious given the medium-term outlook, assessing the impact of the first round of rises rather than following the market higher.

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**Report for:** Corporate Committee – 10 March 2022

**Title:** Audit & Risk Service Update  
Quarter 3 (October - December 2021)

**Report authorised by:** Director of Finance

**Lead Officer:** Minesh Jani, Head of Audit and Risk Management

**Ward(s) affected:** N/A

**Report for Key/  
Non-Key Decision:** Information

**1. Describe the issue under consideration**

1.1 This report details the work undertaken by the in-house Audit and Risk team as well as our outsourced partner Mazars, for the quarter ending 31 December 2021.

**2. Cabinet Member Introduction**

2.1 Not applicable.

**3. Recommendations**

3.1 The Corporate Committee is recommended to note the activities of the team during quarter three of 2021/22.

**4. Reasons for decision**

4.1 The Corporate Committee is responsible for monitoring the effectiveness of the Council's Internal Audit Strategy; policies on Anti-Fraud and Corruption and receiving assurance with regard the Council's internal control environment and mechanisms for managing risk. To facilitate this, progress reports are provided on a quarterly basis for review and consideration by the Corporate Committee with regards Audit and Anti-Fraud.

**5. Alternative options considered**

5.1 Not applicable.

**6. Background information**

6.1 The information in this report has been compiled from information held by Audit & Risk Management.

**7. Contribution to strategic outcomes**

7.1 The Audit & Risk team makes a significant contribution through its pro-active work in ensuring the adequacy and effectiveness of internal control throughout the Council, which covers all key Priority areas.

**8. Statutory Officers comments - Chief Finance Officer and Head of Legal & Governance (Monitoring Officer)**

8.1 Finance and Procurement

There are no direct financial implications arising from this report.

8.2 Legal

The Council's Head of Legal and Governance has been consulted in the preparation of this report, and in noting the progress made with delivering the Audit Plan, and the activities undertaken in relation to risk management and anti-fraud, advises that there are no direct legal implications arising out of the report.

8.3 Equality

The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation.
- advance equality of opportunity between people who share those protected characteristics and people who do not.
- foster good relations between people who share those characteristics and people who do not.

The Audit & Risk team is required to demonstrate a strong commitment to equality and fairness in their actions and work practices, and adherence to the Equality Act 2010 and this is built into the team's operational procedures. Ensuring that the Council has effective counter-fraud arrangements in place will assist the Council to use its available resources more effectively.

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

Not applicable.

10. **Performance Management Information**

- 10.1 Local performance targets have been agreed for Audit and Risk Management, these are reported against in the sections below.

## 11. **INTRODUCTION**

- 11.1 This report covers the period from 1 October 2021 to 31 December 2021 and summarises the work of the Audit & Risk Service in relation to Audit, Risk and Fraud.
- 11.2 The Audit & Risk Service consists of a Head and Deputy Head of Audit & Risk, six Fraud Investigators, and the Assistant Investigator post, which is currently vacant. The operational delivery of the audit plan is undertaken by Mazars.

## 12. **INTERNAL AUDIT**

- 12.1 After a late start to the 2021/22 audit plan delivery due to COVID-19 impacting the prior years' work, some momentum of delivery was achieved in quarter three. The Head and Deputy Head of Audit and Risk continues to support the efficient delivery of added value work and continue to support the work of services and responding to new and emerging risks by providing advice, guidance or undertaking focused audit assignments to provide assurances. Senior Management have requested some changes to the 2021/22 audit plan because of emerging risks and issues in the council and these requests have been considered and the plan amended as required. Flexibility in the annual audit plan is essential to ensure the assurance needs, both statutory and those of management and members are met. The changes are listed below for information. The Head of Audit & Risk continuously reviews resource requirements to enable this; however, any changes will be contained within the services budgetary constraints. Some additional resource has been commissioned for the in-house team in quarter four to assist with timely delivery of the 2021/22 audit plan and to ensure a robust Head of Internal Opinion can be provided. Any audits requested that cannot be met by the current year's resources can be commissioned by the service and will be considered as part of audit planning for 2022/23.

### 12.2 **Table 1 - Changes to Audit Plan (since September 2021 update)**

<b>Audit Title</b>	<b>Change</b>	<b>Audit Sponsor</b>	<b>Reason</b>
141 Station Road	Added	Director of Finance	New risk area, linked to commercial property audit added quarter two.
Opportunity Investment Fund	Added	Director of Finance	Assurance required by s151 and Lead Member.

Audit Title	Change	Audit Sponsor	Reason
Earlham School	Deferred	Director of Children's	Delayed due to resource constraints in school.
Tiverton School	Deferred	Director of Children's	Delayed due to resource constraints in school.

12.3 Appendix A outlines the progress with work from the internal audit plan allocated to Mazars to deliver. A summary of each of the final reports is contained below.

#### 12.4 IT Capability Management

This audit was given an 'Adequate Assurance' rating with four priority 2 and three priority 3 recommendations being raised. Risk areas noted were:

- There are a large number of IT staff who are contractors;
- Staff are not currently being upskilled to meet the demands of the gaps in resource for specialist IT jobs;
- There are a few key IT positions that could create a single point of failure with staff and key applications;
- Management have not completed a skills analysis and training records are limited to the last few years; and
- There is no current view of the Target Operating Model (TOM).

#### 12.5 Accounts Receivable

This audit was given an 'Adequate Assurance' rating with three priority 2 and three priority 3 recommendations raised. Risk areas noted were:

- Suspense accounts are not reconciled on a regular basis, with large balances carried over each year. We noted there is a balance of £35,359.05 dating back to 2016;
- Refunds are not currently processed in a timely manner. From our sample testing we identified an average processing period of 33.7 working days against a target of 21 working days; and
- The Council's Refund Policy does not detail the approach to deceased accounts which is different to general funds.

#### 12.6 Payroll

This audit was given a 'Limited Assurance' with two priority 1 and two priority 2 recommendations raised. Risk areas noted were:

- The Payroll HR System is cumbersome and is overly reliant on manual processes which creates additional work for staff;
- Annual leave is recorded and managed outside of the Payroll HR System, which creates the risk that staff may take annual leave above their entitlement; and
- Payroll process documents are not yet fully mapped for all areas, which leads to the risk that tasks are performed incorrectly or inconsistently. Payroll processes require streamlining as they are



inefficient and create an additional workload for the Payroll and HR Teams.

- 12.7 The Deputy Head of Audit & Risk has continued throughout quarter three to support the COVID Business Grant projects. Two investigators supported this project throughout 2020/21 and continue to do so, however focus is now on the post event assurance work required by central government and investigations of fraud and error, which has enabled them to return to also delivering other work within the service's plan/strategy.
- 12.8 Troubled Families returns have been audited and assurances provided to the Department for Levelling Up, Housing and Communities that the information provided by the Troubled Families Team in pursuit of funding is correct.
- 12.9 Significant follow up activity has been completed in quarter three. A risk-based focus is deployed and updates with regards priority one recommendations are communicated to the Statutory Functions Board. Limited Assurance audit reports are followed up and results reported to management. Internal audit will follow up all the agreed priority 1 and priority 2 actions within 2020/21 audit reports as part of the 2021/22 audit plan, and where required, escalate to where there are concerns raised by follow up work to the relevant Director. This work informs the Head of Internal Audit Opinion, and all follow up work is on track to be completed by year end and an analysis will be included in the Annual Report.

#### 12.10 **Follow Ups**

There have been three follow up audits relating to 'Limited Assurance' reports completed:

**Adult's Brokerage** - At the time of the follow up review, there were a total of six recommendations that were due for implementation, five priority 2 and one priority 3. Of these six recommendations, based on our testing, five recommendations were implemented (or no longer applicable) and one, priority 2, not implemented. However, action was noted relating to this last recommendation.

**Children's Brokerage** - At the time of our follow up all the three recommendations raised, one Priority 1 and two Priority 2 recommendations, had passed their agreed implementation dates. However, it is noted that long term sickness of the manager of the team had impacted on ability to complete all actions.

Of these three recommendations, two recommendations were partly implemented as action has been taken by management, but the risks are not yet fully mitigated and one to be in progress as it is part of a wider review/plan which is not yet concluded. Further follow up work will be completed in April 2022.

**Declarations of Interest** - At the time of our follow up all six recommendations raised, one priority 1, two priority two and three priority 3 recommendations, had passed their agreed implementation dates. Of these six recommendations, we

consider one to be implemented, two to be partly implemented, two recommendations not implemented. One remaining recommendation is no longer applicable.

### **13. RISK MANAGEMENT**

- 13.1 In quarter three risk work has been planned to support the Digital Together Programme, Localities Programme, and the Housing Service. These workshops will be delivered in quarter four with particular emphasis on the risk management around the planned insourcing of Homes for Haringey, as the team also provide services to Homes for Haringey and this activity will help to inform the 2022/23 audit plan.
- 13.2 The Council's approach to Risk Management has been reviewed and an updated strategy will be presented to Members for approval. The focus for 2022/23 will be implementing better technology, using functionality available already within the council, to better support management to embed risk management.

### **14. ANTI-FRAUD ACTIVITY**

- 14.1 The team undertakes a wide range of anti-fraud activity and have two performance indicators to monitor its work relating to tenancy fraud and the other right to buy fraud. These targets have been consistently achieved in recent years. Financial values are assigned to these outcomes based on the discounts not given and the estimated value of providing temporary accommodation to a family. The Audit Commission, when in existence, valued the recovery of a tenancy, which has previously been fraudulently occupied, at an annual value of £18,000, as noted above this related to average Temporary Accommodation (TA) costs. No new national indicators have been produced; therefore, although this value is considered low compared to potential TA costs if the property has been identified as sub-let for several years, Audit and Risk Management continue to use this figure of £18k per property for reporting purposes to provide an indication of the cost on the public purse of fraud activity.

## 14.2 Table 2 - Local Performance measures – anti fraud activity

Performance Indicator	Q3	YTD	Financial Value	Annual Measure
Properties Recovered	8	20	360k	50
Right to Buys prevented	13	39	4m	80

## 14.3 Tenancy Fraud – Council properties

14.4 The Fraud Team works with Homes for Haringey (HfH) to target and investigate housing and tenancy fraud, which forms part of HfH's responsibilities in the Management Agreement. HfH continue to fund a Tenancy Fraud Officer co-located within the Fraud Team. There are plans to do cross team proactive tenancy fraud campaigns and use data matching in coming months. It is hoped that this will ensure our annual targets are achieved and try to shift the Council's work on tenancy fraud to a more proactive and preventive approach.

14.5 The Fraud Team will continue to work with the newly restructured HfH team to identify the most effective use of fraud prevention and detection resources across both organisations to enable a joined-up approach to be taken, especially where cases of multiple fraud are identified e.g., both tenancy fraud and right to buy fraud.

## 14.6 Table 3 - Tenancy Fraud Activity and Outcomes

Opening Caseload	230	
New Referrals received	53	
Total		283
Properties Recovered	8	
Case Closed – no fraud	63	
Total		(-) 71
Ongoing Investigations		212

14.7 Two Tenancy Fraud files are being prepared for prosecution and 114 of these cases (54%) are with other teams (Legal or Tenancy Management HfH) for action. Properties will be included in the 'recovered' data when the keys are returned, and the property vacated.

## 14.8 Right-to-buy (RTB) applications

14.9 As at 31<sup>st</sup> December 2021 there were 300 ongoing applications with 90 under investigation. During quarter three, 13 RTB applications were withdrawn or refused either following review by the fraud team and/or due to failing to complete money laundering processes. 44 new applications were received in this period for review, delays in the valuation stage of the process have been noted and escalated to the Assistant Director for resolution.

**14.10 Gas safety – execution of warrant visits**

The fraud team have attended several gas safety visits in quarter three, where risk of fraud is identified. 30 of the teams on-going investigations were generated by this activity.

**14.11 Pro-active counter-fraud projects**

In quarter three, two members of the team have continued to support the Business Grants administration project, undertaking where required on a risk basis pre-payment checks to ensure the risk of fraud and error is minimised. As noted earlier in this report the team are also completing post event audit and assurance work to identify fraud and error for appropriate action.

**14.12 No Recourse to Public Funds (NRPF)**

In quarter three, fourteen referrals have been received and responded to by the Fraud Team. The role of the Fraud Team is to provide a financial status position for the NRPF team to include in their overall Children and Family Assessment. The average cost of NRPF support per family (accommodation and subsistence for a two-child household) is around £20,000 pa.

**14.13 Internal employee investigations**

In accordance with the Council's Constitution, the in-house Fraud Team investigates all allegations of financial irregularity against employees.

At the start of quarter three we had one investigation, which was concluded in the quarter and following a management investigation there was no case to answer.

Two new employee related referrals were received in quarter three, these are ongoing investigations.

The Audit and Risk service work closely with officers from HR and the service area involved to ensure that the appropriate investigation, following a referral, is completed as quickly as possible.

**14.14 Whistleblowing Referrals**

The Head of Audit and Risk Management maintains the central record of referrals made using the Council's Whistleblowing Policy. The one whistleblower case on-going at the end of quarter one has been concluded and is with management for action. Three new referrals were made during quarter three and all are under investigation.

**14.15 Prosecutions**

As at 30 September two suspected tenancy fraud investigations had been advanced for prosecution. One case is scheduled for trial shortly.

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## APPENDIX 1

### Introduction

This report for the 2021/22 financial year includes audit progress between September 2021 and February 2022. The report provides information on assurance opinions on areas we have reviewed and gives an indication of the direction of travel for key systems work which will provide information on how risks are being managed over time. Full copies of our audit reports will be provided upon request. The fieldwork for these reviews has been completed during the government measures put in place in response to Covid-19. Consequently, testing has been performed remotely.

All recommendations are agreed with Council officers, and any disputes are discussed prior to the final report being issued. All recommendations to address any control weaknesses highlighted within this report have been agreed. Officers' actions to address the recommendations, including the responsible officer and the deadline for completion, are fully detailed in the individual final audit reports. The attached tables reflect the status of the systems at the time of the audit, and recommendations may already have been implemented by Council officers by the time the final report is issued and reported.

**Date: February 2022**

## Key Highlights/Summary:

### 2021/22 Final Internal Audit Reports issued

- IT Capability Management
- Payroll
- Accounts Receivable (Sundry Debtors)

### 2021/22 Draft Internal Audit Reports issued

- Building Compliance (Corporate and Schools)
- ICO Privacy Framework
- Elective Home Education
- Local Authority Designated Officer (LADO)
- Appointeeships and Deputyships
- Direct Payments
- Contract Management

### 2021/22 Final Schools Audit Reports issued

- Bruce Grove Primary School
- Highgate Wood School
- St Mary's CE Primary
- Park View School
- Rhodes Avenue Primary School
- St Paul's Catholic Primary School
- St James CE Primary School
- Lea Valley Follow Up
- Alexandra Primary School
- Hornsey School for Girls

### 2021/22 Audits at Fieldwork Stage

- Cyber Security
- Performance Indicators - Veolia
- Accounts Payable (Creditors)
- Acquisition and Disposal of Assets
- Performance Management (Corporate and Directorate)
- Looked after Children
- Coldfall Primary School
- Mulberry Primary School
- Mental Health Assessments
- New River Leisure Centre






## Audit Progress and Detailed Summaries

The following table sets out the audits finalised and the status of the systems at the time of the audit. It must be noted that the recommendations may already have been implemented by Council officers by the time the final report is issued and reported.

Audit Title	Date of Audit	Date of Final Report	Assurance Level	Direction of Travel	Number of Recommendations (Priority)		
					1	2	3
IT Capability Management	July 2021	November 2021	Adequate	N/A	-	4	3
Payroll	June 2021	January 2022	Limited	↔	2	2	-
Accounts Receivable (Sundry Debtors)	October 2021	February 2022	Adequate	←	-	3	3

As part of the 2021/22 Internal Audit Plan we have visited the following schools and issued a final report:

School	Date of Audit	Date of Final Report	Assurance Level	Direction of Travel	Number of Recommendations (Priority)		
					1	2	3
Highgate Wood Primary School	May 2021	October 2021	Limited	↔	1	6	1
Bruce Grove Primary School	June 2021	October 2021	Adequate	↔	-	2	5
St Mary's CE Primary	October 2021	November 2021	Substantial	→	-	1	3
Park View School	September 2021	December 2021	Limited	←	1	4	8
Rhodes Avenue Primary School	November 2021	December 2021	Substantial	→	-	1	1
St Paul's Catholic Primary School	November 2021	January 2022	Adequate	→	-	5	-




St James CE Primary School	December 2021	January 2022	Substantial		-	-	-
Lea Valley Follow Up	September 2021	January 2022	N/A				
Hornsey School for Girls	October 2021	February 2022	Adequate		-	3	4
Alexandra Primary School	November 2021	February 2022	Substantial		-	1	-

Definitions of assurance levels, recommendations priorities and direction of travel are included below.

As a reminder, our recommendations are prioritised according to the following categories:

Definitions of Assurance Levels	
Level	Description
<b>Substantial Assurance:</b>	Our audit finds no significant weaknesses and we feel that overall risks are being effectively managed. The issues raised tend to be minor issues or areas for improvement within an adequate control framework.
<b>Adequate Assurance:</b>	There is generally a sound control framework in place, but there are significant issues of compliance or efficiency or some specific gaps in the control framework which need to be addressed. Adequate assurance indicates that despite this, there is no indication that risks are crystallising at present.
<b>Limited Assurance:</b>	Weaknesses in the system and/or application of controls are such that the system objectives are put at risk. Significant improvements are required to the control environment.
<b>Nil Assurance:</b>	There is no framework of key controls in place to manage risks. This substantially increases the likelihood that the service will not achieve its objectives. Where key controls do exist, they are not applied.

Definitions of Recommendations	
Priority	Description
Priority 1 (Fundamental)	Recommendations represent fundamental control weaknesses, which expose the organisation to a high degree of unnecessary risk.
Priority 2 (Significant)	Recommendations represent significant control weaknesses which expose the organisation to a moderate degree of unnecessary risk.
Priority 3 (Housekeeping)	Recommendations show areas where we have highlighted opportunities to implement a good or better practice, to improve efficiency or further reduce exposure to risk.

Direction	
Direction	Description
	Improved since the last audit visit.
	Deteriorated since the last audit visit.
	Unchanged since the last audit report.
No arrow	Not previously visited by Internal Audit.

## Statement of Responsibility

We take responsibility to the London Borough of Haringey for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud. The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

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Mazars LLP is the UK firm of Mazars, an international advisory and accountancy group. Mazars LLP is registered by the Institute of Chartered Accountants in England and Wales to carry out company audit work.

**Report for:** Corporate Committee – 10 March 2022

**Title:** Annual Internal Audit Plan, Strategy and Charter 2022/23

**Report authorised by :** Director of Finance

**Lead Officer:** Minesh Jani, Head of Audit and Risk Management

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** Non-key decision

**1. Describe the issue under consideration**

- 1.1 The Corporate Committee is responsible for reviewing and approving the annual internal audit plan as part of its Terms of Reference.

**2. Cabinet Member Introduction**

- 2.1 Not applicable.

**3. Recommendations**

- 3.1 That the Corporate Committee reviews and approves the updated Annual Internal Audit Strategy and Plan for 2022/23 (Appendix A) and the Internal Audit Charter (Appendix B).

**4. Reasons for decision**

- 4.1 Local authorities are required by law to maintain an internal audit function. In addition, The Accounts and Audit Regulations 2015 reinforce the statutory requirement and re-state the need for the Council to maintain an adequate and effective system of internal audit.
- 4.2 The annual internal audit plan is a key element in delivering the Council's statutory requirements. The Corporate Committee is responsible for ensuring that this is in place and approving the Council's Annual Internal Audit Plan.

**5. Alternative options considered**

- 5.1 Not applicable.

**6. Background information**

- 6.1 The methodology for developing the Internal Audit Plan focuses upon the quantification of the risks associated with achieving corporate and directorate objectives. At Haringey, the Internal Audit service is delivered by Mazars, who undertake the majority of the internal audit work in accordance with the contract in place, including IT and procurement audit. The Head and Deputy of the team will manage the delivery of the audit plan and complete ad-hoc enquiries themselves.

- 6.2 The in-house corporate anti-fraud team is responsible for investigations into allegations of financial irregularity, pro-active and reactive corporate anti-fraud work, provision of advice on risk and controls and some grant certification work.
- 6.3 Appendix A contains the proposed annual audit plan for 2022/23, which is risk based and has been derived following consideration of: the Borough Plan and related Priorities; organisational changes; risk registers; corporate programmes and projects; the Annual Audit and Inspection Letter; changes to legislation; and fraud investigation work completed in 2022/23.
- 6.4 Appendix A also includes the audit strategy, and Appendix B the Charter which was used to deliver the Council's internal audit plan. The strategy and charter comply with the statutory 2017 UK Public Sector Internal Audit Standards (PSIAS), which provide a consistent framework for internal audit services across the UK public sector.

## **7. Contribution to strategic outcomes**

- 7.1 Internal audit is an important element of the Council's assurance processes. The internal audit and counter-fraud teams make a significant contribution to ensuring the adequacy and effectiveness of internal control throughout the Council, which covers all Priority areas. The annual audit plan is a key element in ensuring the Council complies with its statutory responsibilities.

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

### **8.1 Finance and Procurement**

There are no direct financial implications arising from this report. The work which will be completed by Mazars to undertake the annual audit plan in 2022/23 is part of the contract, which was re-let following Cabinet approval in January 2018 in accordance with EU regulations. The costs of this contract are contained and managed within the Audit and Risk Management revenue budgets, which are monitored on a monthly basis.

The presentation of the attached draft annual internal audit plan for approval by this Committee meets the Council's statutory requirement under the 2015 Accounts and Audit Regulations.

### **8.2 Legal**

The Head of Legal & Governance has been consulted in the preparation of this report, and in noting that the audit strategy and the charter follow best practice and industry standards, and that the audit plan takes account of changes to legislation, confirms that there are no direct implications arising out of the report.

### **8.3 Equality**

The Council has a public sector equality duty under the Equality Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;

- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

As contracted providers of Haringey Council, the internal audit contractor is required to demonstrate a strong commitment to equality and fairness in their actions and work practices, and adherence to the Equality Act 2010. Ensuring that the Council has effective internal audit and assurance arrangements in place will also assist the Council to use its available resources more effectively.

## **9. Use of Appendices**

Appendix A – Annual Internal Audit Plan and Strategy 2022/23; and  
Appendix B – Internal Audit Charter.

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

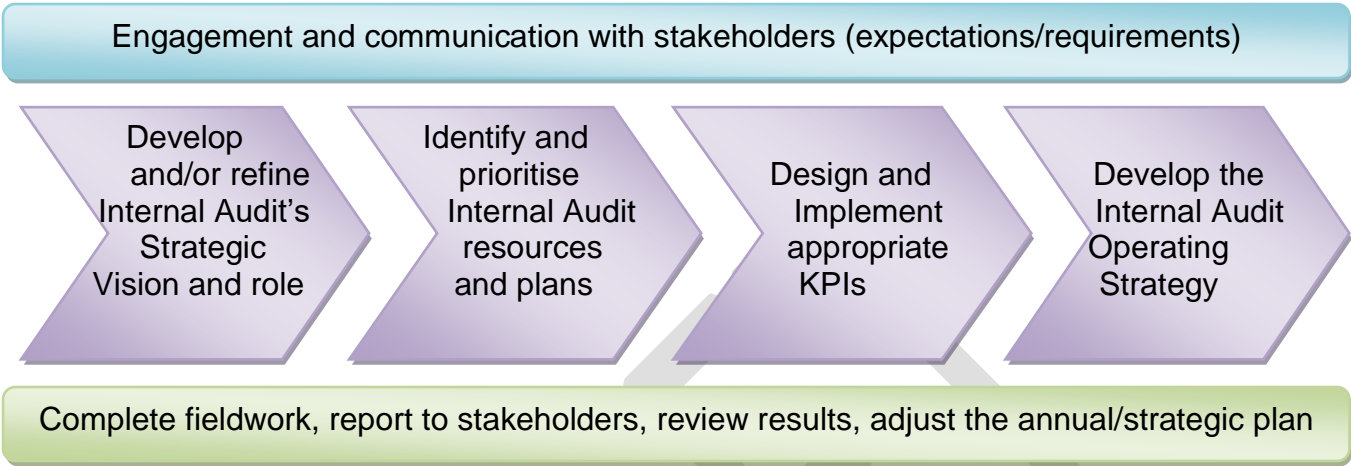
Not applicable.

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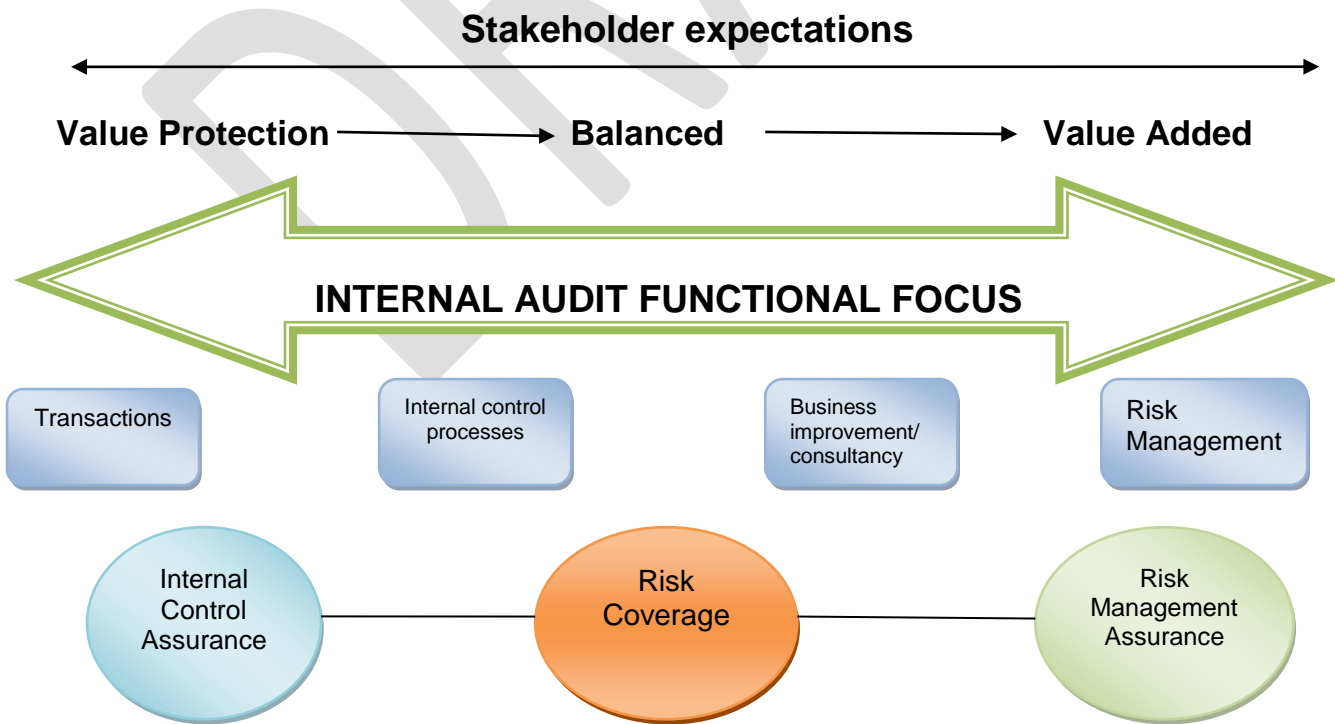


Internal Audit Strategy – Introduction

Haringey’s internal audit function is driven by an appropriate strategy, rather than as a tactical response to operational issues, to minimise the risks that key strategic issues could be overlooked. Haringey’s framework has been developed to cover both strategic and tactical considerations and ensures that internal audit resources are used to provide the appropriate assurances for the organisation at any one time, as follows:



To create an effective internal audit function, internal audit’s key stakeholders will determine how the audit function delivers the desired value by focusing on e.g. risk management and control assurance; assessment of internal control effectiveness and efficiency; regulatory and corporate compliance assurance; developing awareness of risk and control across the organisation. Internal audit’s resources and plans are then aligned to the Council’s key business risks and operational and financial priorities as follows:



## Internal Audit Objectives

Haringey's approach is designed to enable internal audit's remit to evolve and develop as the organisation's needs change over time. As stakeholder needs evolve, internal audit can focus on creating value through assisting with improvements in operational processes. As Haringey's risk appetite changes, internal audit's strategy and functional focus can move from internal control, to risk management, assurance.

The internal audit strategy sets out how the Council's Internal Audit service will be delivered, in accordance with the Internal Audit Charter. Internal Audit will provide independent and objective assurance to the Council, its members, the Chief Executive and Senior Leadership Team and to the Chief Financial Officer to support them in discharging their responsibilities under S151 of the Local Government Act 1972, relating to the proper administration of the Council's financial affairs. It is the Council's intention to provide a best practice, cost efficient internal audit service which fulfils the requirements of the statutory 2017 UK Public Sector Internal Audit Standards (PSIAS) and the CIPFA Local Government Application Note (LGAN).

## Internal Audit's Remit

Internal Audit will:

- Provide management and members with an independent, objective assurance and advisory activity designed to add value and improve the Council's operations;
- Assist the Corporate Committee to reinforce the importance of effective corporate governance and ensure internal control improvements are delivered;
- Drive organisational change to improve processes and service performance;
- Work with other internal stakeholders and customers to review and recommend improvements to internal control and governance arrangements in accordance with regulatory and statutory requirements;
- Work closely with other assurance providers to share information and provide a value for money assurance service. Where appropriate the work of other assurance providers may be taken into consideration and contribute to the Head of Audits annual opinion; and
- Participate in local and national bodies and working groups to influence agendas and developments within the profession.

Internal Audit will ensure that it is not involved in the design, installation and operation of controls so as to compromise its independence and objectivity. Internal Audit will however offer advice on the design of new internal controls in accordance with best practice.

## Service Delivery 2022/23

The internal audit service will be delivered by a 'mixed economy' of externally procured services under the direction of the Council's Head of Audit and Risk Management, supported by an in-house Corporate Anti-Fraud Team. A Deputy Head of Audit and Risk Management post has been established and the new post holder started in February 2020. This role was established to strengthen the in-house senior resources focused on Fraud, Risk, Audit and Governance to ensure the services plans for continuous improvement can be efficiently implemented with less reliance on the private sector. A key area for development is the Council's Risk Management

Framework by strengthening the formal mechanisms that support management it will be easier to gain insight and provide assurance, to all stakeholders, in future. The creation of this post has provided additional capacity to manage the work of the internal audit service provider and support the organisation in relation to covid19 related activities. This is likely to continue into the next financial year.

The delivery of the internal audit strategy will, for 2022/23 require reappraisal following the in sourcing of Homes for Haringey, the Council's ALMO. This is scheduled for 1 June 2022 and will necessitate a further review of risks post June 2022, to reassess and key areas for audits. A provision has been made in the internal audit plan for this event.

The resources available in 2022/23 to deliver the internal audit and counter-fraud function have been assessed as adequate to fulfil the requirements of the PSIAS and ensure that the key risks of the Council are subject to an appropriate level of independent audit review.

### Internal Audit Planning

Audit planning will be undertaken on an annual basis and audit coverage will be based on the following:

- The Borough Plan and Corporate / Directorate Risk Registers;
- Risk identified at Priority Boards or within Directorate Management Teams;
- Discussions regarding assurance needs with the Council's senior management, statutory officers and Priority Owners;
- Outputs already available from other independent assurance providers.

The annual Internal Audit Plan is composed of the following:

- **Borough Plan/Priority and Business Area Risk Based Audits:** Audits of systems, processes or tasks where the internal controls are identified, evaluated and confirmed through risk assessment process. The internal controls depending on the risk assessment are tested to confirm that they are operating correctly. The selection of work in this category is driven by internal audit's and senior managers' risk assessment and may also include work in areas where the Council services are delivered in partnership with or by other organisations.
- **Key Financial Systems:** Audits of the Council's key financial systems on a continuous basis.
- **Probity Audit (schools/other establishments):** Audit of a single establishment. Compliance with legislation, regulation, policies, procedures or best practice is confirmed.
- **Computer Audit:** The review of ICT infrastructure and associated systems, software and hardware.
- **Contract and Procurement Audit:** Audits of the Council's procedures and processes for the letting and monitoring of contracts, including reviews of completed and current contracts.
- **Counter-Fraud and Ad-Hoc Work:** The in-house Corporate Anti-Fraud Team undertakes a programme of pro-active and reactive counter-fraud investigations. A contingency of audit days

is also included in the annual audit plan to cover any additional work due to changes or issues arising in-year.

- **Advisory:** Supporting management with advice and guidance regarding new systems and processes and how an efficient and effective control environment to manager risk can be implemented. Our mix of in house and outsourced resources, enables us to provide this added value service without conflicts of interest arising.

### **Follow-up**

Internal Audit will evaluate the Council's progress in implementing audit recommendations against agreed targets for implementation. Progress will be reported to management and to the Corporate Committee on a quarterly basis. Where progress is unsatisfactory or management fail to provide a satisfactory response to follow up requests, Internal Audit will implement the escalation procedure as agreed with management.

### **Reporting**

Internal audit reports the findings of its work in detail to local management at the conclusion of each piece of audit work and at the follow up stage. The appropriate officers to receive the report at the draft and final reporting stage of the audit will be determined at the planning stage of the work and reviewed at the end of the fieldwork period to ensure completeness. Summaries of findings are reported to the Corporate Committee as part of the quarterly reports and within the Head of Internal Audit's annual report which contributes to the assurances underpinning the statutory Annual Governance Statement of the Council.

# London Borough of Haringey - Internal Audit Strategy and Annual Audit Plan

## Internal Audit Plan 2022/23

The annual internal audit plan has been discussed and is being agreed with the Senior Leadership Team; Priority Owners; and nominated clients. The plan and strategy are submitted to the Corporate Committee for final approval and any significant changes to the annual internal audit plan and/or the internal audit strategy will be reported during the year to the Corporate Committee for formal approval. Any change to the plan will also be reported to the committee on a regular basis.

The table below sets out the internal audit work to be completed by the external contractor. The total number of days to be delivered excludes audit work that will be completed as part of the corporate anti-fraud team's work.

The work planned aims to provide coverage across the value protection and value added requirements of the Council. The internal audit service has focused its annual plan to align it with the identified key risks within the Borough Plan in order to provide assurance across the directorates.

Audit Area	Client		Days
<b>Corporate/Cross Cutting Risk Audits</b>			
Community Engagement	Director of Customers, Trans & Resources		15
Customer Pathway Arrangements	Director of Customers, Trans & Resources		15
Transition of HfH - Risk Assessment	Chief Executive		70
Council Plan Delivery	Director of Customers, Trans & Resources		15
Recruitment, Retention and Leavers	Director of Customers, Trans & Resources		15
Arrangements for Managing Transformations	Director of Finance		15
Health and Safety	Director of Housing, Regeneration & Planning		10
<b>Sub-total – Corporate Risk Audits</b>			<b>155</b>
<b>Borough Plan – Priority Risk Audits</b>			
<b>Priority 2 People – a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential</b>			
Arrangements to satisfy the legal requirement to review EHCPs annually.	Director of Children's Services		15

<b>Audit Area</b>	<b>Client</b>		<b>Days</b>
Early Years Commissioning	Director of Children's Services		15
Admissions and school place planning	Director of Children's Services		10
Missing Children Service	Director of Children's Services		10
Delivery of Special Education Needs Improvement plan	Director of Children's Services		10
Fostering	Director of Children's Services		12
<b>Sub-total Priority 2.1</b>			<b>72</b>
<b>Priority 2 People – a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential</b>			
Purchase of Care Plans	Director of Adult and Health		15
Arrangements for dealing with Domestic Violence	Director of Adult and Health		10
Mosaic System Implementation	Director of Adult and Health		In-house
Public Health - Sexual Health delivery and management	Director of Adult and Health		12
Adult Mental Health Service provision	Director of Adult and Health		15
<b>Sub-total Priority 2.2</b>			<b>52</b>
<b>Priority 3 Place – A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.</b>			
Management and control of Anti Social behaviour	Director of Environment & Neighbourhoods		10
Street Cleansing	Director of Environment & Neighbourhoods		10
Delivery of the Haringey Climate Change Action Plan	Director of Environment & Neighbourhoods		10
Control and Monitoring of Purchasing Cycle (Strategic)	Director of Environment & Neighbourhoods		15
Youth Services	Director of Environment & Neighbourhoods		10
Fleet Contract and Strategy Management	Director of Environment & Neighbourhoods		12
<b>Sub-total Priority 3</b>			<b>67</b>

<b>Audit Area</b>	<b>Client</b>		<b>Days</b>
<b>Priority 4 Economy – A growing economy which provides opportunities for all our residents and supports our businesses to thrive.</b>			
Acquisitions and Disposal of Assets	Director of Housing, Regeneration & Planning		15
Delivery of Capital project /Schemes	Director of Housing, Regeneration & Planning		15
Homelessness and Temporary Accommodation	Director of Housing, Regeneration & Planning		15
Leasehold Consultation process (S20)	Director of Housing, Regeneration & Planning		12
Application Review - Tech Forge	Director of Housing, Regeneration & Planning		15
Housing Development Programme	Director of Housing, Regeneration & Planning		15
<b>Sub-total Priority 4</b>			<b>87</b>
<b>Priority 5 Your Council – The way the Council works</b>			
Advice and assistance in the arrangements to administer the Local Welfare Assistance Scheme.	Director of Customers, Trans & Resources		In-house
<b>Sub-total Priority 5</b>			<b>0</b>
<b>Corporate IT Audits</b>			
IT / Infrastructure Resilience	Chief Information Officer		10
Cyber Security	Chief Information Officer		15
IT Strategy	Chief Information Officer		10
IT Service Management	Chief Information Officer		15
IT Procurement Control	Chief Information Officer		12
<b>Corporate IT Audits</b>			<b>62</b>
<b>Contract and Procurement Audit</b>			
Contract Management	Director of Environment & Neighbourhoods		20
Management and Control of Contract Register	Director of Environment & Neighbourhoods		10
Post Implementation Review of ERP Solution	Director of Environment & Neighbourhoods		15

<b>Audit Area</b>	<b>Client</b>		<b>Days</b>
<b>Sub-total – Contract Audits</b>			<b>45</b>
<b>Risk Based Audits of Key Financial Systems</b>			
Accounting & General Ledger	Director of Customers, Trans & Resources		10
Accounts Receivable (Sundry Debtors)	Director of Customers, Trans & Resources		13
Accounts Payable (Creditors)	Director of Customers, Trans & Resources		13
Housing Benefits	Director of Customers, Trans & Resources		15
Council Tax	Director of Customers, Trans & Resources		12
NNDR	Director of Customers, Trans & Resources		8
Payroll	Director of Customers, Trans & Resources		12
Pensions Administration	Director of Finance		10
Treasury Management	Director of Finance		10
<b>Sub-total – Key Financial Systems</b>			<b>103</b>
<b>School Audits Risk Based Programme</b>			
Belmont Infant School	Head Teacher		5
Bounds Green	Head Teacher		5
Devonshire Hill	Head Teacher		5
Earlham	Head Teacher		5
Earlsmead	Head Teacher		5
Highgate	Head Teacher		5
Lordship Lane	Head Teacher		5
South Haringay School	Head Teacher		5
St Francis de Sales	Head Teacher		5
The Willow	Head Teacher		5
Tiverton	Head Teacher		5
The Brook	Head Teacher		5
Pembury House Nursery	Head Teacher		5
TBC	Head Teacher		5
TBC	Head Teacher		5
Management and follow-up of 2021/22	Head Teacher		15



# London Borough of Haringey - Internal Audit Strategy and Annual Audit Plan

Audit Area	Client		Days
Schools' Audit Recs			
<b>Sub-total – School Audits</b>			<b>90</b>
Follow up of Audit Recommendations			30
Admin and Management			35
Risk Management			In-house
Contingency			11
<b>Total</b>			<b>809</b>

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# **HARINGEY COUNCIL**

## **AUDIT CHARTER 2022**



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Policy History					
Version	Summary of Change	Contact	Implementation Date	Review Date	EqIA Date
1.2	Inclusion of IPPF mission and core principles	Head of Audit & Risk Management	December 2017	January 2019	March 2015
1.3	Update for new designation of the Corporate Board, added paras 6.7 and 6.8 and added formal sign off.	Head of Audit & Risk Management	December 2017	January 2019	March 2015
1.4	Updated para 9.3 for Deputy to also hold IIA / CCAB qualification.	Head of Audit & Risk Management	March 2021	March 2021	March 2015
1.5	Updated document to incorporate best practice.	Head of Audit & Risk Management	March 2022	Feb 2022	March 2015

Links and Dependencies
Employee Code of Conduct Disciplinary Procedures Council Constitution Whistleblowing Policy Anti-money Laundering Policy Anti-bribery Policy

Related Forms
Declaration of Interests Form Declaration of Receipt of Gift or Hospitality



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## 1. Public Sector Internal Audit Standards

- 1.1 The UK Public Sector Internal Audit Standards (PSIAS), which came into effect from 1 April 2013, and were revised in April 2017, provide a consolidated approach across the whole of the public sector providing continuity, sound corporate governance and transparency.
- 1.2 The PSIAS are mandatory and the Head of Audit and Risk Management will report on compliance with the Standards as part of the Annual Internal Audit Report. An independent external quality assessment (EQA) review of Haringey Council's compliance with the Standards will be undertaken at least every five years, as required by the PSIAS, and will be supplemented by an annual self-assessment to ensure the Council's ongoing compliance with them.
- 1.3 The PSIAS require Haringey Council to implement and maintain an 'Internal Audit Charter'. The purpose of the Internal Audit Charter is to formally define the internal audit activity's purpose, authority and responsibility. This Charter will be reviewed on a regular basis and presented to the Corporate Committee for review and approval.

## 2. Definition of Internal Audit

- 2.1 The PSIAS' mandatory definition of internal auditing has been adopted by Haringey Council and is as follows:

*'Internal auditing is an independent, objective assurance and consulting (advisory) activity designed to add value and improve an organisation's operations. It helps the organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'*

## 3. Mission and Core Principles

- 3.1 The mandatory elements of the International Professional Practices Framework (IPPF) for Internal Audit are incorporated into the PSIAS and include an overarching 'Mission' for Internal Audit services *'...to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight'*.
- 3.2 The 'Core Principles' that underpin delivery of the IPPF mission require internal audit functions to:
  - Demonstrate integrity;
  - Be objective and free from undue influence (independent);
  - Align with the strategies, objectives and risks of the organisation;
  - Be appropriately positioned and adequately resourced;
  - Demonstrate quality and continuous improvement;
  - Communicate effectively;
  - Provide risk-based assurance;



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- Be insightful, proactive, and future-focused; and
- Promote organisational improvement.

#### 4. Authority of Internal Audit

- 4.1 Internal Audit has unrestricted access to all Council records and information, both manual and computerised, cash, stores and other Council property or assets it considers necessary to fulfil its responsibilities. All the Council's activities, funded from whatever source, fall within the remit of the internal audit service. Internal Audit may enter Council property and has unrestricted access to all locations and officers<sup>1</sup> where necessary, on demand, and without prior notice. This right of access is included in the Council's Constitution (Part Four, Section I, paragraph 5.45).

#### 5. Responsibility and Accountability

- 5.1 With Haringey Council, the Corporate Committee will fulfil the functions of '**The Board**'; and the Corporate Board will fulfil the functions of '**Senior Management**', as defined by PSIAS.
- 5.2 The responsibility for maintaining an adequate and effective system of internal audit within Haringey Council lies with the authority's Chief Finance Officer (S151 Officer).
- 5.3 The Head of Audit and Risk Management is the person designated to fulfil the role of the 'Chief Audit Executive' and is the person required to provide an annual opinion to the Council and to the Chief Finance Officer, via the Corporate Committee, on the adequacy and the effectiveness of the internal control system, governance and the risk management arrangements for the whole Council.
- 5.4 Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud. Internal audit procedures are designed to focus on areas identified by the Council as being of greatest risk and significance and rely on management to provide full access to accounting records and transactions for the purposes of internal audit work and to ensure the authenticity of these documents.
- 5.5 The remit of Internal Audit covers the entire control environment of the Council. This includes the objective examination of evidence to create independent assessments to the Corporate Committee, the Corporate Board, management and others on the adequacy and effectiveness of governance, risk

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<sup>1</sup> Officers includes all temporary and permanent employees of Haringey Council, together with any agency workers, contractors and volunteers working for the Council.



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management and internal control. Internal audit assurance assessments include evaluating whether:

- The Council properly identifies and manages risks on its strategic and other objectives;
  - The actions of the Council's officers and contractors comply with the Council's policies, procedures and applicable laws, regulations and governance standards;
  - The results and output of Council work and programmes are consistent with agreed goals and objectives;
  - The Council undertakes its work and programmes effectively and efficiently;
  - The Council's systems enable compliance with the policies, procedures, laws and regulations that could cause significant impact;
  - All information and the means used to identify, measure, analyse, classify and report such information are reliable and have integrity; and
  - The Council obtains assets economically, uses them efficiently, and safeguards them adequately.
- 5.6 Internal Audit also provides an independent and objective consultancy service, which is advisory in nature, and generally performed at the specific request of management. Such consultancy or advisory work is separate from Internal Audit's assurance work but may contribute to the annual opinion that Internal Audit provides on risk management, internal control and governance.
- 5.7 Where appropriate, Internal Audit will undertake audit or consulting work for the benefit of the Council in organisations that are wholly or partly owned by the Council.
- 5.8 Internal Audit may also conduct any special reviews requested by the Council, Corporate Committee or the s151 Officer, provided such reviews do not compromise its objectivity, independence or achievement of the approved annual internal audit plan.
- 5.9 Internal Audit will consider all requests from the Council's external auditors for access to any information, files or working papers obtained or prepared during audit work that has been finalised, which external audit would need to discharge their responsibilities.
- 5.10 The Head of Audit and Risk considers relying on the work of other internal or external assurance and consulting service providers when forming their annual opinion.



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## **6. Independence of Internal Audit**

6.1 The Head of Audit and Risk Management has free and unfettered access to:

- Chair of the Corporate Committee;
- Chief Executive;
- Chief Finance Officer;
- Monitoring Officer; and
- Any other member of the Corporate Board.

6.2 The Head of Audit and Risk Management reports functionally to the Board, and organisationally to the Director of Finance, who is also the Council's S151 officer. The Head of Audit and Risk Management has direct access to the Chief Executive who carries the responsibility for the proper management of the Council and for ensuring that the principles of good governance are reflected in sound management arrangements.

6.3 The independence of the Head of Audit and Risk Management is further safeguarded by ensuring that their annual appraisal is not inappropriately influenced by those subject to audit. This is achieved by ensuring that the Chief Executive and/or the Chair of the Corporate Committee contribute to, and/or review the appraisal of the Head of Audit and Risk Management.

6.4 All Council and relevant contractor staff in Audit and Risk Management are required to make an annual declaration of interest to ensure that auditors' objectivity is not impaired and that any potential conflicts of interest are appropriately managed.

6.5 Internal Audit may also provide consultancy services, such as providing advice on implementing new systems and controls. However, any significant consulting activity not already included in the audit plan and which might affect the level of assurance work undertaken by Internal Audit will be reported to the Corporate Committee. To maintain independence, any Internal Audit staff involved in significant consulting activity will not be involved in the audit of that area for at least 12 months after the consulting assignment has ended. When performing consulting assignments, the internal auditor will maintain objectivity and not take on any management responsibility.

6.6 Where it is considered necessary to the proper discharge of the internal audit function, the Head of Audit and Risk Management has direct access to elected Members of the Council and in particular those who serve on committees charged with governance (i.e. the Corporate Committee).

6.7 Internal auditors will exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors will make a balanced assessment of





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all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgments.

- 6.8 The Head of Audit and Risk Management will confirm to the board, at least annually, the organisational independence of the internal audit activity.

## 7. Non-audit Areas

- 7.1 The PSIAS require the Internal Audit Charter to identify any 'Non-audit' areas that fall under the management of the Internal Audit service. For Haringey these are:

- **Counter-Fraud.** Promoting fraud awareness and maintaining effective anti-fraud policies and procedures; acting as a corporate service for the investigation of irregularities and, where criminal investigation is considered, to liaise directly with the police and advise services on such matters. The Fraud Team plays a specific counter-fraud and investigation role jointly with Homes for Haringey in relation to Housing Tenancy Fraud; the investigation of serious whistleblowing concerns raised via the Council's whistleblowing policy also fall within the Team's remit.
- **Insurance and operational risk management.** Providing a full claims handling service for the Council and Homes for Haringey; procuring and management of all externally provided insurance contracts; management of the leasehold property insurance portfolio; providing claims related and financial information to managers; and training and development on insurance and operational risk management for staff.
- **Risk Management.** Providing risk management support to Haringey Council; promoting the consistent use of risk management and ownership of risk at all levels across the Council; managing and reviewing the Council's risk management framework.

- 7.2 In order to fulfil the requirements of the PSIAS and avoid potential conflicts of interest and loss of objectivity, the 'non-audit' functions are independently audited on a regular basis by the externally procured audit service and the Council's external auditors, with the results reported to the Corporate Committee.

## 8. Reporting

- 8.1 The PSIAS require the Head of Audit and Risk Management to report at the top of the organisation and this is done in the following ways:

- The Internal Audit Strategy and Charter and any amendments to them are reported to the Corporate Board and Corporate Committee for review and approval;
- The annual Internal Audit Plan is compiled by the Head Audit and Risk Management, taking account of the Council's risk framework and after



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input from the Statutory Functions Board. It is then presented to the Corporate Committee for formal approval. The Head of Audit and risk Management will review and adjust the internal audit plan, as necessary, in response to changes in the Council's business, risks, programmes, systems and controls, including emerging risks, threats and other issues;

- The adequacy, or otherwise, of the level of internal audit resources (as determined by the Head of Audit and Risk Management) and the independence of internal audit is reported annually to the Corporate Committee. The approach to providing resource is set out in the Internal Audit Strategy;
- Performance against the Internal Audit Plan and any significant risk exposures and control issues arising from audit work are reported to the Corporate Board and Corporate Committee on a quarterly basis;
- Any significant consulting or advisory activity not already included in the audit plan and which might affect the level of assurance work undertaken will be reported to the Corporate Committee;
- Results from internal audit's performance management processes and performance indicators will be reported to the Corporate Committee; and
- Any instances of non-conformance with the Public Sector Internal Audit Standards must be reported to the Corporate Committee and will be included in the annual Head of Internal Audit report. If there is significant non-conformance this may be included in the Council's Annual Governance Statement.

## 9. Due Professional Care

9.1 The Internal Audit function is bound by the following standards:

- Institute of Internal Auditor's International Code of Ethics;
- Seven Principles of Public Life (Nolan Principles);
- UK Public Sector Internal Audit Standards (PSIAS);
- CIPFA Local Government Application Note (LGAN) for internal audit functions operating in the local government sector;
- The respective ethical codes for the professional bodies that Internal Audit staff qualified under;
- All Council Policies and Procedures; and
- All relevant legislation.

9.2 Internal Audit is subject to a quality assurance and improvement programme that covers all aspects of internal audit activity. This consists of an annual self-

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assessment of the service and its compliance with the UK PSIAS and the LGAN, ongoing performance monitoring and an external quality assessment at least once every five years by a suitably qualified, independent assessor.

- 9.3 A programme of Continuous Professional Development (CPD) is maintained for all staff working on audit engagements to ensure that auditors maintain and enhance their knowledge, skills and audit competencies. The Head of Audit and Risk Management and his deputy are required to hold a relevant professional qualification (CCAB or equivalent, or CMIIA) and be suitably experienced.

**Internal Audit Activity charter**

Approved on 10 March 2022.

*Minesh Jani*

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Head of Audit and Risk Management (Chief Audit Executive)

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Chief Executive (Chief Executive Officer)

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Chair of Corporate Committee (Audit Committee)

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**Report for:** Corporate Committee 10 March 2022

**Title:** Application for Definitive Map of Public Rights of Way to be modified to include path between Dickenson Road and Mountview Road

**Report authorised by:** Rob Krzyszowski, Assistant Director, Planning, Building Standards & Sustainability

**Lead Officer:** Maurice Richards, Transport Planning Team Manager

**Ward(s) affected:** Crouch End

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

## **1. Describe the issue under consideration**

- 1.1 In July 2021 the Council was notified a pedestrian route between Mount View Road and Dickenson Road had been closed off by the landowner via the erection of a gate. As the route was not a Public Right of Way (PRoW) the Council had no powers to require it to be re-opened. Having regard to community concerns about the closure of the route a third party seeking to protect the route made an enquiry to the Council about getting the route designated as a PRoW. PRoW are highways that allow the public a legal right of passage and can be created through a number of routes including under section 31 of the Highways Act 1980 which provides a way may be dedicated as a PRoW where there has been uninterrupted use for a full period of 20 years. An application was subsequently submitted to the Council in August 2021 under section 53(5) of the Wildlife and Countryside Act 1981 to make an Order modifying its Definitive Map to include the footpath as a PRoW.
- 1.2 As part of the application evidence was submitted to support that the route had been in uninterrupted use for a full period of 20 years. At the same time notice was served on the landowners of the path who subsequently responded to the Council asserting that the path is private property and that no public rights of way exist including supplying evidence that the path has not been in uninterrupted use for a full period of 20 years together with related evidence there was no intention to dedicate the route as a PRoW. Following assessment of all of the evidence supplied it is considered likely that the key legal test of 20 years of uninterrupted use of the path is not met. The benefits of the path to the community are not something which should be taken into account in the Council's determination of the application and consequently it is recommended that Corporate Committee reject the application to make an Order for the Council's Definitive Map to be modified to include the footpath as a PRoW.

## **2. Recommendations**

The Committee is recommended to:

- 1) Consider the documentation as set out at Appendix B to C in relation to the application under section 53(5) of the Wildlife and Countryside Act 1981 for the Council's Definitive Map to be modified to include the footpath between Mount View Road and Dickenson Road (as shown in Figure 1 and identified in Appendix A) as a public right of way;
- 2) Reject the application (as set out at Appendix A) under section 53(5) of the Wildlife and Countryside Act 1981 to make an Order for the Council's Definitive Map to be modified to include the footpath between Mount View Road and Dickenson Road.

### **3. Reasons for decision**

- 3.1 Section 53(2) of the Wildlife and Countryside Act 1981 requires the Council to modify its Definitive Map and Statement because of certain "events". In this case the relevant "events" are (b) the expiration of any period such that the use of a way by the public during that time raises a presumption that the way has been dedicated as a public footpath; and (c) the discovery by the authority of evidence which, when considered with all other relevant available evidence, shows that a right of way subsists or is reasonably alleged to subsist.
- 3.2 Section 31 of the Highways Act 1980 states that a way is deemed to have been dedicated as a public right of way if it has actually been enjoyed by the public as of right and without interruption for a full period of 20 years unless there is sufficient evidence that there was no intention to dedicate. The 20 year period is calculated retrospectively from the date when public use of the way is brought into question.
- 3.3 Officers have reviewed both the evidence submitted by the applicant in support of their claim that a public right of way is deemed to have been established and the evidence submitted by agents acting on behalf of the landowner that refutes the applicant's claim of having had unhindered and continuous use of the path without permission over a period of 20 years. It is considered that, on balance, the evidence indicates that the path was not intended or allowed an unhindered and continuous use as a public right of way, over at least 20 years. Consequently Corporate Committee is recommended to reject the application to make an Order for the Council's Definitive Map to be modified to include the footpath between Mount View Road and Dickenson Road.

### **4. Alternative options considered**

- 4.1 Option A: To approve the application. This option is rejected as it is not considered that, on balance, the evidence indicates that the path was not intended or allowed an unhindered and continuous use as a public right of way, over at least 20 years. The legislation relating to such applications does not enable the Council to take into account other considerations such as public benefits of the path remaining open and as such these have not been factored into the recommendation.

### **5. Background information**

### *Introduction*

- 5.1 In July 2021 the Council was notified that a pedestrian route between Mount View Road and Dickenson Road had been closed off by the landowner via the erection of a gate.
- 5.2 The route is not a Public Right of Way and despite community requests the Council had no powers to require it to be re-opened for pedestrian access.
- 5.3 Having regard to community concerns about the closure of the route a third party seeking to protect the route made an enquiry to the Council about getting the route designated as a PRoW. PRoW are highways that allow the public a legal right of passage. A PRoW can be created as follows –
- i) By express dedication or agreement of the landowner – e.g. a public path creation order; or
  - ii) By presumed dedication:
    - a) Under section 31 of the Highways Act 1980 – this dedicates a way as public right of way where there has been uninterrupted use for a full period of 20 years; or
    - b) At Common Law – where it can be shown that a use has been created as a right. There is however, no fixed minimum period which must be proved in order to justify an inference of dedication.

### *Application*

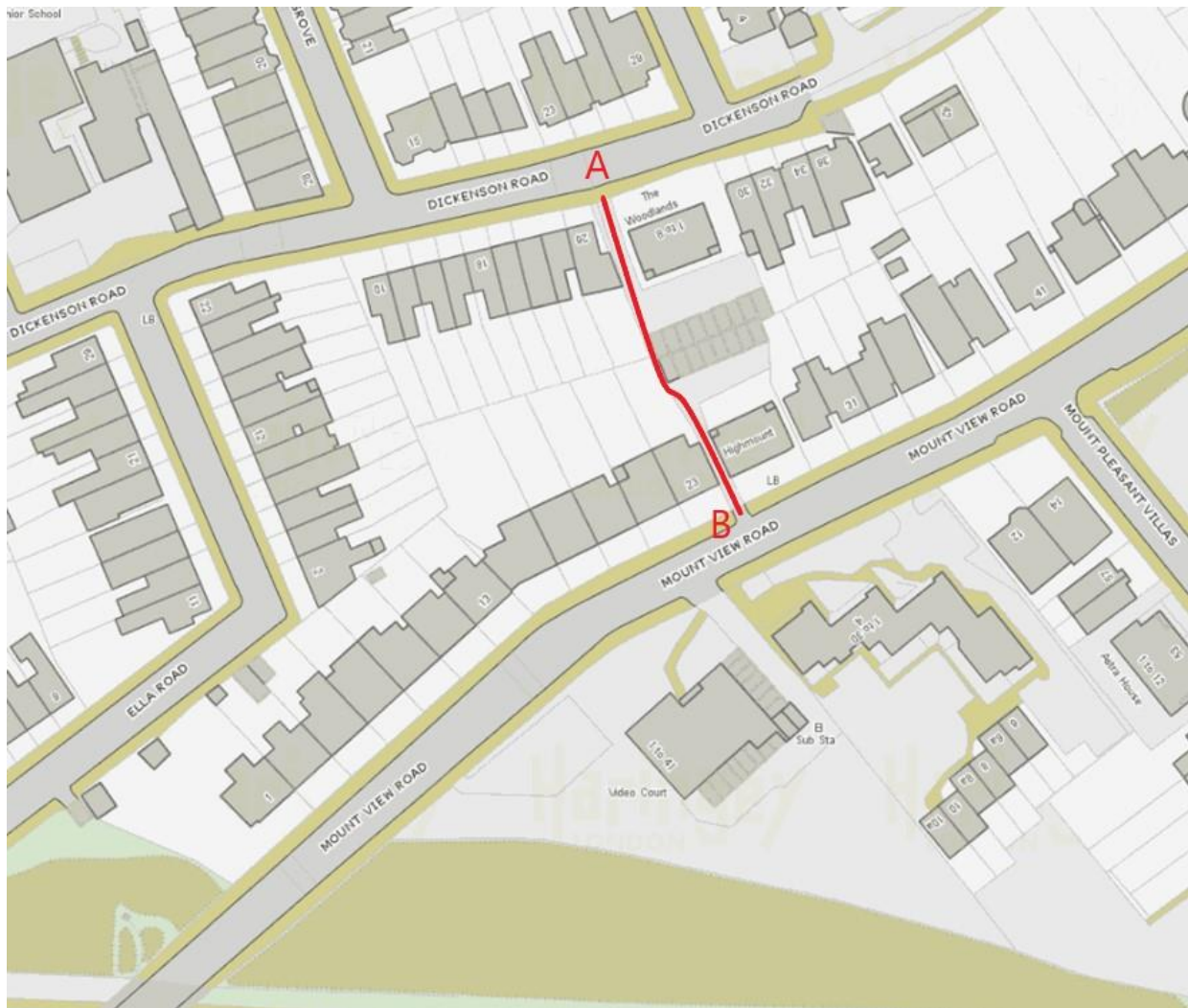
- 5.4 An application was subsequently submitted to the Council on 16 August 2021 under section 53(5) of the Wildlife and Countryside Act 1981 to make an Order modifying its Definitive Map to include the footpath as a PRoW.
- 5.5 As part of the application the following was submitted to the Council:
- A Schedule 7 application form for a modification to the Council's definitive map and statement
  - A Schedule 9 Certificate confirming that notices had been served on all the affected landowners
  - Supporting evidence comprising 12 statements of witnesses/public rights of way user evidence form
- 5.6 The applicant asserts that the application route had been in uninterrupted use for a full period of 20 years and should therefore be added to the Council's Definitive Map.

### *Description of route*

- 5.7 The application route runs from Point A on Dickenson Road, N8 to point B on Mount View Road, N4 as shown on Figure 1.

Figure 1 Location of closed route





- 5.8 From point A to point B the path runs generally north-south. Following erection of a gate in June 2021 the route is no longer accessible to pedestrians and is closed roughly half-way between point A and point B.

*Response of landowner following notification of application*

- 5.9 Following notification by the applicant and being contacted by the Council, the landowner responded to the Council asserting that the path is private property and that no public rights of way exist including supplying evidence that the path has not been in uninterrupted use for a full period of 20 years together with related evidence there was no intention to dedicate the route as a PRoW.

*Relevant legislation*

- 5.10 Section 53(2)(b) of the Wildlife and Countryside Act 1981 provides that the Council must keep its Definitive Map and Statement under continuous review and must make such modifications as appear to them to be requisite in the light of certain specified events. In this case 53(3)(c)(i) is of particular relevance.
- 5.11 Section 53(3)(c)(i) states that the Map and Statement should be modified where the Council discover evidence which, when considered with all the other available evidence, shows “that a right of way which is not shown in the map and statement



subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path a restricted byway or, subject to section 54A, a byway open to all traffic”.

- 5.12 Later in the same Act section 53(5) enables any person to apply to the Council for an Order to be made modifying the Definitive Map and Statement in respect of a number of ‘events’ including those specified in Section 53(3)(c)(i) as quoted above. On receipt of such an application the Council is under a duty to investigate the status of the route. It was under these provisions that the application which is the subject of this report was made.
- 5.13 The purpose of Section 53 of the Wildlife and Countryside Act 1981 is to record or delete rights which already exist rather than create or extinguish them. Practical considerations such as public benefits, suitability, the security and wishes of landowners or user groups cannot be considered under the legislation.
- 5.15 Any changes to the Definitive Map must reflect public rights that already exist. It follows that changes to the Definitive Map must not be made simply because such a change would be desirable, or instrumental in achieving another objective. Therefore, before an order changing the Definitive Map is made, the decision maker must be satisfied that public rights have come into being at some time in the past. The decision is a quasi-judicial one in which the decision maker must make an objective assessment of the available evidence and then conclude whether or not the relevant tests set out above have been met.
- 5.16 Section 31 (1) of the Highways Act 1980 states that “where a way over any land, other than a way of such character that use of it by the public could not give rise at Common Law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it”.
- 5.17 Therefore twenty years use by the general public can give rise to the presumption of dedication of a way. The period of 20 years is measured backwards from a date of challenge. If no other date of challenge is identified, the date of the application to modify the Definitive Map will be the date of challenge. Alternatively, a public right of way may be established over a shorter period under common law. Dedication can be implied from evidence of public use and of acquiescence in that use by the landowner.

*Evidence supplied in support of application*

- 5.18 The applicant submitted a total of 12 signed statements in favour of the path being a public right of way.
- 5.19 Of those 12 people, 2 of them provided dates starting from within 20 years (2016 and 2019) and consequently their evidence does not help establish a PRow by virtue of uninterrupted use for a full period of 20 years. One statement gave dates from 2001 until 2021 but did not state when in 2001 so it is unclear whether this person could confirm the path was used without interruption for a full 20 years but this evidence would give weight to the evidence in the other statements.

5.20 Of the 9 statements that confirm the path was accessible from before 2001:

- 1 person confirms the path was accessible from 1980 with no interruptions (gates/barriers).
- 1 person confirms the path was accessible from 1986 but did confirm there was a locked gate but did not confirm when or for how long.
- 1 person confirms the path was accessible from 1980 with no interruptions (gates/barriers).
- 5 people confirmed that the path was accessible from 1995 with 3 of those confirming there was no interruptions (gates/barriers), 1 confirming there was an unlocked gate but not when and 1 confirming there was a locked gate, but not when.
- 1 person confirms the path was accessible from 2000 but there is a page missing from that statement so no information as to whether there was a gate at any point.

5.21 Of the 12 statements, 2 confirmed that there was a sign on the garages adjacent to the path stating “Private Property – No Right of Way” or words to that effect.

5.22 It is clear that there are inconsistencies with the evidence in support of the application but of note 5 out of 12 confirm 1995 was the year when they began using the path.

*Evidence supplied by landowner*

5.24 As set out at paragraph 5.9 the landowner responded to the Council asserting that the path is private property and that no public rights of way exist including supplying evidence that the path has not been in uninterrupted use for a full period of 20 years together. 12 pieces of evidence were supplied to support their assertion.

5.25 The evidence against the path being a public right of way includes 3 statements from residents confirming that a gate/door obstructing access through the path was in place until late 2005/2006 when it was removed.

5.26 Photographs are provided showing a locked gate and then the same gate broken in need of replacement/removal. It is confirmed by the estate management company that both of these photographs were taken circa 2005.

5.27 A photograph of a sign attached to one of the garages adjacent to the path clearly states “Private Property – No Right of Way” has been provided but no indication of when this photograph was taken.

5.26 Evidence by the estate management company from 2005 documenting the expenses incurred in relation to the removal of the gate in 2005 and a letter from one of the owners of the flat about a replacement gate being installed in 2006 has been provided – although it is clear that a replacement gate was not installed until 2021.

5.27 The agent for the landowner has also provided evidence of a settlement order from the County Court in Edmonton dated October 2021 and award of costs against the applicant’s claim of illegal erection of a gate.

### *Land Register*

- 5.28 Land registry records were procured for the route and do not include any covenants that indicate a public right of way along this path.

### *Conclusion*

- 5.28 Weighing both sets of evidence against each other, officers consider that it is more likely that the path was blocked by a gate/door up until late 2005. It is also more likely that there has been a sign displayed on one of the garages adjacent to the path throughout notifying the public that there is no right of way.
- 5.30 The statements also include descriptions of how the path benefits the local community through improved accessibility and also the problems of anti-social behaviour that the path being open has brought to the owners of the adjacent properties. However, these are not matters that should be taken into account in seeking to determine whether a right of way has been established.
- 5.32 Taking only the relevant evidence into account, it is considered that, on balance, the evidence indicates that the path was not intended or allowed an unhindered and continuous use as a public right of way, over at least 20 years. Consequently, Corporate Committee is recommended to reject the application to make an Order for the Council's Definitive Map to be modified to include the footpath between Mount View Road and Dickenson Road.

### *Next steps*

- 5.33 If the Committee accepts the recommendation to reject the application and decide that no Definitive Map Modification Order should be made, all interested parties will be informed. The applicant has the right to appeal to the Secretary of State within 28 days' notice of the Council's decision. The Secretary of State may direct the Council to make a Definitive Map Modification Order.
- 5.34 If, contrary to the officer recommendation, the Committee decides to accept the application, a Definitive Map Modification Order will be made. The order will be advertised in the press and on site and copies will be sent to the applicant, the affected landowners, and other relevant user groups. There will then be a 6 week public consultation period.
- 5.35 If objections are received, the Council cannot confirm the Definitive Map Modification Order itself. The order together with the objections must be sent to the Secretary of State for them to make a decision. The Planning Inspectorate will appoint an independent inspector who will make a written decision following an exchange of written representations, a public hearing or a local public inquiry.

## **6. Contribution to strategic outcomes**

- 6.1 The decision will support the 'Place' Priority of the Borough Plan 2019-23 which includes Outcome 12: A safer borough. It will do this by reducing opportunities for

anti-social behaviour, however this is balanced against the opportunity cost of improving pedestrian accessibility.

**7. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)**

**Finance**

- 7.1 The report recommends to Corporate Committee to reject the application (as set under section 53(5) of the Wildlife and Countryside Act 1981 to make an Order for the Council's Definitive Map to be modified to include the footpath between Mount View Road and Dickenson Road. There are no financial implications arising from this report.

**Procurement**

- 7.2 There are no procurement implications arising from this report.

**Head of Legal & Governance -**

- 7.3 The Head of Legal and Governance has reviewed this report and comments as follows.
- 7.4 The legal framework relating to public rights of way relevant to this application is set out in paragraphs 5.10 – 5.17 of this report.
- 7.5 When taking this decision the Council must assess the evidence submitted and balance the rights of the public against the rights of the private landowner. Only if it has been demonstrated that the statutory requirements for a public right of way to exist have been met should it confirm that the path subject to this application is a public right of way. Otherwise the private rights of the landowner over its land should be protected.
- 7.6 The Council would be acting in accordance with the law if having considered the evidence, it determines the application in accordance with the recommendations within this report.

**Equality**

- 7.7 The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.
- 7.8 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 7.9 The legal framework relating to public rights of way relevant to this application is set out in paragraphs 5.10 – 5.17 of this report. It is noted that there are only limited matters that should be taken into account when determining whether a right of way has been established. The Public Sector Equality Duty applies to the Council exercising its functions as a public authority, which in this case is limited to the application of the legal tests to determine whether or not the path has been in continuous use for 20 years. Wider considerations such as the overall public utility of the use of the path, or its equalities impacts are beyond the scope of the Council's decision making powers in this case.

## **8. Use of Appendices**

- Appendix A - Application
- Appendix B – Evidence submitted by applicant
- Appendix C – Evidence submitted on behalf of landowner

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

- 9.1 N/A

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**Application Form (Schedule 7 application)**  
**For a modification to the definitive map and statement**  
**Wildlife and Countryside Act 1981**

To: The Mayor and Burgesses of the London Borough of Haringey

FAO Maurice Richards, Transport Planning Team Manager, Haringey Council, 1st floor, 40 Cumberland Road, Wood Green, London, N22.7SG

I Derek McCann of [REDACTED] Mountview road London N4.4SL hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

- adding the footpath

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] piper.matter.bowls

Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shield

High Mount flats reference 10/25 Mountview road N4.4ST point B on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

I attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

- List of documents

**9 witnesses listed as 1 to 10 below**

1. Reference Statement AA/DM 1 to 7 pages
2. Reference Statement AA1/MM 1 to 5 pages
3. Reference Statement AA2/AD 1 to 6 pages
4. Reference Statement AA3/SE 1 to 5 pages
5. Reference Statement AA4/TB 1 to 6 pages
6. Reference Statement AA5/TW 1 to 5 pages
7. Reference Statement AA6/SP 1 to 6 pages
8. Reference Statement AA7/PB 1 to 6 pages
9. Reference Statement AA8/MH 1 to 6 pages



10. Reference Statement AA9/HMS 1 to 5 pages
11. Reference Statement AA10/TB 1 to 5 pages
12. Reference Statement AA11/TB 1 to 5 pages

- **maps accompanying this application below with Grid references and what3words.**

- The woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971. Reference GR/1
- Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 Reference GR/2
- High Mount flats reference 10/25 Mountview road N4.4ST point B on the Map/Photo Grid reference TQ3047587939 GR/3
- Google Maps arial view GR/4
- Arial view passing ACB GR/5
- Google Maps local streets GR/6
- The woodlands flats on Dickenson Road N8 9EU google Maps top view GR/7
- High Mount flats reference 10/25 Mountview road N4.4ST Google Maps View GR/8
- new app what3words point [A] piper.matter.bowls Reference PMB/1
- new app called what3words chief.reveal.shield Reference PMB/2
- new app called what3words bubble.areas.mental Reference BAM/3

Dated 16/08/2021

Signed Derek McCann





**Certificate of service of notice of application to make a definitive map  
modification order (Schedule 9 Certificate)**

To: The Mayor and Burgesses of the London Borough of Haringey

FAO Maurice Richards, Transport Planning Team Manager, Haringey Council, 1st  
floor, 40 Cumberland Road, Wood Green, London, N22 7SG

I Derek McCann of [REDACTED] Mountview road London N4 4SL hereby certify that the  
requirements of paragraph 2 of schedule 14 to the Wildlife and Countryside Act 1981  
have been complied with and the following people have been served with a  
Schedule 8 Notice:

**Name**

Mr Ian Johnathan Rose

Mr Jeremy David Rose

Claire Bowden

Perkins Shane Charles Stewart

Keats Estate Agents party to Mountview Freehold Limited and High Mount flats  
landowners.

The woodlands flats landowner Jonathan Mullingan

Mr and Mis Husband parties to the garages between the properties of woodlands  
flats and High Mount flats.

**Address**

Keats Estate Agents 500 Muswell Hill Broadway, Muswell Hill, London, N10 1BT.

[REDACTED] Eden Street Kingston Upon Thames Surrey KT1.1BQ.

The woodlands flats on Dickenson Road N8.9EU.

High Mount flats reference [REDACTED] Mountview road N4 4ST.

16 Lock-Up Garages, High Mount, Mount View Road, London.

[REDACTED] Lancaster Road Haringey N4.4PR.

[REDACTED] Willoughby Road N8.0HR

Dated 11/08/2021

Signed Derek McCann

-----

**NOTE: The Wildlife and Countryside Act 1981 requires an Applicant for a  
Modification Order to serve notice of the application on every owner and  
occupier of any land affected by the claimed route. Your application will not be  
valid unless all affected landowners have been served with notice and this  
form is completed.**

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**Public rights of way user evidence form**

This form must be used to provide user evidence of use of a route by the public in relation to an application to make an order modifying the definitive map and / or statement under section 53(2) of the Wildlife and Countryside Act 1981.

**Please ensure that you read all the following notes before completing the form:**

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking to make a change to the definitive map and / or statement of public rights of way in Haringey.

This statement is intended to provide preliminary evidence about the application. When the Order Making Authority (OMA) commences detailed research, an Officer from that OMA may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used. You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the route in question. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet, and attach it to this statement.

**Confidentiality – Please read carefully**

**The information you give in this statement cannot be treated as confidential.** It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.

If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it.

Inquiries are kept as informal as possible, and the OMA will help you with the procedure. 2

The information you give in this statement will be processed in accordance with the General Data Protection Regulation.

### **General Data Protection Regulation Declaration (GDPR Declaration)**

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used by the OMA to undertake its statutory duties under the Wildlife and Countryside Act 1981 section 53. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

Name: **Derek McCann**

Telephone number: 

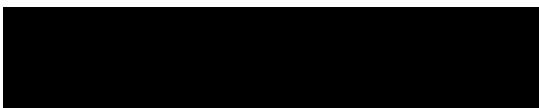
Email address: 

### **Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: **05/08/2021**

Your signature:



Mr D McCann  
the applicant

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

## About you

Name: **Derek McCann**

Address **Mountview road London N4 4SL**

Year of birth: **1980**

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

## About the application route

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] **TQ3046487971** And the new app what3words point [A] **piper.matter.bowls**

Passing point C on the Map/Photo the garages at this location Grid reference **TQ3047587939** And the new app called what3words **chief.reveal.shield**

High Mount flats reference 10/25 Mountview road N4 4ST point B on the Map/Photo Grid reference **TQ3047587939** And the new app called what3words **bubble.areas.mental**

## Map of the application route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

## Your use of the application route

1. In which years did you use the application route?

From: **1980**

To: **2021**

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

no

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

Go to local bus stop, take my children to school at St peters and St Gilders over the road from the pathway, my mum did have a garage at this location in 1980, I have friends on both sides of the pathway. From 1980 to 2000 2 or 3 times a week. From 2000 to 2021 2 or 3 times a day going to local schools and church and shopping locally. .

4. For what purpose did you use the route?

To go shopping, to go school, to go friends, to get to local bus.

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

There was a gate from 1980 to 1990 it was at times locked but mostly open, then in 1990 the lock was broken, and the door was left open as its hinges was hanging off. From 1995 to 2000, from 2000 the gate was just a rotini bit of timber and was not used. From 2000 to 2021 I can't remember when the last bits were taken away but defendant no gate closed from 2000 to 20021.

Other barriers (state what, how long they were in place, location, and show on your map)

No other barriers.

7. Did any of the above prevent you from using the application route?

Yes, only till 1990 then there was never any closed or locked door or barriers. There was no obstructions from 1990 to 05/07/2021.

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

The only signs I can remember was do not block garages, and do not park here, there was rent a garage signs all from 1980 to 1990 when there were new signs



regarding rent a garage. There was a very small sign put up in May of 2021 and then in June just before the first gate was put up in Jun, there was lots of signs, keep out private property no trespassers, and old rent a garage sign was taken down to show a hidden private property sign. There was nothing from 1090 to 2021 telling me to not use the pathway, till the first gate was put up in Jun and then a second gate in July. All old signs from the old garage landowners were all covered up apart from the old phone number.

9. Have you seen other people using the application route whilst you have been using it?

Yes, it is used all day and from 0830am to 0910 am school children and parents and from 3pm to 4pm children and parents Monday to Friday then over weekend shoppers.

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

Yes, I was very friendly with the local tenants and yes always welcomed and happy to see me. And from 1985 to 1990 my family was using the garages. There was a landowners document giving permission to everyone with permission could use the land.

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No not till the first gate was put up in Jun 2021 the local estate agent informed me it was now private property, and the second gate was put up in July 2021 the builder that put it up informed me the key was going to Claire from local estate agents. The day after the 5<sup>th</sup> of July the pathway was closed a second time. And has remained closed. This is the only time the pathway was closed and there was

12. Has anyone else ever told you that they were prevented from using the application route?

No not till Jun 2021 when the local tenants informed me the local estate agent had put up a gate without permission on their property. Then when I called the local estate agent, I was told the pathway was now private. And all the signs went up.

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

Only in 1980 when my mum first had a garage at this location.

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

Yes, all of the landowners have documents regarding the use of the pathway, it would seem all landowners have the write to allow anybody to use the pathway with there permission, or authority, anybody could use the pathway day or night. Two of the landowners are happy for anybody to use the pathway.

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

- The pathway was definitely used freely from 1990 to 2021.
- The local pathway that runs from the end of Dickenson Road to Womersley road has steps, so the older adults and disabled can't use it as an alternative to this pathway.
- The local schools St Gilda's Catholic Junior School and St Peters and chains, just do not have the parking and the facilities to facilitate all the parents driving to school, this pathway was a very good why of parents parking on Mountview road and then using the pathway.
- The local schools are on top of the hills in Haringey so parents will have to go up and down hills just to get to the schools rather than just using this pathway
- The local church is on top of the hill this pathway was a good way to get the older adults and disabled to church without using the hills or the steps on other pathways.
- We have a very large number of older adults and disabled that have used this pathway but now can't get to the local bus stop W7 bus, on top of the hills. there only option is to go up and down or down the hills now.
- If this pathway is closed it will cut off the community.
- one of the current landowners was not the landowners from 2005. so have limited knowledge of the pathway before their involvement.
- The crime at this location has no more of a problem than the pathway locally, or in the community. The current landowner that's put up the gate is using this to place the gate.
- There's a number of new tenants in ground floor flats that have recently asked for this pathway to be closed, as their property was advertised as with exclusive garden when it is not. A simple fence could have helped.
- The reports of ASB are from the local flats not from the use of the pathway.
- There is lots of flats locally with older adults and disabled people.
- There no steps at this location.
- This is a safer pathway than using the busy roads for the children locally.

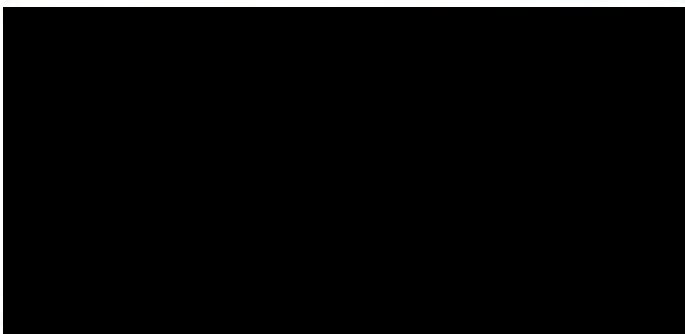
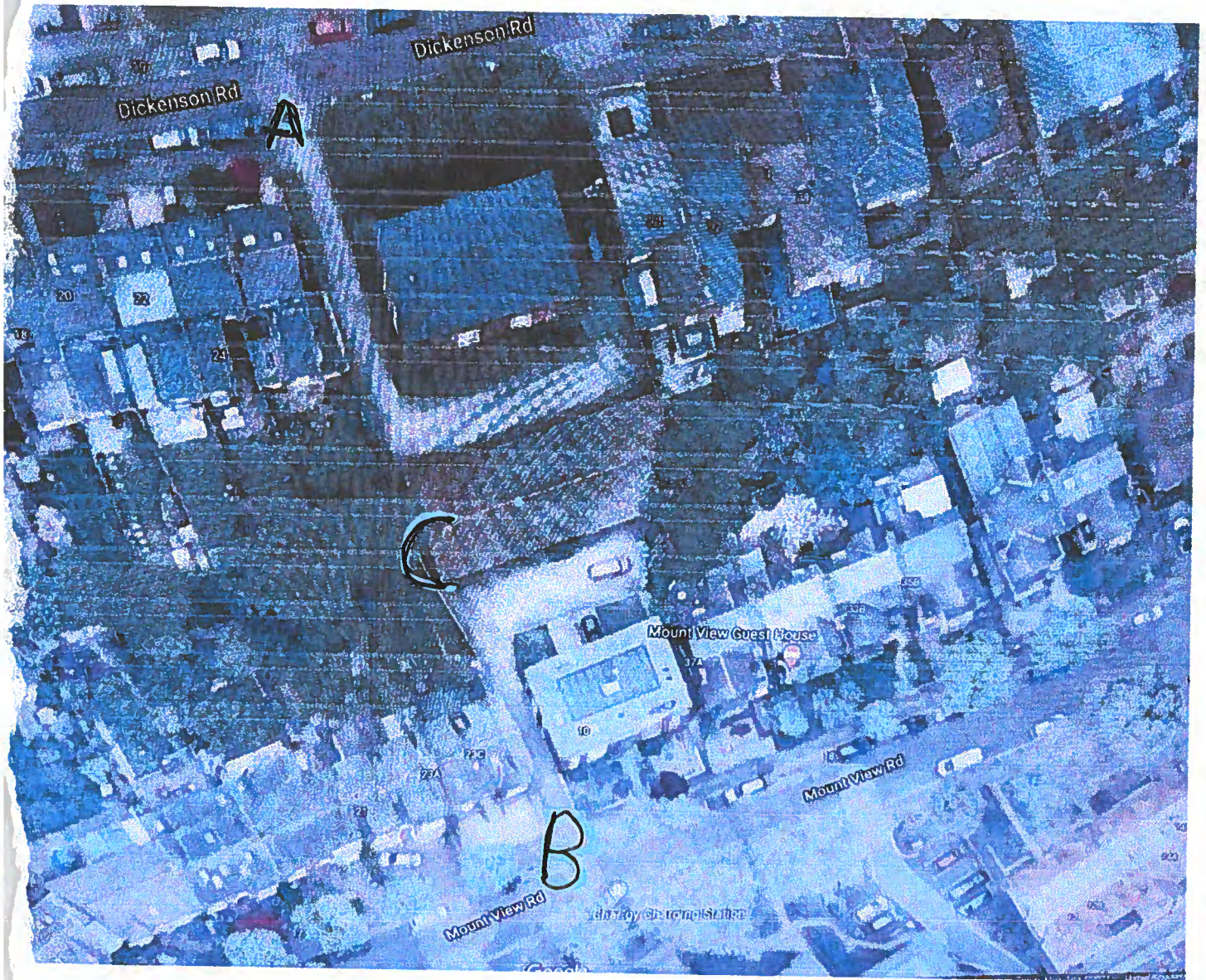
16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you



be willing to talk to an Officer from the Council about your knowledge of the application route, **yes?**

- 17.** Would you be willing to attend a hearing or public inquiry to give evidence, if necessary, **yes?**

7



D McCANN



AA1/mm 1

**Public rights of way user evidence form**

This form must be used to provide user evidence of use of a route by the public in relation to an application to make an order modifying the definitive map and / or statement under section 53(2) of the Wildlife and Countryside Act 1981.

**Please ensure that you read all the following notes before completing the form:**

This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking to make a change to the definitive map and / or statement of public rights of way in Haringey.

This statement is intended to provide preliminary evidence about the application. When the Order Making Authority (OMA) commences detailed research, an Officer from that OMA may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used. You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the route in question. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet and attach it to this statement.

**Confidentiality – Please read carefully**

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if the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it.

Inquiries are kept as informal as possible, and the OMA will help you with the procedure. 2

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**General Data Protection Regulation Declaration (GDPR Declaration)**

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Name: Martin McKee

Telephone number: [REDACTED]

Email address: [REDACTED]

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 4<sup>th</sup> August 2021

Your signature: [REDACTED]

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

3

**About you****Name: Professor Martin McKee****Address: [REDACTED] Mount View Road, London N4 4SS****Year of birth: [REDACTED]****Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required): No****About the application route****How do you think the application route should be recorded?**

As a footpath

**Describe the application route, including start and finish points and provide OS grid references if you can.**

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] pipe.r.matter.bowlsPassing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shieldHigh Mount flats reference 25 Mountview road N4 4SJ point **B** on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental**Map of the application route****Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. Do not add your full signature.****Your use of the application route****1. In which years did you use the application route?**From: 1995  
To: 2021**2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.**

We lived in Copenhagen for 3 months in 1996

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

Walking, several days most weeks

4. For what purpose did you use the route?

To walk between home and shops in Crouch End or bus stop at Dickenson Road

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

In the early years there was a wooden gate but I never recall it being closed

Other barriers (state what, how long they were in place, location, and show on your map)

No

7. Did any of the above prevent you from using the application route?

No

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

There were signs to this effect on the garages that border the route. However, it seemed that these referred to the area in front of the garages. Other signs stating that the route was private appeared on the walls on the Mount View Road end since about May 2021.

9. Have you seen other people using the application route whilst you have been using it?

Yes. This route was used extensively and I would very frequently (depending on time of day) see other people taking the route.

5

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No

12. Has anyone else ever told you that they were prevented from using the application route?

No

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

Yes

**Public rights of way user evidence form**

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**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet and attach it to this statement.

**Confidentiality – Please read carefully**

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Inquiries are kept as informal as possible, and the OMA will help you with the procedure. 2

The information you give in this statement will be processed in accordance with the General Data Protection Regulation.

### **General Data Protection Regulation Declaration (GDPR Declaration)**

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used by the OMA to undertake its statutory duties under the Wildlife and Countryside Act 1981 section 53. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

Name: **Andy Dawson**

Telephone number: [REDACTED]

Email address: [REDACTED]

### **Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 02/08/2021

Your signature:

[REDACTED]

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

**About you****Name: Andy Dawson****Address** ■■■ Mount Pleasant Villas, Stroud Green London N4 4HA**Year of birth:**

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required): 31 Mount Peasant Crescent

**About the application route**

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] piper.matter.bowls

Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shield

High Mount flats reference 25 Mountview road N4 4SJ point **B** on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

**Your use of the application route**

1. In which years did you use the application route?

From: 1995

To: July 2021

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

[Insert]

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

Daily

4. For what purpose did you use the route?

To hasten access to Crouch End

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

Yes

Other barriers (state what, how long they were in place, location, and show on your map)

No

7. Did any of the above prevent you from using the application route?

Yes locked gate

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

9. trespassers will be prosecuted notices have recently been put up June 2021

10. Have you seen other people using the application route whilst you have been using it?

Yes, it's a known ally that's in constant use

11. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

5

No

12. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No

13. Has anyone else ever told you that they were prevented from using the application route?

No

14. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

15. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

16. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

17. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

18. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

Yes





2/8/2021



AA3/SE

1

**Public rights of way user evidence form**

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**Please ensure that you read all the following notes before completing the form:**

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**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet and attach it to this statement.

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Name: [Shirin Elahi]

Telephone number: [REDACTED]

Email address: [REDACTED]

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 2<sup>nd</sup> August 2021 [REDACTED]

Your signature: [REDACTED]

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

**About you****Name:** Shirin Elahi**Address:** [REDACTED] Elm Grove**Year of birth:**

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required): No

**About the application route**

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] **piper.matter.bowls**

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High Mount flats reference 25 Mountview road N4 4SJ point **B** on the Map/Photo Grid reference TQ3047587939 And the new app called what3words **bubble.areas.mental**

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

**Your use of the application route**

1. In which years did you use the application route?

From: [2001]

To: [2021]

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.



[No]

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

[On average, bi-weekly]

4. For what purpose did you use the route?

[To walk to the shops or the tube]

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

[No]

Other barriers (state what, how long they were in place, location, and show on your map)

[No]

7. Did any of the above prevent you from using the application route?

[No, not until the present gate which was erected without warning]

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

[No]

9. Have you seen other people using the application route whilst you have been using it?

[Yes, local residents]

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

5

[No]

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

[No]

12. Has anyone else ever told you that they were prevented from using the application route?

[Only right now, July 2021]

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

[No]

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

[No]

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

[Yes]

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

[Yes]

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10/68/21

2





7

**About you****Name:** Tessa Bull**Address** [REDACTED] Mount Pleasant Villas, London, N4 4HA**Year of birth:** [REDACTED]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

NO

**About the application route**

How do you think the application route should be recorded?

**As a footpath**

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided:

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] **TQ3046487971** And the new app what3words point [A] **piper.matter.bowls**

Passing point C on the Map/Photo the garages at this location Grid reference **TQ3047587939** And the new app called what3words **chief.reveal.shield**

High Mount flats reference 25 Mountview road N4 4SJ point **B** on the Map/Photo Grid reference **TQ3047587939** And the new app called what3words **bubble.areas.mental**

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

**Your use of the application route**

1. In which years did you use the application route?

From: **June 2000**

To: **June 2021**

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.



Yes it is used all the time, especially for parents and school children accessing St Peters and St Gildas who live on the N4 side of Mount View Road, and for people walking to Crouch End to access shops and other services.

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No, never.

12. Has anyone else ever told you that they were prevented from using the application route?

No in the 21 years I have been using it.

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

No

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary? Yes

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Name: **Tony Wolff**

Telephone number: [REDACTED]

Email address: [REDACTED]

### **Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: **02/08/2021**

[REDACTED]

A H Wolff

Your signature: [REDACTED]

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**



**About you****Name: Tony Wolff****Address** [REDACTED] **Mount View Road, London N4 4SS****Year of birth:** [REDACTED]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

**About the application route**

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] pipe.matter.bowls

Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shield

High Mount flats reference 25 Mountview road N4 4SJ point <sup>B</sup> on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

**Your use of the application route**

1. In which years did you use the application route?

From: 1995

To: Present

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

No

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

To walk to and from Crouch End on a weekly basis.

4. For what purpose did you use the route?

Shopping in Crouch End, attending sculpting/art classes and going to restaurants

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

No

Other barriers (state what, how long they were in place, location, and show on your map)

No

7. Did any of the above prevent you from using the application route?

N/A

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

Unaware of an until the last few months

9. Have you seen other people using the application route whilst you have been using it?

Yes

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No

5

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No

12. Has anyone else ever told you that they were prevented from using the application route?

No

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

On the basis of the availability of this footpath we have removed the entrance at the bottom of our garden which allowed the bypassing of this footpath. I believe this applies to other houses on our section of Mount View Road.

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

Yes

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**This statement should be completed by one person only and should relate to only one route.**

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Name: [Print your name] Serra Petale

Telephone number: [Insert telephone number] [REDACTED]

Email address: [Insert email address] [REDACTED]

### **Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: [Date] 4/07/21

Your signature: [REDACTED]

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

**About you****Name:** Serra Petale**Address** [redacted] Astra House, [redacted] Mount Pleasant Villas, N4 4HB, London**Year of birth:** [redacted]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

**About the application route**

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] piper.matter.bowls

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High Mount flats reference 25 Mountview road N4 4SJ point **B** on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

**Your use of the application route**

1. In which years did you use the application route?

From: [Insert date] 01/09/2019

To: [Insert date] Date of closing June 2021

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.



**[Insert]** Never, I walk to Crouch end almost everyday and constantly used this path to come back and forth.

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

**[Insert]** I would use it daily

4. For what purpose did you use the route?

**[Insert]** Would use it to commute to and from work, to bring back shopping and essentials from Crouch End.

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

**[Yes/No]** Never

Other barriers (state what, how long they were in place, location, and show on your map)

**[Yes/No]** Never

7. Did any of the above prevent you from using the application route?

**[Yes/No]** If yes please give details No

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

**[Yes/No/Don't know]** If yes, please state when and give details, including when they were present, and mark their location on your map. Approximately one week before the gate was erected a red "private property, no trespassing" type sign was put up.

9. Have you seen other people using the application route whilst you have been using it?

5

[Yes/No] If yes, please provide any additional information about this. Yes all the time. Mostly school children, local residents both elderly and young.

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

[Yes/No] If yes, please state from whom and when. No, I wasn't aware permission was needed, especially since it was recommended by local residents who have been using it as a public pathway for over 20 years.

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

[Yes/No] If yes, please state from whom and when. No

12. Has anyone else ever told you that they were prevented from using the application route?

[Yes/No] If yes, please give details including when this happened. No

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

[Yes/No] If yes, please give full details including who gave the permission, why and when. No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

[Yes/No] If yes, please provide details. Yes, some local residents have sent through some old maps and have been saying that it's been in use for over 20 years.

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

I don't believe anyone in the local community was told about the erection of this gate or provided a clear explanation as to why it was installed in the first place. I found this move by the estate agents to be a very anti-social move within our community that has been used for over 20 years by local residents, school children and those with reduced mobility (this definitely applies to some of our neighbours). If there have been some safety issues that have contributed to this decision, then we as a community would like a chance to help and make a positive change. Cutting people off and making their access to local amenities longer and harder is not the answer.

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?



[Yes/No] Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

[Yes/No] Yes



AA7/PB

1

Inquiries are kept as informal as possible, and the OMA will help you with the procedure. 2

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**General Data Protection Regulation Declaration (GDPR Declaration)**

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Name: **Peter Binney**

Telephone number: [REDACTED]

Email address: [REDACTED]

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 4 - August - 2021

Your signature: [REDACTED]

You should keep a copy of your completed statement.

information on this page of the statement will be redacted and will not be made publicly available



**About you****Name: Peter Binney****Address [redacted] Dickenson Rd, London N8 9EN****Year of birth: [redacted]**

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

**2016-2019 - Florence Rd, Stroud Green, N4 4DL**

**About the application route**

How do you think the application route should be recorded?

**As a footpath**

Describe the application route, including start and finish points and provide OS grid references if you can.

**From point A to point B passing point C on the Google Earth picture I have provided.**

**The woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] piper.matter.bowls**

**Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shield**

**High Mount flats reference 25 Mountview road N4 4SJ point B on the Google Earth picture reference TQ3047587939 And the new app called what3words bubble.areas.mental**

**Map of the application route**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. Do not add your full signature.

**Your use of the application route**

1. In which years did you use the application route?

**From: June 2016**

**To: now (Aug-2021)**



2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

**No**

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

**We used it most days, and at least once a week**

4. For what purpose did you use the route?

**June-2016 to Aug-2017 : mainly going from Florence Rd to Crouch End  
From Aug-2017 : mainly going between Dickenson Rd and Florence Rd**

5. Has the route always followed the same course?

**Yes**

6. Have there ever been any of the following on the application route?

**Gates (state whether locked and when, locations and show on your map)**

**No**

**Other barriers (state what, how long they were in place, location, and show on your map)**

**None**

7. Did any of the above prevent you from using the application route?

**N/a**

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

**Not until a few days before the gate was added in June-2021**

9. Have you seen other people using the application route whilst you have been using it?

**Yes - it was a regular and well-used route**



10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

11.

**No - it was not necessary since the footpath was never obstructed**

12. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

**No**

13. Has anyone else ever told you that they were prevented from using the application route?

**No**

14. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

15.

**No**

16. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

**No**

17. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

18. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

**Yes**

19. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

**Yes**



**Public rights of way user evidence form**

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**This statement should be completed by one person only and should relate to only one route.**

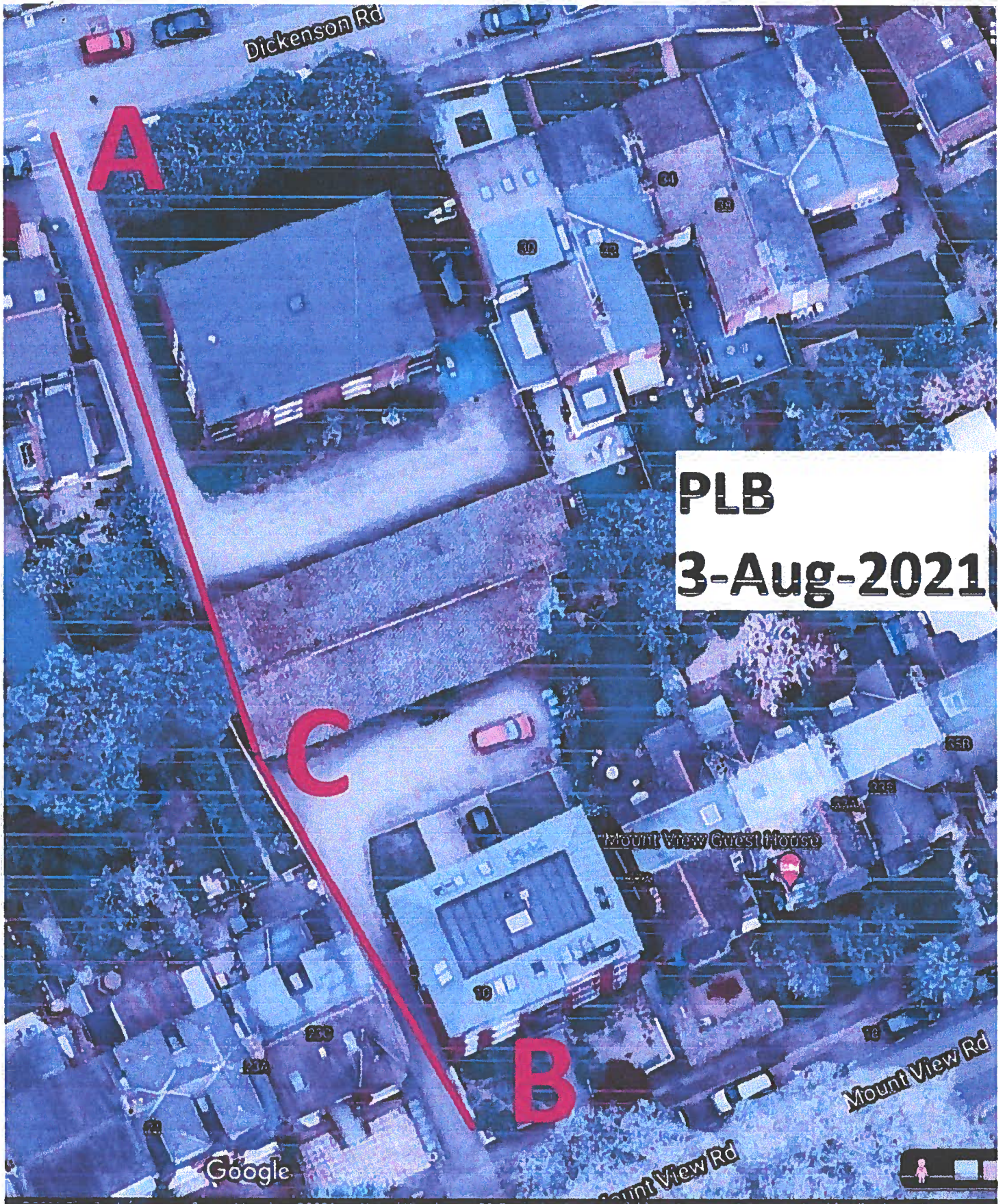
If you need more space, please continue on a separate sheet and attach it to this statement.

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If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it.







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Name mark Harris

Telephone number 

Email address IV/A

### Statement of Truth

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date 5/8/21

Your signature

You should keep a copy of your completed statement.

Information on this page of the statement will be redacted and will not be made publicly available



## About you

Name Mark Harris

Address [REDACTED] Mountview road London N4.4SL

Year of birth

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

## About the application route

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] pipec.matter.bowls

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High Mount flats reference 25 Mountview road N4 4SJ point B on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

## Map of the application route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. Do not add your full signature.

## Your use of the application route

1. In which years did you use the application route?

From: 1995

To: July 2021

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

NO

2

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

Daily and weekly.

4. For what purpose did you use the route?

Shopping

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

No Gate

Other barriers (state what, how long they were in place, location, and show on your map)

No Barriers

7. Did any of the above prevent you from using the application route?

No

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

No Signs

9. Have you seen other people using the application route whilst you have been using it?

Yes, it's well used

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

Did not think I need to as it was always open

3

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No

12. Has anyone else ever told you that they were prevented from using the application route?

No

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way.

N/A

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

No

4

**Public rights of way user evidence form**

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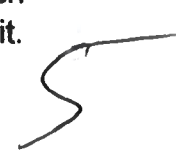
**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet and attach it to this statement.

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6



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Name: Helen Margaret Slaughter

Telephone number:

Email address:

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 05.08.2021

Your signature:

You should keep a copy of your completed statement.

**Information on this page of the statement will be redacted and will not be made publicly available**

## About you

**Name:** Helen Margaret Slaughter

**Address** [REDACTED] Dickenson Rd N8 9ET

**Year of birth:** [REDACTED]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

No

## About the application route

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] pipec.matter.bowls

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High Mount flats reference 25 Mountview road N4 4SJ point B on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

## Map of the application route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

## Your use of the application route

1. In which years did you use the application route?

From: 1980

To: present

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

No





3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

At least once a week.

4. For what purpose did you use the route?

To go to W3 bus stops, shops in Ferme Park Rd, visit friends locally and recently to go to Priority Post Box.

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

A gate was recently erected by garages for a short period of time, this was dismantled and then re-erected and remains in a slightly different spot preventing access between Mountview and Dickenson roads.

Other barriers (state what, how long they were in place, location, and show on your map)

No

7. Did any of the above prevent you from using the application route?

No

Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

No

Have you seen other people using the application route whilst you have been using it?

Yes, mostly older people avoiding the passage and steps into Gladwell Rd.

8. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

Never sought permission as always understood it was a public right of way

4

9. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No, never been challenged

10. Has anyone else ever told you that they were prevented from using the application route?

No

11. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

12. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

13. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

Route is a short cut through to main road, shops and bus stops in Ferme Park Rd. The alternative route involves a passageway besides the flats at the end of Dickenson Rd. which doesn't feel safe. Also, there are steps at the end which are steep and difficult to manage if you have a pushchair, are older or have some limitations to your mobility.

14. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

15. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

Yes



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**This statement should be completed by one person only and should relate to only one route.**

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Name Tony Burt

Telephone number 

Email address N/A

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date 5/8/21

Your signature 

You should keep a copy of your completed statement.

Information on this page of the statement will be redacted and will not be made publicly available

2

### About you

Name: Tony Runt

Address: [REDACTED] Montview Rd

Year of birth: [REDACTED]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

### About the application route

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

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### Map of the application route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. Do not add your full signature.

### Your use of the application route

1. In which years did you use the application route?

From: 1995

To: July 2021

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

NO

3



3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

Daily and weekly.

4. For what purpose did you use the route?

Shopping

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

No Gate

Other barriers (state what, how long they were in place, location, and show on your map)

No Barriers

7. Did any of the above prevent you from using the application route?

No

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

No Signs

9. Have you seen other people using the application route whilst you have been using it?

Yes, it's well used

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

Did not think I need to as it was always open

4

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

No

12. Has anyone else ever told you that they were prevented from using the application route?

No

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

No

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

No

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way.

N/A

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

Yes

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

No

A handwritten mark, possibly a signature or a stylized 'S', located in the bottom right corner of the page.

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This statement should be completed and returned to the person making the application so that it can be submitted with or form part of an application seeking to make a change to the definitive map and / or statement of public rights of way in Haringey.

This statement is intended to provide preliminary evidence about the application. When the Order Making Authority (OMA) commences detailed research, an Officer from that OMA may contact you to seek further information or ask you to be interviewed about your evidence.

This statement is designed to help establish whether or not the route being claimed in the application is a public right of way. It also provides evidence of how it is used. You should answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the route in question. The information given may be examined at a public inquiry.

**This statement should be completed by one person only and should relate to only one route.**

If you need more space, please continue on a separate sheet and attach it to this statement.

**Confidentiality – Please read carefully**

**The information you give in this statement cannot be treated as confidential.** It may be necessary for the OMA to disclose information received from you to others, which may include other local authorities, the Planning Inspectorate and other government departments, public bodies, other organisations, landowners and members of the public. If the application proceeds to a public inquiry your evidence will be made available to the inquiry.

If the OMA proceeds with the application but it is contested (for example by a landowner), there may be a public inquiry. This will be held locally and if you are unable to attend your evidence will be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions about it.

Inquiries are kept as informal as possible, and the OMA will help you with the procedure. 2

The information you give in this statement will be processed in accordance with the General Data Protection Regulation.

**General Data Protection Regulation Declaration (GDPR Declaration)**

Under the GDPR the OMA has a duty to inform you about how your personal data will be handled. Information provided in this statement will be used by the OMA to undertake its statutory duties under the Wildlife and Countryside Act 1981 section 53. In order to decide if a public right of way exists it may be necessary to disclose information received from you. The information provided on this statement cannot be treated as confidential (other than your personal contact details and signature contained on this page). You should only provide us with the information requested if you are happy for it to be placed in the public domain. Do not include information about another person.

Name: JASON TOULON

Telephone number: [REDACTED]

Email address: [REDACTED]

**Statement of Truth**

I believe that the facts and matters contained within this statement are true and I have read the GDPR Declaration above.

Date: 05.08.2021

Your signature: [REDACTED]

You should keep a copy of your completed statement.

**information on this page of the statement will be redacted and will not be made publicly available**

## About you

**Name:** JASON TOULON

**Address** CHETTLER COURT N8 9NU

**Year of birth:** [REDACTED]

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years (full addresses are not required):

## About the application route

How do you think the application route should be recorded?

As a footpath

Describe the application route, including start and finish points and provide OS grid references if you can.

From point A to point B passing point C on the Map/Photo I have provided.

the woodlands flats on Dickenson Road N8 9EU Grid reference of point [A] TQ3046487971 And the new app what3words point [A] pipe.matter.bowls

Passing point C on the Map/Photo the garages at this location Grid reference TQ3047587939 And the new app called what3words chief.reveal.shield

High Mount flats reference 25 Mountview road N4 4SJ point B on the Map/Photo Grid reference TQ3047587939 And the new app called what3words bubble.areas.mental

## Map of the application route

Please attach an extract from a map of your own choice to identify the route you are providing evidence about and annotate it with anything you provide details of in this statement. Please initial and date your map. **Do not add your full signature.**

## Your use of the application route

1. In which years did you use the application route?

From: 1986

To: 2020

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why.

2014 TO 2016 STUDYING AT UEL

3



[Insert]

3. How did you use the application route and how often? (Please state whether your use was daily, weekly, monthly, every few months, once a year, or something else.

USUALLY 3- 4 TIMES PER WEEK

4. For what purpose did you use the route?

VISIT FAMILY AND AS ACCESS TO AND FROM CROUCH HILL AND  
TREDGARON ROAD/ELM ROAD

5. Has the route always followed the same course?

Yes

6. Have there ever been any of the following on the application route?

Gates (state whether locked and when, locations and show on your map)

ONE I BELIEVE. DIDN'T REALLY PUSH THE ISSUE THAT IT WOULD BE  
CLOSED OFF COMPLETEY

Other barriers (state what, how long they were in place, location, and show on  
your map)

FOR VEHICLES WAS A SWING OPEN AND CLOSED BARRIER.

7. Did any of the above prevent you from using the application route?

NO

8. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? For example, "private", "keep out", "no right of way", "trespassers will be prosecuted" etc.

YES, BUT THE COMMUNITY ARE FAMILIAR WITH EACH OTHER

9. Have you seen other people using the application route whilst you have been using it?

NOT SO MUCH.

10. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

4

SCHOOL SAFE ROUTE AND RESIDENTS THAT KNEW ME.

11. Has anyone ever told you the application route was not public? Including by an owner, tenant of the land, or by anyone in their employment.

NOT REALLY SURE, SORRY

12. Has anyone else ever told you that they were prevented from using the application route?

YES THE MAN WHO IS MAKING A APPLICATION AGAINST THIS WHOM HAS SUPPORT

13. Have you ever had a private right to use the application route? For example, an easement, private right of access, license etc.

NO

14. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route, or which indicates public use? For example, photographs, letters, sale documents, old maps etc.

NO

15. Please give any further information that you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way

ITS SAFE AND QUIET. THE ALLEW WAY NEXT TO IT IS VERY WELL LIT NOW. NOT SO UN NERVING, HOWEVER, PLENTY OF MESS WHICH IS UNSIGHTLY.

16. During the Council's investigation into the claimed route, an Officer may want to interview some or all of the witnesses to gather additional information. Would you be willing to talk to an Officer from the Council about your knowledge of the application route?

NO

17. Would you be willing to attend a hearing or public inquiry to give evidence if necessary?

NO







sm/?gr=TQ3046487971|Point\_s\_A|1.TQ3049487904|Point\_s\_B|1.TQ3047587939|Point\_s\_C|1&v=r&u

## Point A

### Grid Reference

TQ 30464 87971

X (Easting)	Y (Northing)
<b>00530464</b>	<b>00187971</b>
Latitude	Longitude
<b>51.575516</b>	<b>-0.11872085</b>

- ☐ Full Screen map of point
- ☒ Main map of point
-  Live Traffic map here
-  QR Code for this Point



Point A

Woodlands



Point C







GR3



Point C

### Point B

### Grid Reference

**TQ 30494 87904**

X (Easting)

**00530494**

Y (Northing)

**60187904**

Latitude

**51.574907**

Longitude

**-0.11831305**

- ☐ Full Screen map of point
- ☐ Main map of point
- ☐ Live Traffic map here
- ☐ QR Code for this Point



Point B

GR3



GR/4

Google Maps



Imagery ©2021 The GeoInformation Group, Map data ©2021 5 m

GR/5



GR/5



GR/5



GR 6



GR 6



GR/7

Google Maps



Imagery ©2021 The GeoInformation Group, Map data ©2021 5 m

GR/7

~~GR/7~~



GR/8



GR/8





Map

App

Business

Developer

///piper.matter.bowls



Google

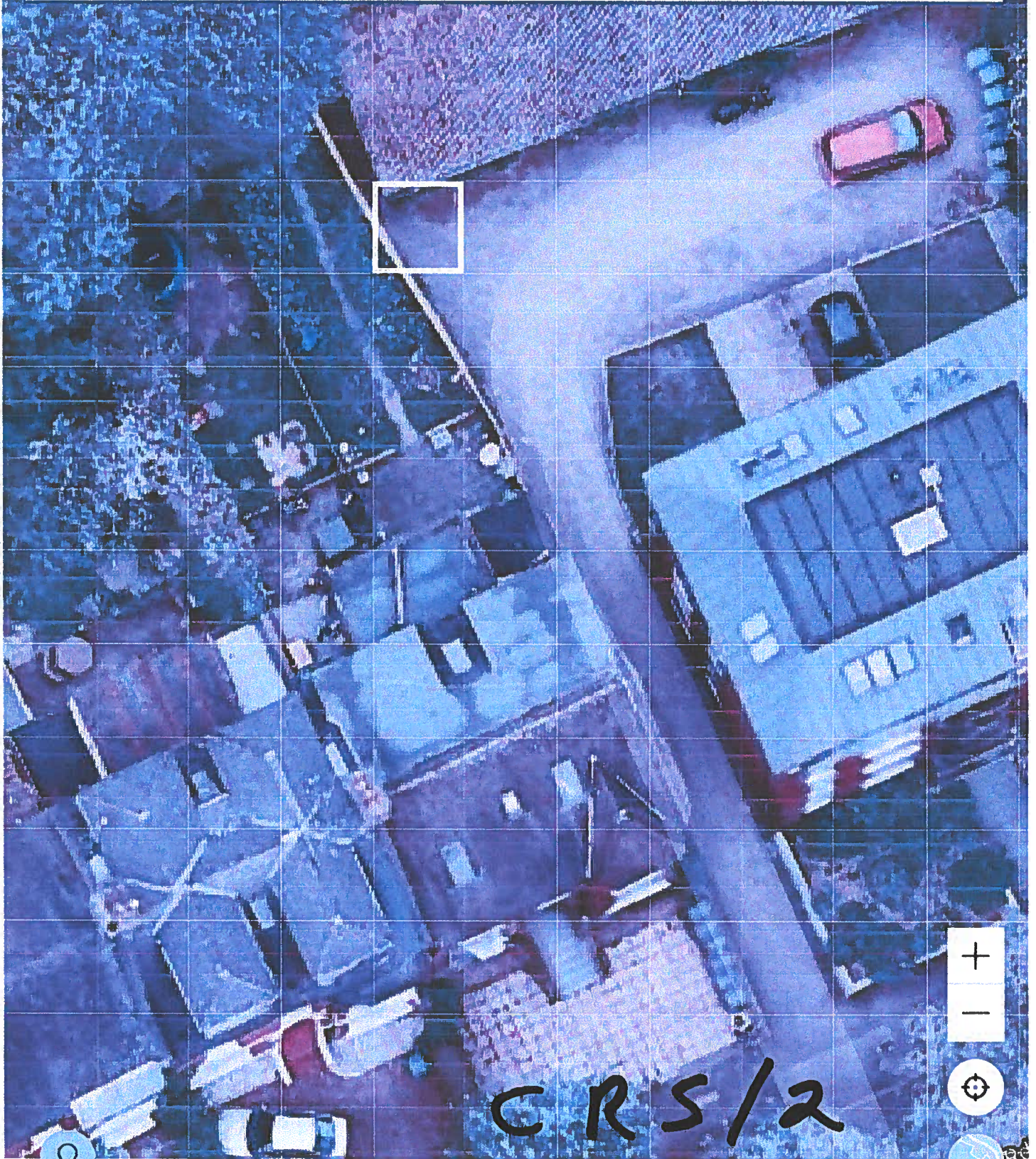
PMB/1







///chief.reveal.shield



Google







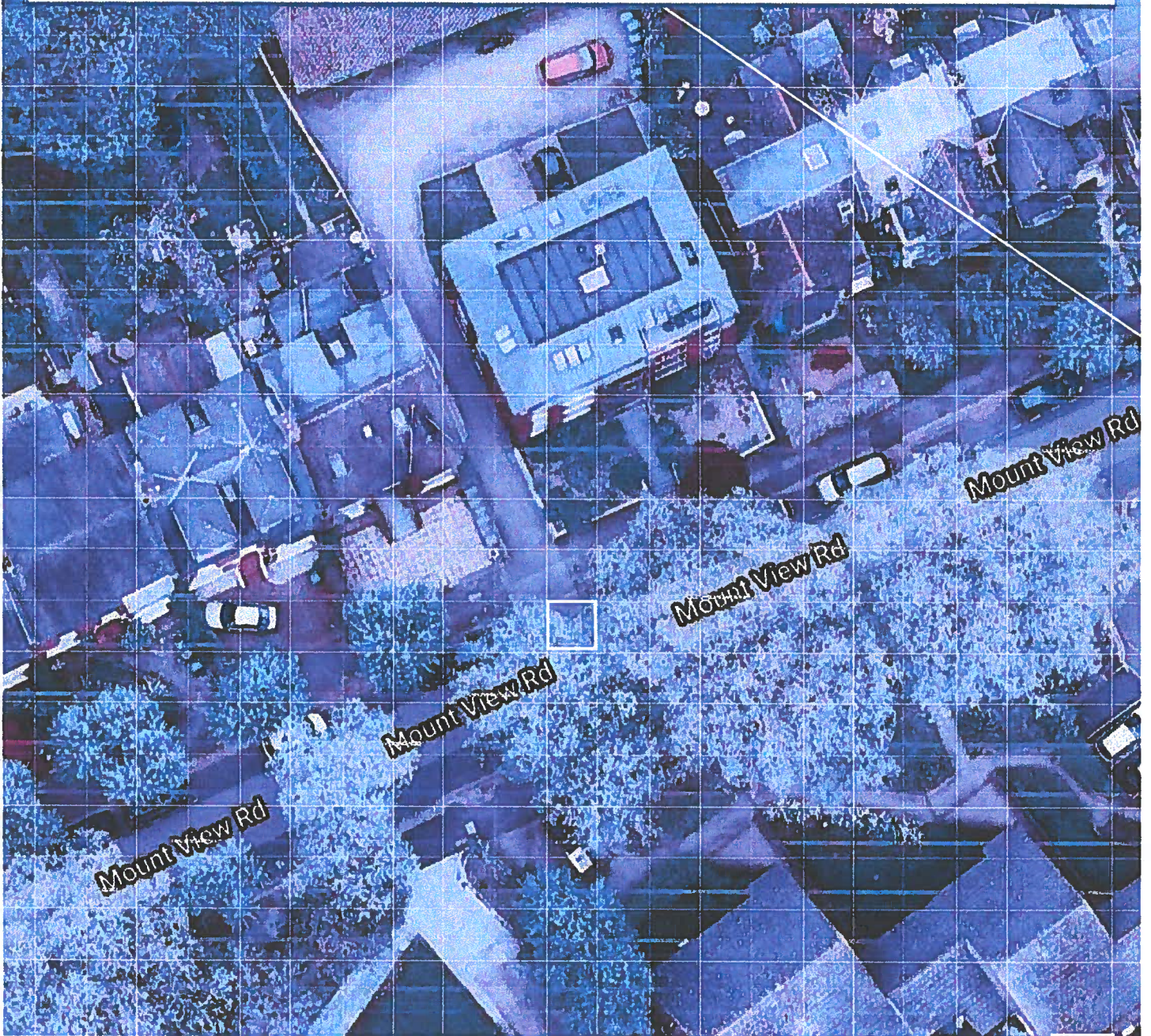
Map

App

Business

Developer

///bubble.areas.mental



Google





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## Mountview Freehold Limited

C/o Keats Estate Agents,  
500 Muswell Hill Broadway,  
Muswell Hill  
London,  
N10 1BT

22<sup>nd</sup> November 2021.

Shreekant Patel  
Principal Transport Planner.  
London Borough of Haringey,  
Planning Policy, Transport, and Infrastructure  
River Park House (6<sup>th</sup>. Floor)  
225 High Road  
Wood Green  
London, N22 8HQ

Dear Mr Patel,

**Re: Schedule 7 Application,**

I write further to your email to us dated 4<sup>th</sup> November 2021, and I can confirm that Mountview (Freehold) Limited, bought the Freehold of Highmount in October 2005. There was a locked gate in place but shortly there after the Gate was removed due to Vandalism.

As per your email dated 21<sup>st</sup> October 2021, please find below a list of evidence to support that this small piece of land has never been a public Right of Way. All evidence is attached to this email and labelled accordingly.

**Item A:**

This document is a copy of expenses incurred by The Highmount Residents Association that shows the cost of the removal of a previous gate in 2005, due to structural damage. This supporting evidence indicates that a gate was in situ in 2005.

**Item B:**

This is a letter to the management company at the time, IPM Property Management, from one the leaseholders of Highmount discussing the proposed erection of a new gate to replace the old one that was taken away. This letter is dated 3<sup>rd</sup> September 2006. Again, this shows the existence of a gate.

**Item C:**

Picture taken circa 2005 of the wooden gate that was in place at the time, locked.

**Item D:**

Picture taken circa 2005 of the wooden gate that was in place, broken due to vandalism.

**Item E:**

Notice on garages that divide Highmount & Woodlands stating, 'Private Property, No Right of Way'.

**Item F:**

Judgement order to show case against Ms C Bowden, of Keats, for the illegal erection of a gate was dismissed by a court of law.

**Item G:**

Consent order signed by Mr D McCann confirming dismissal of case.

**Item H:**

Letter from Ms J Banks of [REDACTED] 25-27 Mount View Road London N4 4ST confirming the existence of previous gates and the highlighting the reasons for a gate being in place.

**Item I:**

Letter from Ms V Freeburne of [REDACTED] 25-27 Mount View Road London N4 4ST also confirming the existence of previous gates and the highlighting the reasons for a gate being in place.

**Item J:**

Letter from Keats Estate Agents confirming their management of Flat 5 Highmount from mid-1995 confirming the locked gate was in place until 2005

In conclusion, after complaints from the owners and residents of Highmount due to Anti-Social Behaviour and attempted break ins to the two Ground Floor Flats, a gate was re-erected in June 2021, with the immediate effect of curtailing the Anti-Social Behaviour afflicting both Blocks and making all Ground Floor Tenants feel much more secure.

We would also like to point out that some of the witness statements in the original schedule 7 application confirm the previous existence of a gate between the two properties.

We are disappointed that a small minority of local people don't like the re erection of the Gate. But as Freeholders of Private land we are fully entitled to protect our property and residents. As clearly shown in the attached evidence, this is well within the 20 year time period for a Schedule 7 application to even be considered by Haringey Planning Department.

Yours Sincerely,

[REDACTED]

Ian Rose MRICS  
Director Mountview (Freehold) Limited

**Mountview Freehold LIMITED Company No. 5591894**  
**Registered Office:** COLLARDS 5-9 Eden Street Kingston Upon Thames Surrey KT1 1BQ

## Highmount Resident's Association.

Year		Contrib.	Dues	Balance.
13/3/05	6 MR. J. MASTRO	100 -		
24/7/05	6 MR. Adams.	50 -		
27/7/05	8 MR. R. Wild	150 -		
28/7/05	3 Ms. J. Banks.	150 -		
28/7/05	7 Ms. V. Frenbush.	150 -		
23/7/05	5 MRS. Stann	150 -		
10/9/05	1 MR. P. Ashley	150 -		
14/9/05	4 MR. P. Schafge.	150 -		
14/9/05	Balance Cash in Hand.			1050 -
	FROM Woodlands /w Gate.			
10/12/05	Ms. V. Mulligan	23 -		
10/12/05	MR. A. AFIA	23 -		
10/12/05	MR. R. Lohman.	23 -		
14/12/05	MR. Dale Payne	23 -		
<del>14/12/05</del>	<del>MR. N. Kelly</del>	<del>23 -</del>		92 -
14/12/05	Balance Cash in Hand			1142 -
18/10/05	Removal of Gate.		40 -	
6/12/05	Voluntary of Highmount. UFF.		308 -	
31/12/05	Cash in Hand			\$794 -
31/12/05	Amounts For 2 MR. J.			-(150 -)
4/1/14	<del>see P. Frenbush 5/14</del>		<del>6/90</del>	



[REDACTED]  
25/27 Mountview Road  
London N4 4ST  
3rd September 2006  
e-mail [REDACTED]  
Phone no. [REDACTED]

Dear Andrew,

Re Gate,

The Highmount Lessees met on 12th August 2006 to discuss the proposed locked gate between Woodlands and Highmount.

Five of the Woodlands lessees also wanted a gate, and had contributed towards the costs. Mr. Franks agreed the gate could go in the previous position provided a majority agreed and the gate was made of steel. However one lessee in Woodlands changed his mind, and this meant four were for the gate and four against. Those against cited - the gate would be vandalised, it was a waste of money, and could cause bad feeling with the local parents who used the alleyway as a short cut to school.

Seven of the Highmount lessess want the gate. We have been subjected to anti-social behaviour, and we are concerned if the alleyway remains open for 20 years it will become a public right of way, and the freeholder Mrs. Stern and lessess will lose control over our area.

As the freeholds of Woodlands and Highmount are no longer one, we decided to refer this to Mrs. Stern. There are now three freeholders involved - Mrs. Stern Highmount, Mr. Franks Woodlands, and Mr. & Mrs. Husband Garage Owners. Rights of way and the terms and conditions regarding the issuing of keys may have to be discussed and agreed between freeholders. The residents' association felt it would be more appropriate for Mrs. Stern to make the decision to place the gate on her property if this is what she wished.

You informed Ms. Banks (Flat 3) and myself that the boundary had changed since the sale of the freehold. We are only responsible for the area up to the garages (Marked A on Map) not to where the communal gate was marked (B) on the map. In our leases it shows we are responsible for the area up to B. The lessees have not been formally told of this change, and we want to know what area our leases cover and any change in responsibilities.

I look forward to hearing from you,

Yours sincerely,

Vera P. Freeburne (Miss)







**RENT  
A  
GARAGE**

**LOCK-UP GARAGES  
STORAGE UNITS  
PARKING-CARAVANS  
... ALSO OTHER LOCATIONS**

Contact: **DUDRICH (HOLDINGS) LTD**

**081-882 8575**

PRIVATE PROPERTY - NO RIGHT OF WAY  
TRESPASSERS WILL BE PROSECUTED

**General Form of Judgment or Order**

In the County Court at Edmonton	
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Claim Number	H00ED729
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Date	14 October 2021
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DEREK JOHN MCCANN	<b>1<sup>st</sup> Claimant</b> <b>Ref</b>
CLAIRE BOWDEN	<b>1<sup>st</sup> Defendant</b> <b>Ref SSC/10631.01</b>

Before District Judge Davies sitting at the County Court at Edmonton, 59 Fore Street, London, N18 2TN.

**Upon agreement by the parties,**

**IT IS ORDERED BY CONSENT THAT:**

1. The claim be dismissed;
2. The hearing listed for 12pm on 11 January 2022 be vacated;
3. The Claimant shall pay the Defendant's costs of £2,081.88 in monthly instalments of £60 commencing from 8 October 2021.

Dated 12 October 2021

IN THE COUNTY COURT AT EDMONTON

Claim No: H00ED729

BETWEEN:

DEREK JOHN MCCANN

Claimant

-and-

CLAIRE BOWDEN

Defendant

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CONSENT ORDER

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Upon agreement by the parties, IT IS ORDERED BY CONSENT THAT:

1. The claim be dismissed;
2. The hearing listed for 12pm on 11 January 2022 be vacated;
3. The Claimant shall pay the Defendant's costs of £2,081.88 in monthly instalments of £60 commencing from 8 October 2021.

We consent to an order in these terms:

[REDACTED]  
Mr Derek McCann

[REDACTED]  
London  
N4 4SL

The Claimant

[REDACTED]  
Streathers Highgate LLP  
18 Highgate High Street  
London  
N6 5JG

Solicitors for the Defendant  
Reference: SSC/1937 04



2 November 2021

Jane Banks

25-27 Mount View Road  
London N4 4ST

To Whom it May Concern

Re: Newly erected Gate on the property of at N4 4ST

I have been a resident at the above address having purchased a first floor flat in 2003. At the time of purchase there was a wooden door between Highmount and property at the back known as Woodlands. At the back of the property, secured by two walls, one being 23 Mount View Road and the other being the garages that are at the back of the property there was a wooden door covered in brambles. The door, at the time was not used, rather, it occurred as a health and safety risk as children would be seen running around our building after school, from the Mount View side, up the drive down the alley way – seeing it led nowhere and back across the back forecourt down the east side of Highmount coming back out onto Mount View Road and meeting up with a parent and or guardian out on the street.

In 2006 it was considered appropriate to remove the rotting door as it was so rotten and hanging off its hinges. (one would not have risked passing through if, but for brambles, you could have attempted to) The residents of Highmount did not want children to be messing about and have the door fall on them. This door was removed.

Over time, even though there was and remains a sign up on the garage doors stating that this is private property more of the community began to take a "short cut". This created a whole host of challenges with any number of drug runs between Mount View Road and Dickenson Road; burglars that hot-footed between the two properties; human excrement, needles, used condoms, along with bus-loads of school children screaming excitedly and or crying hysterically, as buses would arrive to take a class on a school trip and escort the children between the two properties. As a resident this has been a very stressful situation as the sanctity of the private space of the home became unwittingly violated. My lease states that I have use of the garden and the land at back of the building for recreational purposes. This is difficult to achieve when you have strangers, dogs, children etc walking across your supposed private, yet communal (among other leaseholders) recreational private space.

At night the drunken, loud, abusive sounds would go on long in to the night often culminating in urination up the wall of the building. Mopeds would drive at speed up the drive and then struggle to pass through the limited gap between wall and garage and rev the moped motor while they tried etc.

As someone who bought a property on a first floor, secure, and peaceful, my home turned into somewhere that one could no longer relax. Taking the rubbish out in a winters evening was fraught with an anticipation that one didn't know who you may meet. Security had

been eroded peace eroded. Having teenagers larking up the drive throwing stones at each other one that came through my open kitchen window and landed in my eye!

Since a new gate has been erected, tranquillity has been restored. Notably the residents of Woodlands, who I can see from my balcony, are using their living space differently as a result. Residents have their doors open and come outside to enjoy the outdoor environment even from a limited space of a balcony, something I now enjoy more so because I don't have to worry who and or what is coming across the threshold of the property to spoil the peace and quiet. This is restorative and creating a greater sense of health and well-being and community in a secure living environment. I now have no hesitation also when I consider selling my flat in the future which I may have otherwise struggled to do under the former circumstances.

Your sincerely

Jane Banks

Owner, [REDACTED]

[REDACTED]  
25/27 Mountview Road,  
London N4 4ST.  
26th October 2021.

Mountview Freehold Limited,  
500 Muswell Hill Broadway,  
Muswell Hill  
London N10 1BT,  
England.

Dear Sirs,

I acquired the leasehold of [REDACTED] 25-27 Mountview Road London N4 4 ST on 31st. July 1987.

The alleyway between Highmount Flats and Woodland Flats had a locked gate. I did not have a key to this gate nor did any of the other leaseholders of Highmount or Woodlands. There was a notice on the end garages of Highmount and Woodlands stating "PRIVATE PROPERTY. NO RIGHT OF WAY TRESPASSERS WILL BE PROSECUTED". This was put up by the garage owners Dudrich Holdings Limited. That notice is still in situ. The locked gate was replaced in 1988 with a new locked gate. The residents of Highmount inquired if we could have keys to the gate and were informed we were not entitled to them. The gate was removed on 18th October 2005 as it was unsafe.

I cannot remember exactly when the new gate went up. It was discussed and paid for in Nov. 1987. From memory it was in January 1988 when the work was done. The residents of Highmount requested the building work was to be done in the New Year and not over Christmas. I don't have anything in writing re this, but I do remember the discussion as we were worried about security over Christmas when the flats could be empty.

A few years ago I witnessed an incident on Mountview Road, where the criminal escaped through the alleyway chased by police. The police recommended that a gate should be put up in the alley way as it was an escape route for criminals.

I do not consider the alleyway to be a safe route. An elderly resident of Video Courts, a resident of Highmount and myself were all mugged in the alleyway. Since the replacement gate went up, I have noticed a marked improvement in the security of Highmount. All anti-social behaviour is now non-existent.

Yours faithfully,

[REDACTED]

Vera P. Freeburne.



10<sup>th</sup> November 2021.

To whom it may concern,

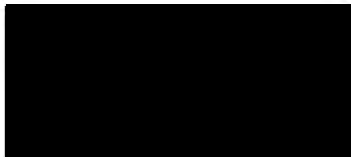
I am the current lessee of [REDACTED] 25-27 Mountview Road N4 4ST.

The property was originally purchased in mid 1995 by my late mother, Judge Linda Stern QC. The property was, and still is, managed by Keats Estate Agents. As an owner of Keats I was heavily involved in the management of the flat and attended numerous Resident Association meetings on behalf of my mother. During these meetings the re-erection of the gate was discussed on several occasions.

I purchased the property at a later date after the passing of mother.

I can confirm to my recollection that a locked gate was in place until 2005 as the land is private.

Yours sincerely,



Mr Jeremy Rose

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